

FINAL
ENVIRONMENTAL IMPACT REPORT

BLACK DIAMOND
REDEVELOPMENT PROJECT
City of Pittsburg, California

State Clearinghouse #2004122013

Prepared by Lamphier-Gregory
1944 Embarcadero
Oakland, CA 94606

October 2005

This **Environmental Impact Report** was prepared by **Lamphier-Gregory**, Oakland, California, and its affiliate consultants. The Consultants have devoted their best efforts to preparing a comprehensive information document that identifies and evaluates the possible environmental impacts of the proposed Project, and feasible measures which could be taken to mitigate adverse impacts.

This report is intended to be a full disclosure document and is provided solely to assist in the evaluation of the proposed Project. The Consultant shall not be liable for costs or damages of any client or third party caused by the use of this document for any other purposes, or for such costs or damages of any client caused by delay or termination of any project due to judicial or administrative action, whether or not such action is based on the form or content of this report or any portion thereof prepared by the Consultants.

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PREFACE

A. PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act of 1970, as amended (CEQA) requires Environmental Impact Reports (EIRs) to be prepared for all projects which may have a significant impact on the environment. An EIR is an information document, the purposes of which, according to CEQA Guidelines, are "...to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided." The information contained in this EIR is intended to be objective and impartial, to enable the reader to arrive at an independent judgment regarding the probable character and significance of the environmental impacts associated with the Black Diamond Redevelopment Project.

In accordance with the requirements of CEQA, this Final EIR formally consists of the responses to comments on the Draft EIR and revisions of those portions of the Draft EIR which have been modified in response to comments received during the public review period on the Draft EIR. The Final EIR includes copies of all written comments received during the 45-day public review period following publication of the Draft EIR, and oral comments received at the Planning Commission Study Session held during the review period, and provides responses to those comments. In some cases, the responses have also resulted in revisions to the Draft EIR, and all such changes are reflected in this document. As required by CEQA, this document addresses those comments received during the public review period that relate directly to the adequacy and completeness of the Draft EIR. The Final EIR does not address those comments received that relate to the characteristics or features of the Project where the Draft EIR's analysis of the environmental issues associated with the Project are not directly involved.

The EIR (which is comprised of the Draft EIR and the Final EIR) is intended to be certified as a complete and thorough record of the types of environmental impacts that may be associated with the proposed project. Certification of the EIR as adequate and

complete must take place prior to any formal Lead Agency action on approving the project, and certification of the EIR does not equate to approval of the project.

The EIR has been prepared pursuant to CEQA as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines. (14 California Code of Regulations §15000 et seq.)

B. ORGANIZATION OF THE FINAL EIR

The Final EIR consists of the following major sections:

- **Preface** – outlines the objectives of the EIR and important preliminary information.
- **Revisions of the Draft EIR** – contains revisions to the Draft EIR text.
- **Comments and Responses** – contains letters of comment on the Draft EIR and oral comments recorded during the study session on the Draft EIR, along with responses to these comments. In response to one comment, the text of the Draft EIR has been modified, with changes indicated as described in the previous paragraph.

This Final EIR has been prepared for the Lead Agency (City of Pittsburg) by Lamphier-Gregory, Urban Planning and Environmental Analysis. Each participant in the preparation of the EIR has extensive experience and knowledge in their respective fields. The information in the EIR has been compiled from a variety of sources, including published studies, applicable maps and independent field investigations. Unless otherwise noted, all background documents are available for inspection at the City of Pittsburg Planning Department, 65 Civic Avenue, Pittsburg, California, 94565.

C. PUBLIC REVIEW PROCESS

The Draft EIR was circulated for a public review period of 45 days (August 12, 2005 through September 26, 2005). During that period, a Planning Commission Study Session was held on September 13, 2005 to obtain public comment on the adequacy and completeness of the Draft EIR. The Draft EIR was available for review at the City of Pittsburg Planning Department, at the local library and on the City's website. Copies of the Draft EIR were made available through the City of Pittsburg.

At the close of the public review period, all comments received were compiled, and responses to these comments were prepared and presented in a Final EIR. The Final EIR also incorporates any necessary revisions to the Draft EIR made in response to

comments received. The City Council will review the EIR (comprised of the Draft EIR and Final EIR), and independently consider whether or not to certify the EIR as adequate and complete.

After reviewing the Draft EIR and the Final EIR, and following action to certify the EIR as adequate and complete, the City Council will be in a position to determine whether the project should be approved as proposed, revised, or rejected. This determination will be based upon information presented on the project, impacts and probable consequences, and the possible alternatives and mitigation measures available.

Where potentially significant and unavoidable environmental impacts have been identified in the EIR, the Lead Agency (City of Pittsburgh) will be required to make a written statement of overriding considerations. In accordance with CEQA Guidelines, Section 15093 [a], a decision-making agency must balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”.

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COMMENTS AND RESPONSES

This chapter contains comments, both written and oral, on the Draft EIR on the Black Diamond Redevelopment Project. Letters received during the 45-day public review period are listed first. These letters are followed by the comments received at the Planning Commission Study Session on the Draft EIR, held on September 13, 2005. Each letter and the comments from the study session are marked to identify distinct comments on the Draft EIR. Responses to these comments are provided following each letter and the comments from the study session.

Throughout the responses to comments, where a specific comment has been addressed previously, a reference to the response in which the comment is discussed may be provided in order to reduce repetition.

As noted in the **PREFACE**, in one instance responding to a comment received on the Draft EIR has resulted in a revision to the text of the Draft EIR. In other cases, the information provided in the responses is deemed adequate in itself, and modification of the Draft EIR text was not deemed appropriate.

In reviewing the comments received on the Draft EIR, it should be noted that while some of the material submitted provides opinion on the project or addresses features and characteristics of the project as currently proposed, such material may not address the environmental analysis presented in the Draft EIR. Responses presented in this document focus only on those comments which bear a direct relationship to the Draft EIR, as required under CEQA. While other comments that are not directly related to the Draft EIR may be acknowledged, it is beyond the scope of the Final EIR and CEQA to provide responses to these comments or opinions.

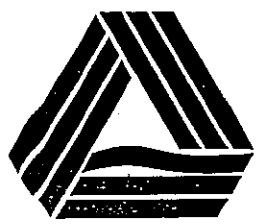
Several additional points to keep in mind in reviewing the comments received on the Draft EIR are presented in Section 15204 of the CEQA Guidelines which states that a Lead Agency need not “conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.”; in Section 15003 (i) which states that “CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass on the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document.”; and in Section 15003 (j), which

states: “CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement.”

The letters received on the Draft EIR are listed below, followed by the summary of the oral comments received at the public hearings. Each letter has been marked to identify each specific comment in the right-hand margin (i.e., **A-1**, **G-2**, etc.). Following each letter, the response to each identified comment in that letter is presented sequentially (for example, the first comment on the Draft EIR identified in **LETTER G** is identified as **G-1** in the right-hand margin of the letter, and the corresponding response immediately following **LETTER G** is coded as **RESPONSE G-1**). In order to avoid repetition, where individual comments focus on the same issues raised in a previous comment or comments, the response to those comments may make reference to a previous response or responses.

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TRI DELTA TRANSIT

EASTERN CONTRA COSTA TRANSIT AUTHORITY

801 Wilbur Avenue
Antioch, California 94509
925.754.6622
925.757.2530 FAX

LETTER A

September 12, 2005

City of Pittsburg
Planning and Building Department
Attn: D. Hoggatt
65 Civic Ave.
Pittsburg, CA 94565

RE: AP-05-225, Black Diamond Redevelopment.

Dear Ms. Hoggatt:

Tri Delta Transit has reviewed the Environmental Impact Report for the redevelopment project referenced above. This report indicates that an area of curb along Black Diamond Street will be designated for use as a bus stop. This designated bus stop area is well placed to allow us to serve this development as well as surrounding areas. We thank you for your cooperation in making this project transit accessible for the residents who will live in the area as well as all of East County.

A-1

Sincerely,

Justin Tracy
Intern

JT:jt

RECEIVED

SEP 12 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565

RECEIVED

SEP 14 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565



Recycled Paper

Letter A: Justin Tracy, Tri Delta Transit, September 12, 2005.

COMMENT A-1: *Tri Delta Transit has reviewed the Environmental Impact Report for the redevelopment project referenced above. This report indicates that an area of curb along Black Diamond Street will be designated for use as a bus stop. This designated bus stop area is well placed to allow us to serve this development as well as surrounding areas. We thank you for your cooperation in making this project transit accessible for the residents who will live in the area as well as all of East County.*

RESPONSE A-1: Comment regarding the provision of a bus stop area at the project site is acknowledged.



RECEIVED

September 19, 2005

SEP 26 2005

Mayor Parent and Members of the City Council
65 Civic Avenue
Pittsburg, CA 94565

CITY OF PITTSBURG
COMMUNICATIONS DEPARTMENT

RE: Black Diamond Development – SUPPORT

Dear Mayor Parent and Members of the City Council:

Greenbelt Alliance, the Bay Area's land conservation and urban planning non-profit organization, offers an enthusiastic endorsement for the Black Diamond mixed-use development proposed for downtown Pittsburg. After a careful review of the development proposal, Greenbelt Alliance has concluded that the project would bring significant benefits to the immediate neighborhood, to the city, and to the region.

B-1

The project will help address the Bay Area housing shortage by providing 195 units of much-needed housing, comprised of different unit sizes and types for diverse households. The project will also include 30 below-market-rate units for Pittsburg's working families at a time when home prices are at a record high.

The project will help reinvigorate Pittsburg's historic downtown by converting unattractive vacant lots into homes and shops. The Black Diamond development includes approximately 40,000 square feet of new "main street" retail, which will help attract shoppers to the area. The project's new residents will support the new and existing downtown businesses. The overall result will be a more vibrant town center. We believe the relatively high proposed density, at 23 units per acre, is important to the success of the project and of the downtown retail district.


The Black Diamond Development will also include two public plazas, one of which will feature a sculpture by a local artist. These inviting gathering places will add to the charm and attractiveness of downtown Pittsburg. The project is designed with the pedestrian in mind: in addition to the plaza it has visually interesting architecture and parking that is tucked away from the main street, preventing cars from detracting from the pedestrian experience.

In consideration of these factors, Greenbelt Alliance finds that the Black Diamond Development meets or exceeds all of our endorsement criteria. Moreover, it furthers important environmental, economic sustainability, and social equity goals. These include

MAIN OFFICE ♦ 631 Howard Street, Suite 510, San Francisco, CA 94105 ♦ (415) 543-6771 ♦ Fax (415) 543-6781
SOLANO/NAPA OFFICE ♦ 725 Texas Street, Fairfield, CA 94533 ♦ (707) 427-2308 ♦ Fax (707) 427-2315
SOUTH BAY OFFICE ♦ 1922 The Alameda, Suite 213, San Jose, CA 95126 ♦ (408) 983-0856 ♦ Fax (408) 983-1001
EAST BAY OFFICE ♦ 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 ♦ (925) 932-7776 ♦ Fax (925) 932-1970
SONOMA/MARIN OFFICE ♦ 50 Santa Rosa Avenue, Suite 307, Santa Rosa, CA 95404 ♦ (707) 575-3661 ♦ Fax (707) 575-4275
info@greenbelt.org ♦ www.greenbelt.org

reducing auto dependency by putting housing within easy walking distance of restaurants, shops and services; providing housing options that include affordable housing; and creating well-designed, pedestrian-oriented, compact infill development that enhances community vitality. Therefore, Greenbelt Alliance extends our full support to the successful completion of the proposed development.

Sincerely,



Julie Cummins
Education Program Coordinator
Greenbelt Alliance

cc: Dana Hoggatt, City of Pittsburg Planning Department
Ursula Luna, Pittsburg Redevelopment Agency
Pittsburg Planning Commission
Bre Martinez, A. F. Evans Development

Letter B: Julie Cummins, Greenbelt Alliance, September 19, 2005.

COMMENT B-1: *Greenbelt Alliance, the Bay Area’s land conservation and urban planning non-profit organization, offers an enthusiastic endorsement for the Black Diamond mixed-use development proposed for downtown Pittsburg. After a careful review of the development proposal, Greenbelt Alliance has concluded that the project would bring significant benefits to the immediate neighborhood, to the city, and to the region.*

The project will help address the Bay Area housing shortage by providing 195 units of much-needed housing, comprised of different unit sizes and types for diverse households. The project will also include 30 below-market-rate units for Pittsburg’s working families at a time when home prices are at a record high.

The project will help reinvigorate Pittsburg’s historic downtown by converting unattractive vacant lots into homes and shops. The Black Diamond development includes approximately 40,000 square feet of new “main street” retail, which will help attract shoppers to the area. The project’s new residents will support the new and existing downtown businesses. The overall result will be a more vibrant town center. We believe the relatively high proposed density, at 23 units per acre, is important to the success of the project and of the downtown retail district.

The Black Diamond Development will also include two public plazas, one of which will feature a sculpture by a local artist. These inviting gathering places will add to the charm and attractiveness of downtown Pittsburg. The project is designed with the pedestrian in mind: in addition to the plaza it has visually interesting architecture and parking that is tucked away from the main street, preventing cars from detracting from the pedestrian experience.

In consideration of these factors, Greenbelt Alliance finds that the Black Diamond Development meets or exceeds all of our endorsement criteria. Moreover, it furthers important environmental, economic sustainability, and social equity goals. These include reducing auto dependency by putting housing within easy walking distance of restaurants, shops and services; providing housing options that include affordable housing; and creating well-designed, pedestrian-oriented, compact infill development that enhances community vitality. Therefore, the Greenbelt Alliance extends our full support to the successful completion of the proposed development.

RESPONSE B-1: The Greenbelt Alliance endorsement of the project is noted.

RECEIVED

SEP 21 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565

*St. Peter Martyr
740 Black Diamond
Pittsburg, CA 94565
925-452-4771*

City Planning Commission
65 Civic Ave.
Pittsburg, CA 94565

Dear Sirs/Madams,

We are again deeply concerned that the EIR shows the reduction of parking for the Black Diamond Project. You obviously do not want retail that would draw in weekend crowds in these buildings. There must be closer spaces for the Eighth Street area than the parking behind the Mecca Restaurant.

C-1

While we realize that parking for the Church is not a concern for the city, we would like you to think about the effect that our events have on our future neighbors. We want to be good neighbors, we want to support businesses in Pittsburg, but under the current plan, you will be adding 500-800 people to this area, many of them families with more than 2 cars. We believe you will drive people out with such inconvenience and that traffic nightmares will be created.

We have been to many meetings over the last three years. Our comments about parking have not been taken into account. We are pleading with you to create more public parking in these three blocks.

Sincerely



Carolyn Krantz, Pastoral Associate

Letter C: Carolyn Krantz, St. Peter Martyr, September 21, 2005.

COMMENT C-1: *We are again deeply concerned that the EIR shows the reduction of parking for the Black Diamond Project. You obviously do not want retail that would draw in weekend crowds in these buildings. There must be closer spaces for the Eighth Street area than the parking behind the Mecca Restaurant.*

While we realize that parking for the Church is not a concern for the city, we would like you to think about the effect that our events have on our future neighbors. We want to be good neighbors, we want to support businesses in Pittsburg, but under the current plan, you will be adding 500-800 people to this area, many of them families with more than 2 cars. We believe you will drive people out with such inconvenience and that traffic nightmares will be created.

We have been to many meetings over the last three years. Our comments about parking have not been taken into account. We are pleading with you to create more public parking in these three blocks.

RESPONSE C-1: Opinion regarding the need for additional public parking in the vicinity of the project site is noted. As indicated in the DEIR, development of the project site as proposed would result in a net increase in the total number of public, on-street parking spaces currently available within the blocks identified as Block 5, Block 7 and Block 9 in the City's parking study. There are currently 107 public on-street parking spaces (in addition to 53 off-street parking spaces) provided within these three blocks (DEIR page 3-124). Following development of the project site as proposed, there would be a total of 158 public on-street parking spaces within these three blocks (DEIR page 3-146, note to Table 3-13). The DEIR also indicates that with the implementation of **MITIGATION MEASURE 3.11.4** to eliminate sight distance limitations associated with the angled parking as proposed, a total of 16 proposed on-street parking spaces would be removed from the current site plan, reducing the total number of on-street, public parking spaces to be provided by the project developer to 142. The proposed parking should be adequate for both project and existing demand as demonstrated in the City's parking study discussed in the DEIR (page 3-124.)

Retail uses proposed at the project site (e.g., small restaurants, cafes, coffee shops and juice bars) are expected to primarily serve those residing nearby, as well as those involved in commercial activity Downtown. It is unlikely that these types of retail activities would draw large crowds on weekends.

As shown in DEIR **Figure 2.3** (page 2-5), with development of the project site as proposed, public on-street parking would be provided along all streets fronting the project site between East Eighth Street and East Fifth Street.

In addition to the parking spaces to be provided on-street within these three blocks, the project would provide a total of 351 private, off-street parking spaces for residents living at the project site (DEIR page 3-146, note to **Table 3-13**), or an average of 1.8 parking spaces for each of the 195 units proposed at the site. While it is likely that some households at the project site would wish to park two or more vehicles, it is also likely that other households would expect to park only one vehicle (or in some instances, might not need to park any vehicles). The DEIR does not speculate on the future demand for off-street parking resulting from the proposed residential development of the project site, but notes that the amount of off-street parking to be provided exceeds the minimum required by the City of Pittsburg (1.5 spaces per residential unit). Given the level of private off-street parking to be provided at the project site, it is unlikely that residents at the project site would compete significantly for on-street parking with those involved in events scheduled at St. Peter Martyr Church, as the resident's vehicles would generally be parked off-street within the project structures.

The DEIR indicates that based on the average number of persons per household in Pittsburg (3.19 in 2005), development of the project site with 195 residential units as proposed could be expected to add approximately 622 new Pittsburg residents (DEIR page 3-104).

This project is consistent with one of the City's interests in redeveloping the largely-vacant project site with relatively high-density mixed-use development to increase the number of people living downtown, to enhance the vitality of this area. As the number of people living in the downtown area increases, so does the number of vehicle trips associated with this expansion in the number of residential units. Project-related traffic impacts are addressed in DEIR **Section 3.11 Transportation/Traffic**, and all significant traffic impacts identified in the DEIR could be reduced to a level of less than significant through implementation of the mitigation measures identified. While the project would contribute to the cumulative City-wide development-related increase in traffic that may result in some inconvenience in driving in the local area even after project-related impacts have been reduced to a level of less than significant, the mitigation measures are intended to prevent creation of "traffic nightmares" if implemented in a timely and effective manner.

RECEIVED

September 22, 2005

SEP 26 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
35 PUBLIC AVENUE PITTSBURG 94565

Black Diamond EIR Comments
Planning Commission
City of Pittsburg
City Council Chambers
65 Civic Avenue
Pittsburg, CA 94565

Re: Historical buildings in the city of Pittsburg

To Whom It May Concern:

Although, I am not a citizen of Pittsburg I work here. I am writing to express my opposition to the city tearing down the historical building known as the Scampini building, located on 5th and Black Diamond, as part of the proposed Black Diamond project. I ask that the city will re-evaluate the project and keep the building because of it's historic value to the community and the down town area. Over the years the city has torn down many homes and buildings in the down town area to make way for new construction. This is unfortunate because it is the architecture of these buildings that give the city it's personality and the feel of a home town community.

D-1

Respectfully,



Karen Bodiford

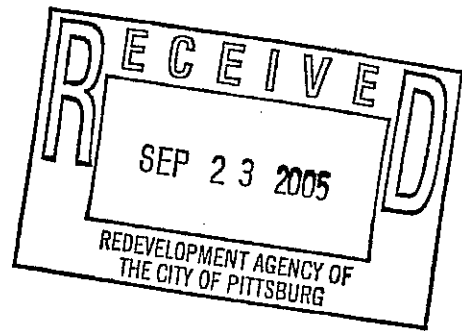
Letter D: Karen Bodiford, September 22, 2005.

COMMENT D-1: *Although I am not a citizen of Pittsburg I work here. I am writing to express my opposition to the city tearing down the historical building known as the Scampini building located on 5th and Black Diamond, as part of the proposed Black Diamond project. I ask that the city will re-evaluate the project and keep the building because of it's historic value to the community and the down town area. Over the years the city has torn down many homes and buildings in the down town area to make way for new construction. This is unfortunate because it is the architecture of these buildings that give the city it's personality and the feel of a home town community.*

RESPONSE D-1: Opposition to the demolition of the Scampini Building (proposed as part of the project), and the suggestion that the City re-evaluate the project, are both noted. As indicated in the DEIR (pages 3-37 and 3-38), demolition of the Scampini Building would represent a significant and unavoidable environmental impact associated with the project as currently proposed. The DEIR identifies **MITIGATION MEASURE 3.3.2** requiring that significant architectural details of the Scampini Building be replicated in the project's new construction. While this mitigation may retain some of the building's architectural flavor, it will not reduce the impact to less than significant. The City will be required to adopt a statement of overriding considerations in connection with project approval.

September 22, 2005

City of Pittsburg Planning Commission
 City Planning & Building Department
 65 Civic Avenue
 Pittsburg, Ca.



Attention: Ralph Ramirez: President
 Subject: Black Diamond Project

I implore all of the Planning Commission members to carefully regard the E.I.R. report regarding the removal of the buildings in the Historic District that have been designated and listed in the City ordinance providing for historic structures that are significant or contributing factors in preservation of the building.

E-1

Since the early 1970's, project planning for a Historic Urban Revitalization plan had been underway named the Riverside Mall Urban Removal Project, whereby public comments were sought by the City. At this time, the New York Landing Historic District was established and certified as a vehicle for identifying historic buildings. Mr. Edwin Astone, a consultant of the Urban Revitalization/Historic Preservation architect from Sacramento was contacted and community members chosen at a public forum to help identify historically significant/contributing buildings.

One of the historic and architecturally significant buildings that had been listed as contributing to the historic District was the Scampini building at 24 East Fifth Street. This building has not been considered in the planning of the Black Diamond Redevelopment Project that had been proposed acclaimed by the planners and the City Council members

In view of the fact that all the buildings on East Fifth Street are businesses, the intrusion of a group of housing that will be incorporated in the business district somehow seems out of place. Page 3 of the E.I.R. seems to concur that this building had been promoted as a structure described as "a good neighboring building to the Lepori Building". As noted in the Greater New York Landing Design Guideline, contributing buildings that were constructed between 1914 and 1930 highlight the diversity of architectural styles of that period.

E-2

I applaud the wonderful design of the Black Diamond Project and those involved in the creation of it, and I'd like to point out that the design reflects all that is present in the original Scampini building that has been very well preserved for it's age. The building is presently used as a church, which could remain, or might be used for a much-needed food market, keeping the business-centered area intact.

E-3

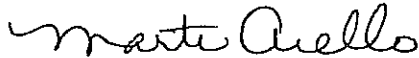
My other deep concern is for the large attendance at the Spanish masses at St. Peter Martyr Church in regards to additional parking needed and for the new businesses that will require additional parking spaces.

E-4

Thank you for the opportunity to voice my concerns in regards to the many historical buildings that have already been destroyed and the other buildings that will be targeted in the name of progress. As an "old-timer", I appreciate the past and would like to see each block "anchored" by an original building from the 1920's and 30's period and hope to see many more projects like the Black Diamond that will honor the efforts of those who spent the time to establish the New York Landing Historic District that preserves rather than destroys our beautiful remnants of the halcyon times of our former town of Pittsburg.

E-5

Sincerely yours,



Marti Aiello
86 Hilo Drive
Pittsburg, Ca. 945675

cc: Bill Glynn
Ben Johnson
Nancy Parent
Michael Keys

Letter E: Marti Aiello, September 22, 2005.

COMMENT E-1: *I implore all of the Planning Commission members to carefully regard the E.I.R. report regarding the removal of the buildings in the Historic District that have been designated and listed in the City ordinance providing for historic structures that are significant or contributing factors in preservation of the building.*

Since the early 1970's, project planning for a Historic Urban Revitalization plan had been underway named the Riverside Mall Urban Removal Project, whereby public comments were sought by the City. At this time, the New York Landing Historic District was established and certified as a vehicle for identifying historic buildings. Mr. Edwin Astone, a consultant of the Urban Revitalization/Historic Preservation architect from Sacramento was contacted and community members chosen at a public forum to help identify historically significant/contributing buildings.

One of the historic and architecturally significant buildings that had been listed as contributing to the historic District was the Scampini building at 24 East Fifth Street. This building has not been considered in the planning of the Black Diamond Redevelopment Project that had been proposed acclaimed by the planners and the City Council members.

RESPONSE E-1: Request for members of the Planning Commission to carefully regard the EIR for the Black Diamond Redevelopment Project in light of the proposed demolition of the Scampini Building is noted. The project proposes to demolish the Scampini Building, however, it is clear from the DEIR discussions that retention of the building was considered in the project planning. The DEIR discusses the concerns that designing the project around the building would raise (DEIR, page 3-37). In particular, "incorporating it into the proposed project design would result in inefficient parking layout and disruption in the continuity of the progression of residential to commercial uses from west to east that would otherwise be provided by the project as proposed." The environmental significance of demolishing the building was recognized throughout the formal CEQA process. The initial study, for example, identifies demolition of the building as potentially significant and identifies the issue for analysis in the DEIR. The DEIR itself contains numerous descriptions of the Scampini Building, of its status as a locally recognized contributing building in the New York Landing Historic District, and of General Plan policies that encourage historical preservation (see, e.g., DEIR pages 3-35 to 3-36; 3-81). The DEIR also identifies a project alternative that would retain the Scampini Building (pages 4-9 to 4-12).

The DEIR presents other policies that affect the project being proposed and that will be considered by the City Council as they make a decision on the project. In particular, the General Plan contains numerous policies for the Downtown area (see, e.g., DEIR pages

3-71 to 3-76). These policies generally call for revitalization of the Downtown area through compact development with mixed uses and that create pedestrian opportunities.

As indicated in the DEIR (pages 3-37 and 3-38), demolition of the Scampini Building is a significant and unavoidable environmental impact of the project as currently proposed and would require the City to adopt a statement of overriding considerations in connection with project approval. The DEIR contains ample discussion of the Scampini Building and its proposed demolition and clearly considered the presence of the building in evaluating the environmental effects of the project.

COMMENT E-2: *In view of the fact that all the buildings on East Fifth Street are businesses, the intrusion of a group of housing that will be incorporated in the business district somehow seems out of place. Page 3 of the E.I.R. seems to concur that this building had been promoted as a structure described as “a good neighboring building to the Lepori Building”. As noted in the Greater New York Landing Design Guideline, contributing buildings that were constructed between 1914 and 1930 highlight the diversity of architectural styles of that period.*

RESPONSE E-2: Opinion regarding the extent to which housing units proposed along East Fifth Street would seem “out of place” is noted. As shown on Pittsburg General Plan Figure 5-1 (Downtown Sub-areas & Land Uses), even in the absence of the proposed project the City anticipates Downtown Medium-Density Residential (12 – 18 units per acre) along a portion of East Fifth Street at the project site, indicating that residential development within this portion of the commercial core would be viewed by the City as consistent with the other uses anticipated within the Downtown Commercial Core. There is no “page 3” in the Black Diamond Redevelopment Project DEIR, and no reference to the “Lepori building” in the Black Diamond Redevelopment Project DEIR.

COMMENT E-3: *I applaud the wonderful design of the Black Diamond Project and those involved in the creation of it, and I’d like to point out that the design reflects all that is present in the original Scampini building that has been very well preserved for its age. The building is presently used as a church, which could remain, or might be used for a much-needed food market, keeping the business-centered area intact.*

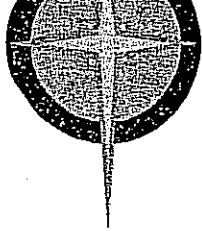
RESPONSE E-3: Opinion regarding the design of the proposed project is noted. As described in the DEIR, development of the project site as proposed would result in the demolition of the Scampini Building, which would represent a significant and unavoidable environmental impact associated with the project as currently proposed. Suggestion that the Scampini Building could be preserved and used as a food market is noted.

COMMENT E-4: *My other deep concern is for the large attendance at the Spanish masses at St. Peter Martyr Church in regards to additional parking needed and for the new businesses that will require additional parking spaces.*

RESPONSE E-4: Concern related to parking for those using St. Peter Martyr Church is noted. See **RESPONSE C-1**, above, which addresses the net increase in available on-street parking that would result from development of the project site as proposed. Given the level of private off-street parking to be provided at the project site, it is unlikely that residents at the project site would compete significantly for on-street parking with those involved in events scheduled at St. Peter Martyr Church, as the resident's vehicles would generally be parked off-street within the project structures. Under the significance criteria used in the DEIR, since the project as proposed meets the City's parking requirements to support the proposed commercial development (and provides more off-street parking than is necessary to meet the City's parking requirements), there are no significant environmental impacts associated with project-related parking demand (or with any subsequent increase in competition for available on-street parking space in the vicinity of the project site).

COMMENT E-5: *Thank you for the opportunity to voice my concerns in regards to the many historical buildings that have already been destroyed and other buildings that will be targeted in the name of progress. As an "old-timer", I appreciate the past and would like to see each block "anchored" by an original building from the 1920's and 30's period and hope to see many more projects like the Black Diamond that will honor the efforts of those who spent the time to establish the New York Landing Historic District that preserves rather than destroys our beautiful remnants of the halcyon times of our former town of Pittsburg.*

RESPONSE E-5: Opinions regarding the importance of the preservation of historic structures, and their use to anchor future development on each block, are noted.



CHAPEL CHURCHES INCORPORATED

Temple of Prayer Apostolic Church

#4 E Fifth Street Pittsburg, CA 94565

LETTER F

RECEIVED

SEP 26 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565

cCInc.

September 23, 2005

Planning Commission
65 Civic Avenue
Pittsburg CA 94565

RE: Draft EIR Black Diamond Project

Dear Planning Commission Chairman,

It was brought to my attention by a resident and business owner in the Black-Diamond area, (who also has an interest in historical resources), that the building known as the "Scampini Building" located at 4 and 2 Fifth St, is a historical building and should be preserved.

F-1

Having learned this information, I concur that if this building is in-fact a historical building that it should be preserved, in keeping with the "Old Town" theme of the City of Pittsburg.

In addition, this building is currently being occupied by a young and rapidly growing church, to which 40% of our membership has come from members of the community walking by and have enjoyed our worship services.

I believe that our membership growth supports the fact that our church is benefiting the Pittsburg community and ministering to the needs of people that they will continue to be respectable members of the Pittsburg and the East Contra Costa County community.

It is our prayer that you will take this letter under consideration before moving forward to demolish this building.

Sincerely,

Basil A. Price, Pastor

Letter F: Basil A. Price, Chapel Churches Incorporated, September 23, 2005.

COMMENT F-1: *It was brought to my attention by a resident and business owner in the Black-Diamond area (who also has an interest in historical resources); that the building known as the “Scampini Building” located at 4 and 2 Fifth Street, is a historical building and should be preserved.*

Having learned this information, I concur that if this building is in-fact a historical building that it should be preserved, in keeping with the “Old Town” theme of the City of Pittsburg.

In addition, this building is currently being occupied by a young and rapidly growing church, to which 40% of our membership has come from members of the community walking by and have enjoyed our worship services.

I believe that our membership growth supports the fact that our church is benefiting the Pittsburg community and ministering to the needs of people that they will continue to be respectable members of the Pittsburg and the East Contra Costa County community.

It is our prayer that you will take this letter under consideration before moving forward to demolish this building.

RESPONSE F-1: Request for the Planning Commission to consider the benefits provided by the church currently occupying the Scampini Building in evaluating the proposed project (which currently proposes the demolition of the Scampini Building prior to development of the project site as proposed) is noted. As indicated in the DEIR (pages 3-37 and 3-38), demolition of the Scampini Building would represent a significant and unavoidable environmental impact associated with the project as currently proposed. The City will be required to adopt a statement of overriding considerations in connection with project approval. See **RESPONSE D-1** and **RESPONSE E-1**, above, for further discussion of the Scampini Building.

RECEIVED

Frank Gordon
59 Edgewater Place
Pittsburg, CA 94565
295-427-1520
FlashFG@sbcglobal.net

SEP 26 2005
CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565

September 24, 2005

In regards to: **Black Diamond Redevelopment Project Draft Environmental Impact Report**

Dana Hoggatt
City of Pittsburg
Planning Department
65 Civic Avenue
Pittsburg, CA 94565

Dear Dana Hoggatt:

I have two major concerns that need to be answered in the Final EIR for this project. The first has to deal with the preservation of historical buildings in the downtown area. The second has to deal with the proposed changes to the residential densities for this project.

G-1

The Draft EIR identifies the demolition of the Scampini Building as a "significant environmental impact". It is a contributing building to the City of Pittsburg New York Landing Historic District. This building is an existing historic resource as identified in the Pittsburg General Plan on page 9-27, Table 9-2, item 10. It also has been in continuous use.

As stated on page 5-22 under the heading of Historical Resources and again on page 9-26 under the heading of Historical and Cultural Resources, *"To recognize and preserve the unique historical resources in Pittsburg, the City established the New York Landing Historical District in 1981. Buildings in the Historical District were constructed between 1914 and 1930 and reflect the architectural styles prevalent during that time period. Some structures, while not considered significant in and of themselves, enhance the overall character of the district."*

On page 9-25, under the heading of Historical and Cultural Resources it states, *"The existence of both historical and archeologically sensitive areas in Pittsburg speaks to the importance of policies that preserve such aspects of the City's heritage."*

There are a number of policies and goals stated in our General Plan that would indicate that this building should not even be considered for destruction. Some of these are:

Policy 5-P-2 on page 5-13 - Emphasize Downtown as Pittsburg's historic center, providing an identity and a sense of place for the entire city by establishing a focused revitalization strategy that integrates the initiatives of the Economic Development Strategy. A revitalization strategy for Downtown should incorporate the relevant initiatives proposed by the Economic Development Strategy, including:

- *Preservation and enhancement of historic structures contributing to the unique character of the Downtown.*

Policy 5-P-3 on page 5-14 – Ensure coordination between the Pittsburg Redevelopment Agency, Planning and Building, Engineering, and Economic Development Departments in order to achieve the goals and policies envisioned for the Downtown.

Policy 5-P-28 on page 5-24 - Continue the *preservation, rehabilitation, and reuse* of historically significant structures within the Downtown (as designated in Figure 5-2 on page 5-23).

Goal 9-G-12 on page 9-30 – Encourage the *preservation, protection, enhancement,* and use of structures that:

- Represent past eras, events and persons important in history;
- Provide significant examples of architecture;
- Embody unique and irreplaceable assets to the City and its neighborhoods; and
- Provide examples of the physical surroundings in which past generations lived.

Goal 9-G-13 on page 9-30 – Encourage municipal and community awareness, appreciation, and support for Pittsburg's historic, cultural, and archeological resources.

Policy 9-P-34 on page 9-30 – Encourage the preservation of varied architectural styles that reflect the cultural, industrial, social, economic, political and architectural phases of the City's history.

The Draft EIR identifies two actions that can be used in order to mitigate the destruction of the Scampini Building.

MITIGATION MEASURE 3.3.1: Site Plan Modifications. The project developer shall modify the project site plan to avoid the destruction, disturbance or alteration of the Scampini Building, *if feasible*.

No where in the General Plan does it use the term "if feasible" when it relates to the preservation of historical resources in the City.

What does the term "if feasible" mean? Or is it just a way for the developer to destroy an historical resource and increase his profits. Exactly how is feasibility determined and who makes that determination if it is not described in either the General Plan or the Environmental Impact Report? Is the public involved with the "feasibility" decision? Are the economics to the developer to be considered for feasibility? Or are they the only consideration? If you are to use the term "if feasible" in the EIR, then you **must** describe **exactly** how feasibility is to be determined.

MITIGATION MEASURE 3.3.2: Incorporate Significant Architectural Details of the Scampini Building. The project developer shall incorporate significant architectural details of the Scampini Building on exterior elevations of the new structures to be built within the project.

This is not a valid mitigation measure for the destruction of an existing, valuable historic resource. The General Plan already calls for the use of historical architectural detailing in the Downtown Commercial Core on page 5-21 under the heading of Building Design.

I strongly feel that if the City of Pittsburg and the developer pursue the destruction of the Scampini Building, that there are substantial grounds for a court action to enforce the General Plan and save a valuable historic resource.

The Draft EIR is also calling for several changes to the development standards of the General Plan. One of the more significant changes relates to increasing the residential density for the project.

G-2

The city has stated that the project will be approximately six acres and that there would be 195 residential units built in addition to 40,000 sq.ft. of commercial space. This would equate to 32.5 units per acre not including the retail space. That is increasing the density twofold of what the General Plan calls for with Medium Density Residential. Even the mixed use element is calling for up to 4.0 of Floor Area Ratio (FAR). In fact it is increasing the density to more than the maximum of 30 units per acre that High Density Residential allows.

September 25, 2005

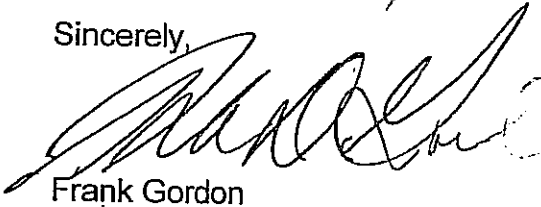
● Page 4

On page 5-9 of the General Plan, Table 5-2 identifies the Development Standards for Downtown Pittsburg. There is no Table in the Draft EIR that compares the existing standards to the proposed standards. In order to evaluate the changes there should be a chart showing a side by side comparison. I am requesting that a table showing this comparison be added to the Final EIR for this project.

I look forward to hearing from you and your staff on these two items and wish to have these comments and their corresponding responses incorporated into the Final EIR for the project. Thank you for your time and hard work.

G-3

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Gordon", written over a horizontal line.

Frank Gordon

FG

Letter G: Frank Gordon, September 25, 2005.

COMMENT G-1: *I have two major concerns that need to be answered in the Final EIR for this project. The first has to deal with the preservation of historical buildings in the downtown area. The second has to deal with the proposed changes to the residential densities for this project.*

The Draft EIR identifies the demolition of the Scampini Buildings as a “significant environmental impact”. It is a contributing building to the City of Pittsburg New York Landing Historic District. This building is an existing historic resource as identified in the Pittsburg General Plan on page 9-27, Table 9-2, item 10. It also has been in continuous use.

As stated on page 5-22 under the heading of Historical Resources and again on page 9-26 under the heading of Historical and Cultural Resources, “To recognize and preserve the unique historical resources in Pittsburg, the City established the New York Landing Historical District in 1981. Buildings in the Historical District were constructed between 1914 and 1930 and reflect the architectural styles prevalent during that time period. Some structures, while not considered significant in and of themselves, enhance the overall character of the district.”

On page 9-25, under the heading of Historical and Cultural Resources it states, “The existence of both historical and archaeologically sensitive areas in Pittsburg speaks to the importance of policies that preserve such aspects of the City’s heritage.”

There are a number of policies and goals stated in our General Plan that would indicate that this building should not even be considered for destruction. Some of these are:

Policy 5-P-2 on page 5-13 – *Emphasize Downtown as Pittsburg’s historic center, providing an identity and a sense of place for the entire city by establishing a focused revitalization strategy that integrates the initiatives of the Economic Development Strategy. A revitalization strategy for Downtown should incorporate the relevant initiatives proposed by the Economic Development Strategy, including:*

- *Preservation and enhancement of historic structures contributing to the unique character of the Downtown.*

Policy 5-P-3 on page 5-14 – *Ensure coordination between the Pittsburg Redevelopment Agency, Planning and Building, Engineering, and Economic Development Departments in order to achieve the goals and policies envisioned for the Downtown.*

Policy 5-P-28 on page 5-24 – Continue the preservation, rehabilitation, and reuse of historically significant structures within the Downtown (as designated in Figure 5-2 on page 5-23).

Goal 9-G-12 on page 9-30 - Encourage the preservation, protection, enhancement, and use of structures that:

- Represent past eras, events and persons important in history;
- Provide significant examples of architecture;
- Embody unique and irreplaceable assets to the City and its neighborhoods; and
- Provide examples of the physical surroundings in which past generations lived.

Goal 9-G-13 on page 9-30 – Encourage municipal and community awareness, appreciation, and support for Pittsburg’s historic, cultural, and archaeological resources.

Policy 9-P-34 on page 9-30 – Encourage the preservation of varied architectural styles that reflect the cultural, industrial, social, economic, political and architectural phases of the City’s history.

The Draft EIR identifies two actions that can be used in order to mitigate the destruction of the Scampini Building.

MITIGATION MEASURE 3.3.1: Site Plan Modifications. The project developer shall modify the project site plan to avoid destruction, disturbance or alteration of the Scampini Building, if feasible.

No where in the General Plan does it use the term “if feasible” when it relates to the preservation of historical resources in the City.

What does the term “if feasible” mean? Or is it just a way for the developer to destroy an historical resource and increase his profits. Exactly how is feasibility determined and who makes that determination if it is not described in either the General Plan or the Environmental Impact Report? Is the public involved with the “feasibility” decision? Are the economics to the developer to be considered for feasibility? Or are they the only consideration? If you are to use the term “if feasible” in the EIR, then you **must** describe exactly how feasibility is to be determined.

MITIGATION MEASURE 3.3.2: Incorporate Significant Architectural Details of the Scampini Building. The project developer shall incorporate significant architectural

details of the Scampini Building on exterior elevations of the new structures to be built within the project.

This is not a valid mitigation measure for the destruction of an existing, valuable historic resource. The General Plan already calls for the use of historical architectural detailing in the Downtown Commercial Core on page 5-21 under the heading of Building Design.

I strongly feel that if the City of Pittsburg and the developer pursue the destruction of the Scampini Building, that there are substantial grounds for a court action to enforce the General Plan and save a valuable historic resource.

RESPONSE G-1: As indicated on DEIR page 3-35, the Scampini Building has been identified by the City of Pittsburg as a “contributor” to the City’s New York Landing Historic District, and qualifies for identification as a historic resource under CEQA Guidelines. As indicated in the DEIR (pages 3-37 and 3-38), demolition of the Scampini Building would represent a significant and unavoidable environmental impact associated with the project as currently proposed, which would require the City to adopt a statement of overriding considerations in connection with project approval. Through a statement of overriding considerations, the City balances the economic, legal, social, technological or other benefits of a project against its unavoidable environmental effects and states in writing how the benefits outweigh the impacts.

As indicated on DEIR page 3-38, if destruction, disturbance or alteration of the Scampini Building can be avoided through the implementation of **MITIGATION MEASURE 3.3.1**, then the impact identified in the DEIR would be reduced to a level of less than significant. For CEQA purposes, “feasible” is defined in Section 21061.1 of the California Public Resources Code, Division 13: Environmental Quality as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” In terms of **MITIGATION MEASURE 3.3.1**, feasibility will ultimately be determined by both the project developer and the City Council. The City Council in considering the EIR’s identification of the demolition of the Scampini Building as the sole significant and unavoidable impact associated with the project as currently proposed has the power to require implementation of this mitigation measure to reduce this impact to a level of less than significant (although the City Council need not do so if it adopts a statement of overriding considerations). If the City Council determines that implementation of this mitigation measure is necessary in order to approve the project, the project developer can then either agree to avoid demolition, disturbance or alteration of the Scampini Building by modifying the site plan in compliance with this mitigation measure, or, if the developer finds compliance infeasible for any reason, can elect not to pursue the project.

Although not directly related to environmental impacts, as the commentor notes, the General Plan contains many goals and policies addressing and encouraging historic preservation. The DEIR also summarizes numerous General Plan goals and policies for Downtown development and revitalization, which is the primary focus of the General Plan. In order to approve the project, the City must consider the various General Plan goals and policies applicable to the project, and must find the project consistent with the General Plan. As noted in the DEIR, consistency determinations rest with the City Council and Planning Commission, not the DEIR.

COMMENT G-1 asserts that **MITIGATION MEASURE 3.3.2** is invalid. As indicated on DEIR page 3-38, while implementation of **MITIGATION MEASURE 3.3.2** would reduce the identified impact to some extent, the impact would remain significant and unavoidable unless **MITIGATION MEASURE 3.3.1** is implemented. The mitigation measure is a valid measure to retain the architectural character of the Scampini Building, however, as the DEIR notes, it does not reduce the impact to less than significant.

COMMENT G-2: *The Draft EIR is also calling for several changes to the development standards of the General Plan. One of the more significant changes relates to increasing the residential density for the project.*

The city has stated that the project will be approximately six acres and that there would be 195 residential units built in addition to 40,000 sq. ft. of commercial space. This would equate to 32.5 units per acre not including the retail space. That is increasing the density twofold of what the General Plan calls for with Medium Density residential. Even the mixed use element is calling for up to 4.0 of Floor Area Ratio (FAR) In fact it is increasing the density to more that the maximum of 30 units per acre that High Density Residential allows.

On page 5-9 of the General Plan, Table 5-2 identifies the Development Standards for Downtown Pittsburg. There is no Table in the DRAFT EIR that compares the existing standards to the proposed standards. In order to evaluate the changes there should be a chart showing a side by side comparison. I am requesting that a table showing this comparison be added to the Final EIR for this project.

RESPONSE G-2: Comment noted. As indicated on DEIR page 2-2, the requested General Plan Amendment would change the existing land use designations on portions of the project site from Downtown Commercial, Downtown Medium Density Residential, Public/Institutional and Park to a new Downtown Mixed Use designation. This comment correctly states that the intensity of development proposed at the project site under a new Downtown Mixed Use designation would exceed that currently anticipated under the existing General Plan land use designations for the site.

Development of the project site under the current General Plan could result in up to 128 residential units and approximately 78,700 square feet of commercial development (see discussion of “Development Under Existing General Plan” alternative in **Chapter 4** of the DEIR). The project would increase the level of residential development to 195 units, but would decrease the level of commercial development to approximately 40,000 square feet. Generally, the project proposes 67 more residential units at the site than would be allowed under the current General Plan. Consistent with CEQA, the DEIR analyzed the effects of the proposed increased amount of potential development at the site.

Under this new land use designation, development standards and allowable uses would be determined by the City Council in conjunction with an application for PD (Planned Development) District rezoning of the property. Since these development standards have not yet been determined by the City Council, it is not possible at this time to provide a chart showing a side by side comparison between the development standards currently in force at the project site with those which may be determined by the City Council for the area at some undefined point in the future.

COMMENT G-3: *I look forward to hearing from you and your staff on these two items and wish to have these comments and their corresponding responses incorporated into the Final EIR for the project. Thank you for your time and hard work.*

RESPONSE G-3: Comment noted. See **COMMENT G-1** and **COMMENT G-2**, and corresponding **RESPONSES**, above, which have all been incorporated in the Final EIR.

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SEP 26 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565Mr. Ralph Ramirez, Chairman
Members of the Pittsburg Planning Commission
65 Civic Avenue
Pittsburg, CA 94565

September 26, 2005

Comments on the draft E. I. R. for the Black Diamond Project

Dear Chairman Ramirez and Planning Commission Members:

The following are our comments on this proposed project. While the development has many exciting features it is deficient in the areas of Historic Preservation, public parking and public parks. It deviates from the adopted general plan in these areas and therefore ignores the extensive work the community and you went to in forming the General Plan.

H-1

Historic Resources:

The Scampini Building and a portion of the vacant land adjacent to it on 5th Street are in the New York Landing Historical District. The entire project lies within the New York Landing Architectural Design Review Area. This proposed development is required to be supportive of the Historical District pursuant to Ordinance 81-815, which created the district. Instead the project diminishes the district by proposing the destruction of a contributing building and the encroachment of purely residential uses on 5th Street.

H-2

The demolition of the Scampini Building would be a significant adverse environmental impact and the project should be designed to avoid its destruction. The architecture of the new buildings adjacent to the Scampini building should be compatible with it and the Historical District. Instead the E. I. R. fails to address requirements of The New York Landing Historical District and is therefore deficient.



“Structures within the district generally appear as simple, rectilinear buildings set along the street front. Architectural details include cornices, belt courses, and decorative window heads.”

This perfectly describes the Scampini building.

G. P. page 5-21

The City established the New York Landing Historical District to preserve and enhance the unique character of Pittsburg's downtown. 27 buildings were identified as contributing to the character of the historical district, 23 remain. The corner at 5th and Black Diamond has excellent aesthetic and architectural character with the fountain, the coal car display, the renovated Lepori Building, the Victorian cottage adjoining it and the brick Scampini building. One has only to look at the Precision Edge Building, the McDonald developments at 4th and Railroad and at on 4th Street, and the PCSI office at 329 Railroad to appreciate the potential of this historically contributing building.

The General Plan deals with building design and historical resources as it affects the proposed project. Excerpts are included here.

BUILDING DESIGN

The most distinctive buildings in Downtown are those that make up the New York Landing Historical District, located in the northern end of the Commercial Core (see Figure 5-2: New York Landing Historical District). This district was established by the City to ensure the preservation of structures of historical value. Structures within the district generally appear as simple, rectilinear buildings set along the streetfront. Architectural details include cornices, belt courses, and decorative window heads. Large display windows are common to buildings in this area. Structures in newer, adjacent commercial areas are simpler in design, with less attention paid to ornamental details. Residential and commercial buildings are generally in better condition in the northern portion of Downtown. The redevelopment of businesses at the southern end of the Commercial Core should extend the sense of the historical core area by utilizing similar architectural detailing and displays found in the northern end.

HISTORICAL RESOURCES

California's Office of Historical Resources inventories buildings, structures, and objects determined to have some historical value. Historical resources found throughout the City are described in Chapter 9: Resource Conservation. To recognize and preserve the unique historical resources in Pittsburg, the City established the New York Landing Historical District in 1981. Buildings in the Historical District were constructed between 1914 and 1930, and reflect the architectural styles prevalent during that time period. Some structures, while not considered significant in and of themselves, enhance the overall character of the district. Figure 5-3 shows resources in the New York Landing Historical District.

The architectural character of the district is that of a pre-1930 era commercial district which extends beyond Railroad Avenue to Cumberland and Black Diamond Streets and from 5th street to 3rd Street. The Scampini building helps anchor the district's width along 5th Street to the Lepori building on Black Diamond. The three pre-1930 buildings remaining at this corner (Scampini, Lepori and the Cottage) complement each other and preserve a small corner with a look back to Pittsburg in the 1920's

Restoration of the awnings, clearstory windows and front entry are all that are required to restore the Scampini building to its 1925 state. Its present use as a Church does not detract from the building's architectural value or otherwise damage to the district. The change in character from commercial to residential does damage the district as it violates and diminishes the basic commercial character of New York Landing Historical District as a downtown business district, and if pursued could cause the loss of the district's eligibility for tax benefits. The Redevelopment Agency should be encouraging the Scampini Building's renovation, not its destruction.

The Second proposed mitigation measure is insufficient:

H-3

Mitigation measure 3.3.2 indicates that it might be sufficient to merely incorporate architectural features of the Scampini building into the new residential structures that replace it. In litigation between the San Jose Preservation Action Council v San Jose Redevelopment Agency the appeals court granted a stay, which rejected the concept, advanced by the Agency of historic preservation by only preserving the front portion and façade of the Jose Theatre based on infeasibility. To an even greater extent, the incorporation of only some architectural elements in remembrance of a historic resource into a new residential building, while allowing the destruction of an authentic period commercial structure is also insufficient. This proposed mitigation is the equivalent of placing a Rest in Peace plaque to the New York Landing Historical District as it says that as a community we are willing to demolish historical resources in pursuit of a few additional condominium units or that a Paramount Studios type false front is equivalent to actual historic preservation.

Feasibility of the project does not depend on the removal of the Scampini Building:

H-4

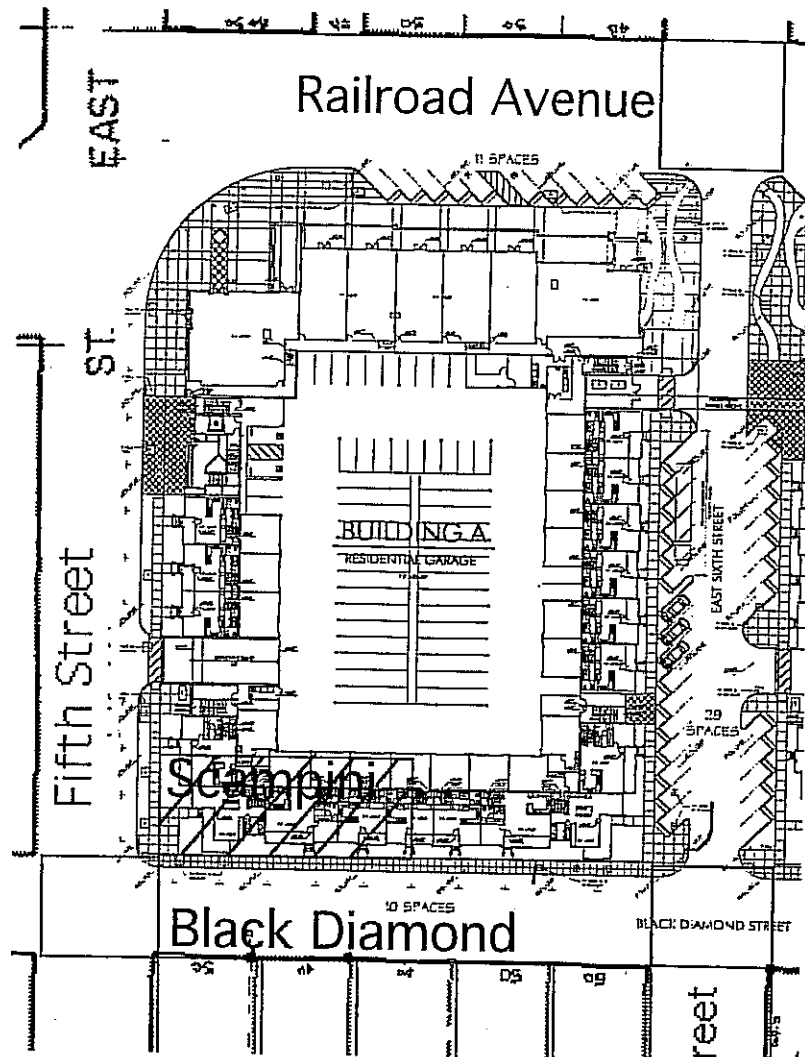
The draft E. I. R. eludes to issues of "feasibility" and efficiency of design for parking and residential development as a possible justification for the demolition the building. The proposed mitigation measure 3.3.2 would be to incorporate architectural features in the new buildings reminiscent of the Scampini Building. This is a false argument and a false choice. The project proposes strip commercial development along Railroad Avenue of almost 40,000 sq. ft. The existence of this small 6,000 corner commercial building cannot impair the feasibility of a project of this magnitude. Feasibility is a function of financial expectations that can be accommodated in the negotiation between the developer and the Redevelopment Agency. The entire project would be impossible without some subsidy such as a reduced land sale price, provision of public improvements or other forms of public subsidy, or even the use of the Agency's powers.

Any burden on the project caused by a reduction in its size can be accommodated by an adjustment in the terms of sale and in the Development and Disposition agreement. Assembling the site and providing needed write-downs and other required subsidies to enable the proper development of the project is the reason for the Redevelopment Agency's involvement. Overburdening the site or approving a development that has significant adverse impacts is not necessary or proper as this site can readily be developed in a less intense manner, with fewer subsidies required to create a feasible project. Certainly the Agency will need to subsidize the overbuilding of commercial space in some form, just as it has subsidized the opening of the Mechanic's Bank. It can likewise subsidize the public's interest in the preservation of historical resources, the provision of ample public space and adequate public parking. Other developers have proposed less intense projects for this same area. These proposals provided more parking and open space and did not call for the destruction of historic resources. The project can and should develop in a proper manner with the provision of adequate parks, parking and the preservation of historic resources.

The project can easily be designed around the Scampini building by eliminating only those residential units and their attached garages that are within the building's footprint.

The general parking structure requires little or no change, as it does not cover the building's footprint.

The Scampini building's lot is shown here in red, superimposed on the project plan.



The loss of up to eleven units may reduce gross sales for the developer, but it also reduces project cost. The Redevelopment Agency can adjust the land price it charges the developer to help compensate for any reduced profits. An argument of architectural or financial infeasibility is not meaningful without full disclosure and public input of all project costs, public subsidy, expected profit, the terms of the development and disposition agreement, a clear definition of what "feasibility" means and also exploring the very workable option of building a less intense development.

Project Phasing and the loss of existing commercial uses:

The greatest threat of an infeasible project is that the market study commissioned by the City for the Black Diamond project area found that there is not a demonstrated market for the amount of commercial space the developer proposes. The developer has declined to share any data that would contest this. We are in fact being asked to accept not only the demolition of the Scampini building, but also the loss of existing two commercial blocks with viable businesses and affordable commercial space. There is no assurance that the project can or will be built or that the commercial rents required by the developer are affordable in the Pittsburg market area. The Salvadoreno and Siete Mares restaurants are cultural and entertainment amenities that may not be able to survive the closing of their businesses or the new rents charged. The Agency should obtain and make available to

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the public any market studies that support the extent of Commercial development proposed before it demolishes any of the remaining commercial buildings or displaces any of the businesses. The developer may have a proprietary interest in its market information, but the public is being asked to allow the demolition of serviceable commercial buildings with viable businesses. To do less risks the destruction of a significant portion of the remaining commercial area to no avail. This project should be phased so that the first commercial development is between 8th and 7th streets to allow the existing businesses to operate and have the opportunity to relocate directly into the new building. Otherwise they may well be displaced in a land clearance project that does not result in timely or affordable space for them. Twice before, with the Marina View Redevelopment and the Riverside Mall Redevelopment projects, Pittsburg has undertaken large clearance projects with the promise of a revitalized downtown and new commercial development that did not come about.

Promoting "Old Town" while demolishing the buildings that make Old Town a unique and historic place and displacing the existing businesses is ill advised and disingenuous.

Parking and the Downtown:

Adequate public parking is critical to the development of the New York Landing Historical District and Black Diamond project. The draft E. I. R. asserts that there is adequate parking for the proposed project and the existing uses. It calculates the need for 151 spaces to serve the new commercial uses while providing 158 spaces and discounts any existing uses because they are to be demolished. What is not considered in the draft is the parking being used by existing uses adjacent to the project that will not be demolished. The commercial businesses along the East side of Railroad Avenue between 5th and 8th Streets and the three churches along Black Diamond all place a demand on public parking within the project area. The lot at Railroad and 8th Street, while in poor condition, is used by the Railroad Avenue commercial businesses and Saint Peter Martyr Church. The church has a demand for about 150 cars and uses all the parking along 8th street from Railroad to York plus informal parking on the project site itself in an area that years ago also had a small commercial parking lot (Black Diamond near 8th Street). In fact the parking pattern at Saint Peter Martyr today is very similar to what it was in the 1950's and 1960's. The draft E. I. R. ignores these parking demands and is therefore incomplete in its analysis.

In responses at public meetings the developer and the staff have alluded to new parking to be provided in the future on the 8th Street Elementary School site. This informal mitigation violates the CEQA process. To state in the E. I. R. that there is adequate parking provided while verbally agreeing that there is a need that will somehow be met in the future is disingenuous. The E. I. R. needs to recognize that parking will be inadequate and that this is a significant adverse impact that requires formal mitigation, not a vague promise outside the CEQA process. It is in fact the result of this project's overburdening of the site that results in crowding out parking, public open space and historical resources.

There should be a small parking lot near or at the corner of Railroad and 8th to serve the needs of both sides of Railroad Avenue as well as for needs of the church and a public park.

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Though parking available to the general public is inadequate to serve the needs of the new and existing nonresidential uses, the residential portion of the project provides more than the required one space per unit of parking within the parking structure. A portion of the parking structure should be made available on an unassigned basis to employees and customers of the new commercial uses as well as visitor parking for residents in order to alleviate competition for on-street parking. Failing this, the only alternative is to construct more public parking to serve the South portion of the project and adjoining uses.

The developer and staff have alluded in public meetings to the proposed new elementary school as a source of needed parking to mitigate the problems Saint Peter Martyr church will encounter with the loss of parking because of this project. This is not included in the draft E. I. R. as either a mitigation measure for needed parking, nor is the potential destruction of the School, another historic resource, evaluated as the means of effecting this mitigation. The draft E. I. R. is therefore incomplete. To find otherwise is to allow informal and unofficial assurances as mitigation, contrary to CEQA.

Providing a public park for the community:

High quality public spaces, or the lack of these spaces, define our urban areas for better or worse. Public spaces should be visually pleasing to people passing by, they should invite and encourage use by families and residents on a daily basis as well as provide a venue for community events. The spaces should be secure and safe areas that enrich our community. With higher density development they are more important to the health of the area. The park called for in the general plan at 8th and Black Diamond and the linear park, are needed to support the increased density of the housing as well as serving the community activities generated by Community Art & Cultural groups, the churches and the community. A farmer's market and seasonal festivals at the 8th and Black Diamond piazza would greatly enhance downtown community life. The project as planned does not provide any public park or community space.

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The developer has stated at both the planning commission and council workshops on the project that the park at 8th and Black Diamond would be 9,600 sq. ft. to 10,000 sq. ft. in size and hold up to 1,000 people. In fact the proposed "plaza" is neither. The general plan's community park is being eliminated in favor a small 5,600 sq. ft. plaza that is not publicly owned or maintained, and also serves as the front entry of some of the housing units. The park needs to be enlarged and utilized as a public park. The sidewalk along the street and the walkways in front of units should not be included in computing the size of the park.

The small plaza at Black Diamond and 8th is proposed to be owned, maintained and controlled by the H. O. A. which will have little interest in allowing public use, negating its potential as a community gathering and energy-creating center. The elevated open spaces are not open to the general public. The existing general plan should be maintained to assure community space in our downtown and provide a community gathering place at the entrance to New York Landing Historical District.

Not mentioned in the draft E. I. R. is that the Pittsburg Unified School District plan for the new elementary school proposes that the existing linear Park on 8th Street is to be

modified to create 20 parking spaces to serve its needs and will reduce the planted area of the park by about 4,000 sq. ft. The linear park is thus to be changed into a landscaped walkway from Railroad Avenue to Black Diamond. This proposed loss to the linear park should be discussed in the draft E. I. R. and compensated in the new park.

A view corridor along 8th Street from Railroad to Black Diamond will greatly enhance the development and the entire downtown and was included in the Agency's request for proposals as a feature of the development. Views of the Church with courtyard, and parish house from Railroad, set off by the view along the linear park and the 8th Street piazza will set the visual tone of the entire downtown.

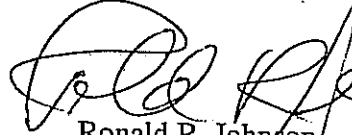
The project proposes to change the General Plan to eliminate both public parking and a community park on the site and the destruction of historical resources. One only has to look to the energy around Concord's Todos Santos Plaza and the success of the mixed use developments around it, with ample public parking provided, to see the correctness of the general plan as original envisioned. In place of this the project as proposed is a strip commercial with high density housing to the detriment of the surrounding existing uses and the historical district. The plan as proposed eliminates any meaningful public gathering place and deeds over the heart of our city to a private development and its Home Owners Association.

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Respectfully Submitted for Your Consideration,



Thomas L. LaFleur
51 Lake Street
Pittsburg California



Ronald R. Johnson
430 Railroad Avenue
Pittsburg California

Letter H: Thomas L. LaFluer and Ronald R. Johnson, September 26, 2005.

COMMENT H-1: *The following are our comments on this proposed project. While the development has many exciting features it is deficient in the areas of Historic Preservation, public parking and public parks. It deviates from the adopted general plan in these areas and therefore ignores the extensive work the community and you went to in forming the General Plan.*

RESPONSE H-1: Opinions regarding exciting project features, and regarding project deficiencies related to historic preservation, public parking and public parks, and project consistency with the General Plan, are noted.

COMMENT H-2: *Historic Resources: The Scampini Building and a portion of the vacant land adjacent to it on 5th Street are in the New York Landing Historical District. The entire project lies within the New York Landing Architectural Design review Area. This proposed development is required to be supportive of the Historical District pursuant to Ordinance 81-815, which created the district. Instead the project diminishes the district by proposing the destruction of a contributing building and the encroachment of purely residential uses on 5th Street.*

The demolition of the Scampini Building would be a significant adverse environmental impact and the project should be designed to avoid its destruction. The architecture of the new buildings adjacent to the Scampini building should be compatible with it and the Historical District. Instead, the E.I.R. fails to address requirements of The New York Landing Historical District and is therefore deficient.

“Structures within the district generally appear as simple, rectilinear buildings along the street front. Architectural details include cornices, belt courses, and decorative window heads.” This perfectly describes the Scampini building. G.P. page 5-21.

The City established the New York Landing Historical District to preserve and enhance the unique character of Pittsburg’s downtown. 27 buildings were identified as contributing to the character of the historical district, 23 remain. The corner at 5th and Black Diamond has excellent aesthetic and architectural character with the fountain, the coal car display, the renovated Lepori Building, the Victorian cottage adjoining it and the brick Scampini building. One has only to look at the Precision Edge Building, the McDonald development at 4th and Railroad and at on 4th Street, and the PCSI office at 329 Railroad to appreciate the potential of this historically contributing building.

The General Plan deals with building design and historical resources as it affects the proposed project. Excerpts are included here:

BUILDING DESIGN

The most distinctive buildings in Downtown are those that make up the New York Landing Historical District, located in the northern end of the Commercial Core (see Figure 5-2: New York Landing Historical District). This district was established by the City to ensure the preservation of structures of historical value. Structures within the district generally appear as simple, rectilinear buildings set along the streetfront. Architectural details include cornices, belt courses, and decorative window heads. Large display windows are common to buildings in this area. Structures in newer, adjacent commercial areas are simpler in design, with less attention paid to commercial details. Residential and commercial buildings are generally in better condition in the northern portion of Downtown. The redevelopment of businesses at the southern end of the Commercial Core should extend the sense of the historical core area by utilizing similar architectural detailing and displays as found in the northern end.

HISTORICAL RESOURCES

California's Office of Historical Resources inventories buildings, structures, and objects determined to have some historical value. Historical resources found throughout the City are described in Chapter 9: Resource Conservation. To recognize and preserve the unique historical resources in Pittsburg, the City established the New York Landing Historical District in 1981. Buildings in the Historical District were constructed between 1914 and 1930, and reflect the architectural styles prevalent during that time period. Some structures, while not considered significant in and of themselves, enhance the overall character of the district. Figure 5-2 shows resources in the New York Landing Historical District.

The architectural character of the district is that of a pre-1930 era commercial district which extends beyond Railroad Avenue to Cumberland and Black Diamond Streets and from 5th street to 3rd Street. The Scampini building helps to anchor the district's width along 5th Street to the Lepori building on Black Diamond. The three pre-1930 buildings remaining at this corner (Scampini, Lepori and the Cottage) complement each other and preserve a small corner with a look back to Pittsburg in the 1920's.

Restoration of the awnings, clearstory windows and front entry are all that are required to restore the Scampini building to its 1925 state. Its present use as a Church does not detract from the building's architectural value or otherwise damage to the district. The change in character from commercial to residential does damage the district as it violates and diminishes the basic commercial character of New York Landing Historical District as a downtown business district, and if pursued could cause the loss of the district's eligibility for tax benefits. The Redevelopment Agency should be encouraging the Scampini Building's renovation, not its destruction.

RESPONSE H-2: Opinion regarding the project’s failure to be supportive of the New York Landing Historical District pursuant to Ordinance 81-815 is noted. As indicated on DEIR page 3-35, the Scampini Building has been identified by the City of Pittsburg as a “contributor” to the City’s New York Landing Historic District, and qualifies for identification as a historic resource under CEQA Guidelines. The proposed demolition was analyzed, a significant impact identified, and mitigation proposed. As indicated in the DEIR (pages 3-37 and 3-38), demolition of the Scampini Building would represent a significant and unavoidable environmental impact associated with the project as currently proposed, which would require the City to adopt a statement of overriding considerations in connection with project approval. Opinion regarding the sufficiency of the DEIR discussion of the New York Landing Historic District is noted. Discussion of the Historic District is provided as context for the Scampini Building impacts and is adequate for CEQA purposes. Opinion regarding the effects on the commercial character of the New York Landing Historic District associated with the replacement of the existing commercial Scampini Building with a proposed structure supporting residential uses is noted. This is a land use policy matter, not a CEQA issue. Speculation regarding possible loss of eligibility for tax benefits within the New York Landing Historic District that could result from development of the project site as proposed is noted. Opinion regarding the role of the Redevelopment Agency related to encouraging renovation of the Scampini Building is noted.

COMMENT H-3: *The Second proposed mitigation measure is insufficient: Mitigation measure 3.3.2 indicates that it might be sufficient to merely incorporate architectural features of the Scampini building into the new residential structures that replace it. In litigation between the San Jose Preservation Action Council v San Jose Redevelopment Agency the appeals court granted a stay, which rejected the concept, advanced by the Agency of historic preservation by only preserving the front portion and façade of the Jose Theater based on infeasibility. To an even greater extent, the incorporation of only some architectural elements in remembrance of a historic resource into a new residential building, while allowing the destruction of an authentic period commercial structure is also insufficient. The proposed mitigation is the equivalent of placing a Rest in Peace plaque to the New York Landing Historical District as it says that as a community we are willing to demolish historical resources in pursuit of a few additional condominium units or that a Paramount Studios type false front is equivalent to actual historic preservation.*

RESPONSE H-3: As indicated on DEIR page 3-38, while implementation of **MITIGATION MEASURE 3.3.2** would reduce the identified impact to some extent, it would remain significant and unavoidable unless **MITIGATION MEASURE 3.3.1** is implemented. See **RESPONSE D-1** and **RESPONSE G-1**, above. Opinion regarding the value of incorporating architectural elements associated with historical structures into

the design of new structures, relative to actually preserving historical structures themselves, is noted.

COMMENT H-4: Feasibility of the project does not depend on the removal of the Scampini Building. *The draft E.I.R. eludes to issues of “feasibility” and efficiency of design for parking and residential development as a possible justification for the demolition the building. The proposed mitigation measure 3.3.2 would be to incorporate architectural features in the new buildings reminiscent of the Scampini Building. This is a false argument and a false choice. The project proposes strip commercial development along Railroad Avenue of almost 40,000 sq. ft. The existence of this small 6,000 corner commercial building cannot impair the feasibility of a project of this magnitude. Feasibility is a function of financial expectations that can be accommodated in the negotiation between the developer and the Redevelopment Agency. The entire project would be impossible without some subsidy such as reduced land sale price, provision of public improvements or other forms of public subsidy, or even the use of the Agency’s powers.*

Any burden on the project caused by a reduction in its size can be accommodated by an adjustment in the terms of sale and in the Development and Disposition agreement. Assembling the site and providing needed write-downs and other required subsidies to enable proper development of the project is the reason for the Redevelopment Agency’s involvement. Overburdening the site or approving a development that has significant adverse impacts is not necessary or proper as this site can be readily developed in a less intense manner, with fewer subsidies required to create a feasible project. Certainly the Agency will need to subsidize the overburdening of commercial space in some form, just as it has subsidized the opening of the Mechanic’s Bank. It can likewise subsidize the public’s interest in the preservation of historic resources, the provision of ample public space and adequate public parking. Other developers have proposed less intense projects for this same area. These proposals provided more parking and open space and did not call for the destruction of historic resources. The project can and should develop in a proper manner with the provision of adequate parks, parking and the preservation of historic resources.

The project can easily be designed around the Scampini building by eliminating only those residential units and their attached garages that are within the building’s footprint.

The general parking structure requires little or no change, as it does not cover the building’s footprint.

The Scampini building’s lot is shown here in red, superimposed on the project plan.

The loss of up to eleven units may reduce gross sales for the developer, but it also reduces project cost. The Redevelopment Agency can adjust the land price it charges the developer to help compensate for any reduced profits. An argument of architectural or financial infeasibility is not meaningful without full disclosure and public input of all project costs, public subsidy, expected profit, the terms of the development and disposition agreement, a clear definition of what “feasibility” means and also exploring the very workable option of building a less intense development.

RESPONSE H-4: See **RESPONSE G-1**, above for the CEQA definition of “feasible” in the CEQA context. The DEIR indicates on page 3-38 that while “it may be technically feasible to physically retain the Scampini Building at the project site, the City and the project developer may ultimately determine that the costs associated with incorporating the Scampini Building within the project design (which could include the loss of revenue as a result of the inability to develop a number of marketable housing units that would otherwise be built in that location) may make preservation of the Scampini Building economically infeasible within the overall context of proposed development at the project site.” This statement in the DEIR in no way “justifies” any decision that may ultimately be made to demolish the Scampini Building as currently proposed as part of the project, but simply states that the economic feasibility of implementing **MITIGATION MEASURE 3.3.1** will need to be determined by the City and the project developer.

See **RESPONSE H-3**, above, relative to the efficacy of implementing **MITIGATION MEASURE 3.3.2**, and the inability of this measure to reduce the identified impact associated with demolition of the Scampini Building to a level of less than significant.

Opinion regarding the economic impacts associated with modifying the project to preserve the Scampini Building at the project site is noted. Under CEQA, the focus of the DEIR is on the environmental impacts that may be associated with implementation of the proposed project. The DEIR does not evaluate the economic impacts, considerations, expectations, subsidies or requirements of the project or alternative projects, as this is beyond the scope of an Environmental Impact Report.

Opinions regarding the role of the Redevelopment Agency in relation to the project (e.g., the use of subsidies, control of the intensity of site development, adjustment of land price, support for historic preservation efforts, etc.) are noted.

COMMENT H-5: *Project Phasing and the loss of existing commercial uses:* *The greatest threat of an infeasible project is that the market study commissioned by the City for the Black Diamond project area found that there is not a demonstrated market for the amount of commercial space the developer proposes. The developer has declined to share any data that would contest this. We are in fact being asked to accept not only the demolition of the Scampini building, but also the loss of existing two*

commercial blocks with viable businesses and affordable commercial space. There is no assurance that the project can or will be built or that the commercial rents required by the developer are affordable in the Pittsburg market area. The Salvadoreno and Siete Mares restaurants are cultural and entertainment amenities that may not be able to survive the closing of their businesses or the new rents charged. The Agency should obtain and make available to the public any market studies that support the extent of Commercial development proposed before it demolishes any of the remaining commercial buildings or displaces any of the businesses. The developer may have a proprietary interest in its market information, but the public is being asked to allow the demolition of serviceable commercial buildings with viable businesses. To do less risks the destruction of a significant portion of the remaining commercial area to no avail. This project should be phased so that the first commercial development is between 8th and 7th streets to allow the existing businesses to operate and have the opportunity to relocate directly into the new building. Otherwise they may well be displaced in a land clearance project that does not result in timely or affordable space for them. Twice before, with the Marina View Redevelopment and the Riverside Mall Redevelopment projects, Pittsburg has undertaken large clearance projects with the promise of a revitalized downtown and new commercial development that did not come about.

Promoting “Old Town” while demolishing the buildings that make Old Town a unique and historic place and displacing the existing buildings is ill advised and disingenuous.

RESPONSE H-5: Opinions regarding the possible economic effect on existing commercial structures and displacement of existing businesses at the project site are noted. Suggestion regarding the possible phasing of proposed development to enable the existing commercial structures to remain in place during the initial phase of proposed development is noted.

As indicated in **RESPONSE H-4**, above, under CEQA, the focus of the DEIR is on the environmental impacts that may be associated with implementation of the proposed project. The DEIR does not evaluate the economic impacts of the project, including those associated with market forces, business displacement and relocation, rental rates and future leasing arrangements for new commercial space proposed at the project site. These are not CEQA issues as there are no secondary physical impacts related to the economic effects.

The DEIR provides information to the public and to the City decision makers about the potential environmental effects of the requested General Plan Amendment, Development and Disposition Agreement and other actions to be taken to enable this project to proceed. The City Council will consider the DEIR and other information, including the General Plan and public comments, in deciding whether to approve the project.

Opinions regarding the perceived lack of benefit associated with the Marina View Redevelopment and the Riverside Mall Redevelopment projects, and the perceived adverse economic effects anticipated with the proposed demolition of existing commercial structures at the project site, are noted.

COMMENT H-6: *Parking and the Downtown:* *Adequate public parking is critical to the development of the New York Landing Historical District and Black Diamond project. The draft E.I.R. asserts that there is adequate parking for the proposed project and the existing uses. It calculates the need for 151 spaces to serve the new commercial uses while providing 158 spaces and discounts any existing uses because they are to be demolished. What is not considered in the draft is the parking being used by existing uses adjacent to the project that will not be demolished. The commercial businesses along the East side of Railroad Avenue between 5th and 8th Streets and the three churches along Black Diamond all place a demand on public parking within the project area. The lot at Railroad and 8th Street, while in poor condition, is used by the Railroad Avenue commercial businesses and Saint Peter Martyr Church. The church has a demand for about 150 cars and uses all the parking along 8th street from Railroad to York plus informal parking on the project site itself in an area that years ago also had a small commercial parking lot (Black Diamond near 8th Street). In fact the parking pattern at Saint Peter Martyr today is very similar to what is was in the 1950's and 1960's. The draft E.I.R. ignores these parking demands and is therefore incomplete in its analysis.*

In responses at public meetings the developer and the staff have alluded to new parking to be provided in the future on the 8th Street Elementary School site. This informal mitigation violates the CEQA process. To state in the E.I.R. that there is adequate parking provided while verbally agreeing that there is a need that will somehow be met in the future is disingenuous, The E.I.R. needs to recognize that parking will be inadequate and that this is a significant adverse impact that requires formal mitigation, not a vague promise outside the CEQA process. It is in fact the result of this project's overburdening of the site that results in crowding out parking, public open space and historical resources.

There should be a small parking lot near the corner of Railroad and 8th to serve the needs of both sides of Railroad Avenue as well as for needs of the church and a public park.

Though parking available to the general public is inadequate to serve the needs of the new and existing nonresidential uses, the residential portion of the project provide more than the required one space per unit of parking within the parking structure. A portion of the parking structure should be made available on an unassigned basis to employees and customers of the new commercial uses as well as visitor parking for residents in order to alleviate competition for on-street parking. Failing this, the only alternative is to

construct more public parking to serve the South portion of the project and adjoining uses.

The developer and staff have alluded in public meetings to the proposed new elementary school as a source of needed parking to mitigate the problems Saint Peter Martyr church will encounter with the loss of parking because of this project. This is not included in the draft E.I.R. as either a mitigation measure for needed parking, nor is the potential destruction of the School, another historic resource, evaluated as the means of effecting this mitigation. The draft E.I.R. is therefore incomplete. To find otherwise is to allow informal and unofficial assurances as mitigation, contrary to CEQA.

RESPONSE H-6: Under CEQA, an EIR is required to evaluate the environmental impacts associated with implementation of the project as proposed. As indicated in the DEIR (**Table 3-13** on page 3-146), development of the project site as proposed would provide 1.5 parking spaces per residential unit (294 covered, off-street parking spaces) and would also provide 158 on-street, public parking spaces (which would replace the 107 on-street, public parking spaces currently in place along project street frontages). Although the City currently has no formal requirement for the provision of on-street parking to support commercial development proposed in the Downtown area, based on an estimated parking demand of 3.5 parking spaces for each 1,000 square feet of commercial development, the DEIR indicates that the project would need to provide 133 public, on-street parking spaces to meet the demand generated by commercial development at the project site. The project as proposed would provide 25 spaces above what would be assumed to be necessary to meet project-related demand for commercial parking, and would provide off-street parking for residents in excess of City requirements, so the project-related impact on parking has been identified in the DEIR as less than significant. The loss of parking areas that are currently used “informally” is not a project-related environmental impact, and the project developer has no responsibility to mitigate possible parking problems in the area that may be created as a result of the loss of such “informal” parking space. Similarly, it is not the responsibility of the project developer to ensure the provision of sufficient parking space to support parking demand currently generated by other uses off-site. In the absence of vacant lots at the project site that may currently provide “informal” parking space, those attending churches in the vicinity or going to businesses nearby would need to compete for available on-street parking following the development of the project site as proposed. However, as indicated above, the project as proposed would increase the supply of on-street parking in the area by a total of 51 parking spaces (158 on-street parking spaces proposed to replace 107 existing on-street parking spaces). The DEIR also indicates that with the implementation of **MITIGATION MEASURE 3.11.4** to eliminate sight distance limitations associated with the angled parking as proposed, a total of 16 proposed on-street parking spaces would be removed from the current site plan,

reducing the total number of on-street, public parking spaces to be provided by the project developer to 142.

The City of Pittsburg has received no formal application related to a new elementary school to be located at the East Eighth Street site, and in compliance with CEQA Guidelines, the DEIR does not speculate on what may or may not be proposed at this site at some point in the future. Since the DEIR does not identify any significant project-related parking impacts, there is no need for the DEIR to identify any parking-related mitigation measures, and the DEIR makes no reference to any parking that may ultimately be provided by a new school in the vicinity. Comments related to the possibility of using parking that may be developed as part of a new school have been made in a public forum (see **Minutes from Planning Commission Session, September 13, 2005**, below), but these comments have no relation to any project-related parking issues discussed in the DEIR, and do not provide the basis for any project-related mitigation measures.

Suggestion that there should be a small parking lot near the corner of Railroad Avenue and East Eighth Street is noted. As indicated above, in the absence of any significant project-related parking impacts, the provision of such a lot as part of the project is not necessary for mitigation.

Opinion regarding the adequacy of the parking to be provided as part of the proposed project is noted. Suggestion that a portion of the parking structure should be made available on an unassigned basis to employees and customers of the new commercial uses as well as visitor parking for residents in order to alleviate competition for on-street parking is noted. Suggestion that the project developer construct more public parking to serve the South portion of the project and adjoining uses is noted. As indicated above, in the absence of any significant project-related parking impacts, the provision of such parking space as part of the project is not necessary for mitigation.

As indicated above, under CEQA an EIR is required to evaluate the environmental impacts associated with implementation of the project as proposed. The City of Pittsburg has received no formal application related to a new elementary school to be located at the East Eighth Street site, and in compliance with CEQA Guidelines, the DEIR does not speculate on what may or may not be proposed at this site at some point in the future. Only after an application for the development of a school is received by the City can environmental review for that project begin. That evaluation would need to include an analysis of any parking impacts that may be associated with a school development project, as well as an evaluation of any impacts to historic resources that might be associated with the development of a school at that site.

COMMENT H-7: *Providing a public park for the community:* High quality public spaces, or the lack of these spaces, define our urban areas for better or worse. Public spaces should be visually pleasing to people passing by, they should invite and encourage use by families and residents on a daily basis as well as provide a venue for community events. The spaces should be secure and safe areas that enrich our community. With higher density development they are more important to the health of the area. The park called for in the general plan at 8th and Black Diamond and the linear park, are needed to support the increased density of the housing as well as serving the community activities generated by Community Art & Cultural groups, the churches and the community. A farmer's market and seasonal festivals at the 8th and Black Diamond piazza would greatly enhance downtown community life. The project as planned does not provide any public park or community space.

The developer has stated at both the planning commission and council workshops on the project that the park at 8th and Black Diamond would be 9,600 sq. ft. to 10,000 sq. ft. in size and hold up to 1,000 people. In fact the proposed "plaza" is neither. The general plan's community park is being eliminated in favor of a small 5,600 sq. ft. plaza that is not publicly owned or maintained, and also serves as the front entry of some of the housing units. The park needs to be enlarged and utilized as a public park. The sidewalk along the street and the walkways in front of units should not be included in computing the size of the park.

The small plaza at Black Diamond and 8th is proposed to be owned, maintained and controlled by the H.O.A. which will have little interest in allowing public use, negating its potential as a community gathering and energy-creating center. The elevated open spaces are not open to the general public. The existing general plan should be maintained to assure community open space in our downtown and provide a community gathering place at the entrance to New York Landing Historical District.

Not mentioned in the draft E.I.R. is that the Pittsburg Unified School District plan for the new elementary school proposes that the existing linear Park on 8th Street is to be modified to create 20 parking spaces to serve its needs and will reduce the planted area of the park by about 4,000 sq. ft. The linear park is thus to be changed into a landscaped walkway from railroad Avenue to Black Diamond. This proposed loss to the linear park should be discussed in the draft E.I.R. and compensated in the new park.

A view corridor along 8th Street from Railroad to Black Diamond will greatly enhance the development and the entire downtown and was included in the Agency's request for proposals as a feature of development. Views of the Church with courtyard, and parish houses from Railroad, set off by the view along the linear park and the 8th Street piazza will set the visual tone of the entire downtown.

RESPONSE H-7: Opinions regarding the importance of public spaces, and the types of activities that enhance community life in the Downtown area, are noted. This comment correctly points out that the project as proposed would provide no public park or community space, although as indicated on DEIR page 2-7, a small plaza would be located on the project site at the corner of East Eighth Street and Black Diamond Street. The DEIR analyzed the project demand for park facilities and finds the impact less than significant because City public recreational facilities are adequate for the increased population from the project (see DEIR pages 3-108 - 3-111).

Opinion regarding the need to expand the proposed plaza to enable utilization as a public park is noted. Suggestion for modifying the methodology used in computing the area of the proposed plaza is noted.

Opinions regarding the drawbacks of private ownership and maintenance of the proposed plaza and elevated courtyard areas at the project site, and the need to provide community open space Downtown and a gateway to the New York Landing Historic District, are noted.

As indicated above, under CEQA an EIR is required to evaluate the environmental impacts associated with implementation of the project as proposed. The City of Pittsburg has received no formal application related to a new elementary school to be located at the East Eighth Street site, and in compliance with CEQA Guidelines, the DEIR does not speculate on what may or may not be proposed at this site at some point in the future. Only after an application for the development of a school is received by the City can environmental review for that project begin, including an analysis of any impacts to the existing linear park that may be associated with a school development project.

Opinion regarding the benefits of establishing a view corridor along East Eight Street between Railroad Avenue and Black Diamond Street is noted. No such view corridor has been proposed as part of the project.

COMMENT H-8: *The project proposes to change the General Plan to eliminate both public parking and a community park on the site and the destruction of historical resources. One only has to look to the energy around Concord's Todos Santos Plaza and the success of the mixed use development around it, with ample public parking provided, to see the correctness of the general plan as originally envisioned. In place of this the project as proposed is a strip commercial with high density housing to the detriment of the surrounding existing uses and the historical district. The plan as proposed eliminates any meaningful public gathering place and deeds over the heart of our city to a private development and it's Home Owners Association.*

RESPONSE H-8: Opinions regarding the success of the Todos Santos Plaza project, the benefits of maintaining the existing General Plan land use designations at the project site, the effects of project development on the New York Landing Historic District, the lack of a viable public gathering place at the project site if developed as proposed, and private control of the project site, are noted.

LETTER I

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD JOHNSON/EGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5505
 FAX (510) 286-5559
 TTY (800) 735-2929



Flex your power!
 Be energy efficient!

September 26, 2005

CC-4-23-05
 CC004844
 SCH2004122013

Ms. Dana Hoggatt
 City of Pittsburg
 Planning Department
 65 Civic Avenue
 Pittsburg, CA 94565

Dear Ms. Hoggatt:

Black Diamond Redevelopment Project – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the Draft Environmental Impact Report for the Black Diamond Redevelopment Project and have the following comments to offer.

I-1

Highway Operations

This report did not consider the impact this project will have on the mainline of State Route 4. A traffic impact analysis should evaluate existing and cumulative 2030 impacts that the project will have on the mainline of State Route 4.

Inconsistent Forecasting Approaching Volumes

Correction should be made for the irregularities where the 2007 volumes are greater than the 2025 or 2025 (EMME2) volumes at the following locations:

I-2

<u>Intersection</u>	<u>2025 versus 2007</u>
California Ave. and Railroad Ave	SB, AM 1340(=485+830+25) vs. 1420(=515+835+70)
California Ave. and Railroad Ave	WB, PM 225(=45+90+90) vs. 600(=325+140+135)

Ms. Dana Hoggatt
September 26, 2005
Page 2

<u>Intersection</u>	<u>2025 (EMME2) versus 2007</u>
California Ave. and Railroad Ave	WB, AM 679(=254+247+178) vs. 820(=200+565+55)
Railroad Ave/SR 4 EB off-ramp	EB, PM 462(=216+246) vs. 1160(=570+30+590)

Also, an explanation should be provided for the major volume gaps between 2025 (EMME2) and 2025 for the following intersections. For conservative analysis, use whichever number is larger.

<u>Intersection</u>	<u>2025 (EMME2) versus 2025</u>
California Ave. and Railroad Ave	WB, AM 679(=254+247+178) vs. 875(=200+610+65)
California Ave. and Railroad Ave	NE, AM 1759(=466+1124+169) vs. 2360(=680+1640+40)
California Ave. and SR 4 ramp	NB, AM 1398(=1198+200) vs. 2205(=1505+700)
California Ave. and Railroad Ave	WB, PM 737(=357+160+220) vs. 225(=45+90+90)
Railroad Ave over-crossing SR 4	SB, PM 1429(=1170+259) vs. 1090(=740+350)
Railroad Ave and SR 4 EB on-ramp	NB, PM 1296(=1128+168) vs. 1685(=865+820)
Railroad Ave/SR 4 EB off-ramp	EB, PM 462(=216+246) vs. 1715(=840+875)

HCM 2000 Methodology

The project determines level of service (LOS) of signalized intersections using volume-to-capacity ratio based on the Transportation Research Circular 212 (1980) method published by Transportation Research Board, *Interim Materials on Highway Capacity*. To reflect the latest methodology, measurement of effectiveness (MOE), and LOS thresholds, we recommend the report utilize Highway Capacity Manual (HCM) 2000, which is substantially different from the Circulation 212 (1980) method for signalized intersection analysis. One major difference is exhibited by LOS thresholds. The project may adopt either method if consistency can be demonstrated with HCM 2000 LOS outcomes.

I-3

<u>LOS</u>	<u>1980 TRB Circular 212 V/C ratio</u>	<u>2000 HCM Control delay per vehicle</u>
A	<0.60	0-10
B	>=0.60 & <0.70	>10-20
C	>=0.70 & <0.80	>20-35
D	>=0.80 & <0.90	>35-55
E	>=0.90 & <1.00	>55-80
F	>=1.00	>80

LETTER I (continued)

Ms. Dana Hoggatt
September 26, 2005
Page 3

Project Timing

Construction on this project should not start until the reconstruction of the State Route 4/
Railroad Avenue interchange is completed to avoid increases in construction vehicles in the
intersections with the State Route 4 on/off ramps.

I-4

Please call Lisa Carboni of my staff at (510) 622-5491 if you have any questions.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

Letter I: Timothy C. Sable, California Department of Transportation, September 26, 2005.

COMMENT I-1: *Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the Draft Environmental Impact Report for the Black Diamond Redevelopment Project and have the following comments to offer:*

Highway Operations

This report did not consider the impact this project will have on the mainline of State Route 4. A traffic impact analysis should evaluate existing and cumulative 2030 impacts that the project will have on the mainline of State Route 4.

RESPONSE I-1: Please refer to the Major Investment Study (Contra Costa Transportation Authority [CCTA], 1999). This study evaluated the State Route 4 freeway corridor for existing, 2015, and 2025 conditions, using the CCTA’s travel demand forecasting model. This study analyzes freeway level of service operation and provides the basis for long-term improvements needed for this planning corridor in East Contra Costa County. The improvements planned as a result of the CCTA’s Major Investment Study provide the basis for State Route 4 improvements assumed in the EIR analysis.

COMMENT I-2: *Inconsistent Forecasting Approaching Volumes* *Correction should be made for the irregularities where the 2007 volumes are greater than the 2025 or 2025 (EMME2) volumes at the following locations:*

<u>Intersection</u>	<u>2025 versus 2007</u>
California Ave. and Railroad Ave.	SB, AM 1340 (=485+830+25) vs. 1420 (=515+835+70)
California Ave. and Railroad Ave.	WB, PM 225 (=45+90+90) vs. 600 (=325+140+135)
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Railroad Ave./SR 4 EB off-ramp	EB, PM 462 (=216+246) vs. 1160 (=570+30+590)

Also, an explanation should be provided for the major volume gaps between 2025 (EMME2) and 2025 for the following intersections. For conservative analysis, use whichever number is larger.

<u>Intersection</u>	<u>2025 (EMME2) versus 2025</u>
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Railroad Ave. and SR 4 EB on-ramp	NB, PM 1296 (=1128+168) vs. 1685 (=865+820)
Railroad Ave./SR 4 EB off-ramp	EB, PM 462 (=216+246) vs. 1715 (=840+875)

RESPONSE I-2: The roadway system and travel modes assumed for the 2007 planning horizon are much as they are today. The S.R. 4 Freeway/Railroad Avenue interchange improvements are assumed in place and operable, but that is the only major assumed change for this Near Term planning horizon. However, by the Long term (2025) planning horizon, the State Route 4 freeway is assumed to have expanded capacity and *all modal assumptions* are changed. By 2025, much of the traffic currently using surface streets in avoidance of severely congested peak hour freeway conditions will re-route to an improved freeway. In addition, the traffic model assigns a far greater percentage of total commute travel to BART and other transit than exists today. These are the major reasons for the predicted shift in volumes from streets such as California Avenue and Railroad Avenue to the S.R. 4 freeway.

The EMME-2 model provided the only *adopted* traffic modeling data available for the East Contra Costa County planning area at the time the Administrative Draft EIR traffic study was prepared. During the City's Administrative Draft EIR review period, the current 2025 East County traffic model was adopted. Once this occurred, the City

requested inclusion of analysis of the most recent modeling data. The EIR preparers realized that this would present two very different future conditions: the land use data bases for the two models are vastly different, and the models contain very different assumptions for transportation modality. This is the reason for the major differences in projected volumes at the analyzed intersections. The impact and mitigation analysis is based on the most recent modeling data.

COMMENT I-3: HCM 2000 Methodology *The project determines level of service (LOS) of signalized intersections using volume-to-capacity ratio based on the Transportation Research Circular 212 (1980) method published by Transportation Research Board, Interim Materials on Highway Capacity. To reflect the latest methodology, measurement of effectiveness (MOE), and LOS thresholds, we recommend the report utilize Highway Capacity Manual (HCM) 2000, which is substantially different from the Circulation 212 (1980) method for signalized intersection analysis. One major difference is exhibited by LOS thresholds. The project may adopt either method if consistency can be demonstrated with HCM 2000 LOS outcomes.*

<u>LOS</u>	<u>1980 TRB Circular 212 V/C Ratio</u>	<u>2000 HCM Control delay per vehicle</u>
A	<0.60	0-10
B	>=0.60 & <0.70	>10-20
C	>=0.70 & <0.80	>20-35
D	>=0.80 & <0.90	>35-55
E	>0.90 & <1.00	>55-80
F	>=1.00	>80

RESPONSE I-3: The Contra Costa Transportation Authority (CCTA) *requires* use of the older method (TRB Circular 212). This is the only basis for planning and design decisions in East Contra Costa County. For this reason, only this analysis methodology is meaningful for this EIR evaluation. This methodology is used for all City EIRs.

COMMENT I-4: Project Timing *Construction of this project should not start until the reconstruction of the State Route 4/Railroad Avenue interchange is completed to avoid increases in construction vehicles in the intersections with the State Route 4 on/off ramps.*

RESPONSE I-4: Suggestion to delay construction at the project site until reconstruction of the State Route 4/Railroad Avenue interchange has been completed is noted. It is not anticipated that any significant amount of construction of the proposed project will be underway prior to the completion of the reconstruction of the State Route 4/Railroad Avenue interchange.

**Comment on the Black Diamond Project Draft E. I. R.
Preservation of the Scampini Building**

The Scampini Building at Black Diamond and 5th Street is one of twenty-three remaining contributing buildings in the New York Landing Historical District. The Black Diamond project would demolish it to allow for 11 units in a proposed 195 unit housing project. The Scampini Building should not be demolished and the housing project should be designed to allow it to remain. The Scampini Building and each of the contributing buildings are historic resources that should be preserved and renovated.

J-1

Edna Huerta 3328 Betty Ln Pittsburgh Pa 15205
Name Address

Lupe G. Casillas 3392 DiMaggio Ave Pittsburgh Calif.
Name Address

John Crespo 75 Bell Dr. Pittsburgh Pa. 15205
Name Address

Alvado Dacina 4275 Hillview Dr Pitt 15205
Name Address

Francis Polansky 153 EAST FOURTH ST PITS
Name Address

Name Address

Name Address

Name Address

Name Address

RECEIVED

SEP 26 2005

CITY OF PITTSBURG
PLANNING DEPARTMENT
35 CHICAGO AVE. PITTSBURG PA 15205

**Comment on the Black Diamond Project Draft E. I. R.
Preservation of the Scampini Building**

The Scampini Building at Black Diamond and 5th Street is one of twenty-three remaining contributing buildings in the New York Landing Historical District. The Black Diamond project would demolish it to allow for 11 units in a proposed 195 unit housing project. The Scampini Building should not be demolished and the housing project should be designed to allow it to remain. The Scampini Building and each of the contributing buildings are historic resources that should be preserved and renovated.

E. Russo 4279 Suzanne bl. Pittsburg PA 15106
Name Address

A. Russo 4279 Suzanne Dr. Pittsburg Pa 15106
Name Address

Marta Aiello 86 Mt. Lo dr Pittsburg
Name Address

Thomas Little 51 LAKE Street Pittsburg
Name Address

Alcinto Borja 466 W 13 st Pitt
Name Address

Angelo J. Alaimo 132 FELICIANO Lp Pitt
Name Address

Name Address

Name Address

Name Address

**Comment on the Black Diamond Project Draft E. I. R.
Preservation of the Scampini Building**

The Scampini Building at Black Diamond and 5th Street is one of twenty-three remaining contributing buildings in the New York Landing Historical District. The Black Diamond project would demolish it to allow for 11 units in a proposed 195 unit housing project. The Scampini Building should not be demolished and the housing project should be designed to allow it to remain. The Scampini Building and each of the contributing buildings are historic resources that should be preserved and renovated.

M. Grace Boyd 390 E Island Rd. APT. 418
Name Address

Mary Vigil 31 Tiffany Dr Pittsburg, Ca.
Name Address

Jean Lincofen 325 Presidio LN Pitt. CA 970
Name Address

Francis Wolford 107 Rowan St Pitt
Name Address

Maggie McCallan 167 Shuman Pittsburg
Name Address

Patty Barraud 238 Aloha Way - P.
Name Address

Roscoe Luni 285 Sierra Dr. Pittsburg
Name Address

Roseann of Woolf 1574 Norine Dr Pittsburg
Name Address

Sarah Jean Bruno 239 Sierra Dr Pittsburg.
Name Address

**Comment on the Black Diamond Project Draft E. I. R.
Preservation of the Scampini Building**

The Scampini Building at Black Diamond and 5th Street is one of twenty-three remaining contributing buildings in the New York Landing Historical District. The Black Diamond project would demolish it to allow for 11 units in a proposed 195 unit housing project. The Scampini Building should not be demolished and the housing project should be designed to allow it to remain. The Scampini Building and each of the contributing buildings are historic resources that should be preserved and renovated.

Debra Siegel 1097 Honey Ct Pittsburg, PA
Name Address

Russell Siegel 1097 Honey Ct Pittsburg, PA
Name Address

J. Pizzurro 4102 Brookside Dr
Name Address

Debra J. Siegel 166 Helen Dr Pittsburg Pa.
Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

Letter J: Comment on the Black Diamond Project Draft EIR Preservation of Scampini Building (5 Petitions), September 26, 2005.

COMMENT J-1: *The Scampini Building at Black Diamond and 5th Street is one of twenty-three remaining contributing buildings in the New York Landing Historical District. The Black Diamond project would demolish it to allow for 11 units in a proposed 195 unit housing project. The Scampini Building should not be demolished and the housing project should be designed to allow it to remain. The Scampini Building and each of the contributing buildings are historic resources that should be preserved and renovated.*

RESPONSE J-1: Opinions regarding the proposed demolition of the Scampini Building, and the importance of preserving and renovating remaining historic structures within the New York Landing Historic District, are noted. See **RESPONSE D-1**, **RESPONSE E-1** and **RESPONSE G-1**, above, regarding the Scampini Building.

September 27, 2005

LETTER K

Timiera Bolden, Vice Chair
Pittsburg Leadership Alliance
190 E. 7th St.
Pittsburg, CA 94565

Ralph Ramirez, Chair
Pittsburg Planning Commissioner
65 Civic Ave.
Pittsburg, CA 94565

RE: Draft EIR Black Diamond Project

Dear Mr. Ramirez,

I represent the Pittsburg Leadership Alliance. We are an organization committed to being proactive within our community, by supporting positive growth and leadership in Pittsburg. We also inform the community about possible issues that may impact the growth in a negative way.

K-1

I first want to say that the Black Diamond project is a beautifully designed project. I am excited to have such a professionally designed project come to our "Old Town Pittsburg". I am however concerned about two major issues with this project.

1. The developer promised that this project would provide a public gathering area and it would be 10,000 square feet. The project now has a gathering area of less than 6,000 square feet. This size gathering center would hold less than 200 people. In effort to draw more people to our downtown area we feel that the 6,000 square foot area is inadequate. We are requesting that the developer be held to his original plan of a 10,000 square foot gathering center. There are many functions held in downtown Pittsburg that would not accommodate the public as this project promised to have in its original plan.
2. Within the current plans of this project it is now noted that the Historical Contributing Scampini Building, located at 24 E. Fifth St., which has been in this community since 1925 will be demolished so that this project can be built. How can Pittsburg continue to promote downtown as "Old Town Pittsburg" if we continue to demolish all of our historical buildings? We are asking that this building be spared, and that the project be redesigned to preserve this building.

K-2

Please take into consideration the above mentioned items before going forward with this project. Our organization thanks you in advance for your prompt response to this letter. We look forward to hearing from you soon.

Sincerely,

Timiera Bolden , Vice Chair
Pittsburg Leadership Alliance

Letter K: Timiera Bolden, Pittsburg Leadership Alliance, September 27, 2005.

COMMENT K-1: *I represent the Pittsburg Leadership Alliance. We are an organization committed to being proactive within our community, by supporting positive growth and leadership in Pittsburg. We also inform the community about possible issues that may impact the growth in a negative way.*

I first want to say that the Black Diamond project is a beautifully designed project. I am excited to have such a professionally designed project to come to our “Old Town Pittsburg”. I am however concerned about two major issues with this project.

- 1. The developer promised that the project would provide a public gathering area and it would be 10,000 square feet. The project now has a gathering area of less than 6,000 square feet. This size gathering center would hold less than 200 people. In effort to draw more people to our downtown area we feel that the 6,000 square foot area is inadequate. We are requesting that the developer be held to his original plan of a 10,000 square foot gathering center. There are many functions held in downtown Pittsburg that would not accommodate the public as this project promised to have in its original plan.*

RESPONSE K-1: Opinion regarding the design of the proposed project is noted. Request that the project developer expand the proposed plaza at the project site to 10,000 square feet is noted.

COMMENT K-2: *2. Within the current plans of this project it is now noted that the Historical Contributing Scampini Building, located at 24 E. Fifth St., which has been in this community since 1925 will be demolished so that this project can be built. How can Pittsburg continue to promote downtown as “Old Town Pittsburg” if we continue to demolish all of our historical buildings? We are asking that this building be spared, and that the project be redesigned to preserve this building.*

Please take into consideration the above mentioned items before going forward with this project. Our organization thanks you in advance for your prompt response to this letter. We look forward to hearing from you soon.

RESPONSE K-2: Request to redesign the project to enable the preservation of the Scampini Building is noted. Please see **RESPONSE D-1**, **RESPONSE E-1** and **RESPONSE G-1**, above, regarding the Scampini Building. **RESPONSE K-1** and **RESPONSE K-2** represent the City of Pittsburg’s response to this letter.



STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold
Schwarzenegger
Governor

Sean Walsh
Director

LETTER L

September 28, 2005

Dana Hoggatt
City of Pittsburg
Planning Department
65 Civic Avenue
Pittsburg, CA 94565-3418

Subject: Black Diamond Redevelopment Project
SCH#: 2004122013

Dear Dana Hoggatt:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 26, 2005. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document. L-1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004122013) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures

cc: Resources Agency

Letter L: Terry Roberts, Governor's Office of Planning and Research, September 28, 2005.

COMMENT L-1: *The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 26, 2005. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.*

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004122013) when contacting this office.

RESPONSE L-1: This letter confirms the close of the public review period, and the enclosure was a letter from the California Department of Transportation (see **LETTER I** and **RESPONSE I-1** through **RESPONSE I-4**, above). This comment does not relate directly to the evaluation of environmental impacts presented in the DEIR, and no further response is necessary.

MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

September 13, 2005

A regular meeting of the Pittsburg Planning Commission was called to order by Acting Chairperson Rosemary Tumbaga at 7:00 P.M. on Tuesday, September 13, 2005 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Garcia, Harris, Ohlson, Williams, Tumbaga

Absent: Commissioner Dolojan, Chairperson Ramirez

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, Associate Planner Dana Hoggatt, Planning Consultant Chad Mason, Senior Civil Engineer Alfredo Hurtado, Redevelopment Director Garrett Evans, and Project Manager Ursula Luna

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, September 9, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMISSION CONSIDERATION:

Item 3: Black Diamond Redevelopment Project and Draft Environmental Impact Report.

A study session on the proposed Black Diamond Redevelopment Project and a request to receive verbal comments on the Draft Environmental Impact Report prepared for the Black Diamond Redevelopment Project. The Black Diamond Redevelopment Project is a proposed mixed use, infill development consisting of 195 condominium flat, loft and townhouse residential units and approximately 40,000 square feet of retail and restaurant commercial space on six acres (three City blocks) located west of Railroad Avenue, between East Fifth and East Eighth Streets.

Associate Planner Dana Hoggatt presented the staff report dated September 13, 2005. She recommended that the Planning Commission provide verbal comments and accept additional comments from the public on the Draft Environmental Impact Report (EIR).

MUHAMMED NADHIRI, Project Manager, AF Evans Development, 1000 Broadway Suite 300, Oakland, introduced the members of the development team present in the audience. He described the overall vision for the development to create a pedestrian retail and mixed use environment creating an Old Town area as a point of destination. There would be approximately 40,000 square feet of retail along Railroad Avenue, primarily restaurant focus retail, such as sit down/coffee pastry shop opportunities. There would be 195 units of residential flats, townhomes and lofts that would be located above a surface parking lot, creating an urban environment providing space and interaction with the public and private spaces, while also creating a destination downtown area.

Mr. Nadhiri explained that the architecture had been variegated so that it appeared as if the project had been built over time. The design had maintained the rooflines at two stories along Black Diamond Street to respect the single family located across from the project site. The design would gradually step up to five stories as the project reached Railroad Avenue. Efforts were also being made to transition the Railroad Avenue experience into a more residential experience on towards Fifth, Sixth and Seventh Streets as one approached Black Diamond Street.

JOHN THATCH, Principal Design, Dahlin Group Architects, presented a PowerPoint presentation to identify the project design. He described the existing architecture in the immediate area, to be reflected in the proposed architecture. He reiterated the intent of the design to create a destination location for the Old Town area. The project would consist of three City blocks including 38,000 square feet of commercial space along Railroad Avenue to include 14 to 16 foot ceilings in the tenant spaces offering opportunities for restaurants and shops.

The perimeter of the project area would include two story townhomes on grade, with the

scale of the building broken down to reflect more of the residential area towards Black Diamond Street. The middle of the buildings would include parking with a podium above. The townhomes would have their own garages within the parking garage with direct access into the units and main ground floors. The residential units would range from 1,400 to 1,600 square feet in size.

Mr. Thatch explained that the designers had worked with City staff on the road widths, parking, and aisle widths inside the parking garage. There was concurrence with staff as to the various dimensions. The podium level would be 14 feet out of ground with a combination of loft and townhomes on the Railroad Avenue elevation. The units towards the bottom would consist of flats with townhomes above. There would be no internal corridors in the building. Once reaching the podium level, individuals could walk to his/her units or to the units on the podium level.

Mr. Thatch identified plaza areas with a proposed sculpture envisioned for the Railroad Avenue elevation to create a nice public plaza. A lower plaza would work off the adjacent church and could be used for community events. A bridge would connect to each of the different podium levels creating three cul-de-sacs for the community. He identified the cul-de-sacs as one with a pool and recreation area, another would have a tot lot and play area for children and one could be used as a picnic/garden area.

Mr. Thatch reiterated that the intent of the architecture was that the project appear as if it had been built over time with several different buildings by different owners. The design would add more animation and excitement to the street. The Black Diamond Street elevation would consist of the two story townhomes, with porches and stoops to be raised from the ground 18 inches to two feet around the perimeter to offer a more traditional character.

An illustration of the flats was displayed. The flats would consist of 692 square feet offering a more affordable unit. The flats would be located at the corner along Black Diamond Street. The townhomes would be located on the street and at the podium level offering larger homes, more distinctive living and dining rooms, with upstairs bedrooms. The loft units would be located along Railroad Avenue. A majority of the unit mix would be Americans with Disabilities Act (ADA) accessible. The unit mix would range from 692 to 1,856 square feet in size.

A three-dimensional rendering was displayed to illustrate the appearance of each of the three buildings, and to illustrate the intent of the architecture, design and landscaping.

Mr. Thatch explained that the loading dock areas and trash collection had been issues that had been previously raised and which would be addressed with further review of the design. He displayed a photograph of another mixed use site to illustrate how those services were typically handled for an urban design.

Commissioner Williams was excited with the project, as presented. She otherwise requested clarification on the location of the loading docks. **PC-1**

Mr. Thatch commented that they had actual loading areas in the plans. As shown on the plans, those loading areas would be away from the main entrances and be separated from the pedestrian environment.

Mr. Nadhiri added that they had also taken the loading areas adjacent to the pedestrian bridges which would allow a semi-truck to pull in and park parallel to the space and off the street to allow for loading and unloading. That would also allow two way vehicular access on Sixth and Seventh Streets. Service corridors would serve the back of the retail uses.

Commissioner Ohlson inquired of the location of bicycle parking, to which Mr. Nadhiri explained that the individual garages for the ground floor townhomes would allow storage inside the garages. The common podium area would accommodate 30 to 50 bicycles per building. It was likely there would be a storage rack vertical along a wall with additional bicycle racks outside on the street for use. **PC-2**

Commissioner Ohlson explained that the 2005 East County Bicycle Plan, which had yet to be adopted by the City of Pittsburg, had suggested that large buildings provide shower facilities and changing rooms for employees of commercial establishments and one locker room for the three buildings. **PC-3**

Mr. Nadhiri advised that they had not reached that level of detail although he was aware of that issue.

Commissioner Ohlson spoke to Page 3-123 of the EIR and the discussions of transit service and Class II Bicycle Lanes being planned for both directions along Herb White Way and along all of Black Diamond Street. He pointed out that per the City's General Plan, Black Diamond Street would have a Class III Bicycle Facility. As such, that paragraph of the EIR should be corrected. **PC-4**

Commissioner Ohlson also referenced Page 3-90 of the EIR and the discussion where the General Plan called for Class III Bicycle Lanes along the length of Railroad Avenue between certain boundaries, but which would not occur due to the diagonal parking. The Class III Bicycle Facility would then be on Black Diamond Way. He requested that the Black Diamond Way segment be connected via Tenth Street to the Railroad Avenue segment. He also referenced Page 3-91 of the EIR and the discussion of why there would not be a Class III Bicycle Facility along Railroad Avenue fronting the project as a result of the diagonal parking. He requested off-site mitigation for a bicycle facility since there would not be a bicycle facility on Railroad Avenue. **PC-5**

Commissioner Ohlson understood that a Class III bicycle lane was called for from Eighth Street to State Route 4. He questioned whether or not the project would generate in-lieu **PC-6**

park

fees, and he inquired of the potential number of people that were expected to occupy the total number of units.

Ms. Hoggatt advised that it had been estimated that there would be three people per unit. The developer would be required to pay in-lieu park fees based on the estimated population, although the developer would receive credit for the plazas based on whatever was not commercial, which was not counted. The plazas at the corners would therefore receive credit. Pursuant to the Subdivision Ordinance, the developer could receive partial credit for the private recreational areas in each courtyard. The developer would have to pay the in-lieu park fees for the remainder.

Commissioner Garcia spoke to the Scampini Building located at the corner of Fifth and Black Diamond Streets which he understood would be demolished by the City as part of the project. He questioned that situation since the building had been designated as an historical structure.

PC-7

Ursula Luna explained that the project, as proposed, would consider the removal of the referenced building. The City Council would have to adopt overriding considerations to allow the building to remain.

Commissioner Garcia spoke to the discussion on Page ES-12 of the EIR regarding impacts to Eighth Street and Railroad Avenue and whether or not a traffic signal should be installed. He was more concerned with Tenth and Black Diamond Streets since traffic traveling west would likely travel down Tenth Street and not use the freeway, picking up the freeway at Bailey Road. If that corner was not signalized when the new elementary school was open, students on the south side of Tenth Street would more than likely cross at that corner. Even with a crossing guard at that intersection, he suggested that there could be a safety hazard.

PC-8

Commissioner Garcia also spoke to the fact that Sixth and Seventh Streets at Railroad Avenue would have blind spots as traffic traveled towards the east. He recommended that one of the streets be made one-way east and the other in the opposite direction to solve that problem.

PC-9

Commissioner Williams requested clarification of the affordable housing component portion of the project.

PC-10

Mr. Nadhiri explained that based on Redevelopment Law, 15 percent of the units would be set aside for sale to Moderate Income Households. The affordable units would be scattered evenly across the buildings.

Ms. Luna added that as part of the Disposition and Development Agreement (DDA) with

the Redevelopment Agency, the developer would be required to provide 15 percent of the total number of units as affordable. The DDA would also require that the affordable units include a pro-rata number of units by unit size.

Commissioner Harris inquired of the start date for the project. He also inquired whether or not the developer was aware of the benefits of the City's Enterprise Zone.

PC-11

Mr. Nadhiri stated that a late fall start had been targeted and they were working with City staff to reach that timeline. As to the property being located in the Enterprise Zone, he reported that the developer had discussions with City staff and was working to ensure that the project would be feasible while meeting all goals.

Commissioner Tumbaga inquired of the parking that would be provided for the commercial space.

PC-12

Ms. Hoggatt explained that the parking had been determined based on the project since there was no specific parking standard for the downtown. The EIR Traffic Consultant had surveyed other cities in Central County and had conducted physical counts to determine a ratio based on the number of square feet of commercial space and the number of parking stalls that were needed. Based on that survey, there was a ratio of 3 per 1,000 square feet of commercial space. She noted that some cities had a ratio of 4 per 1,000. For the purpose of the analysis in the EIR, the consultant had assumed a hybrid of the two and had suggested a ratio of 3.5 per 1,000 square feet of commercial space.

Ms. Luna understood that the General Plan encouraged a pedestrian friendly environment and off-site public parking lots, so that there would be no requirement for on-site parking for commercial uses. Additional parking spaces as part of the project would include the new diagonal parking spaces around the blocks.

Ms. Hoggatt clarified that the existing parking supply had been identified on Page 3-146 of the EIR. There would be 53 off-street parking spaces and 107 on-street parking spaces as part of the project.

Commissioner Tumbaga inquired of the size of the main plaza area, to which Mr. Nadhiri understood that would be between 9,800 and 10,000 square feet.

PC-13

Commissioner Tumbaga identified areas used by the church located across the street not only during Sundays, which was an issue she emphasized needed to be taken into consideration with respect to parking needs.

PC-14

Ms. Luna explained that the Engineering Department had conducted a parking study in 2004 for the downtown area and planned to prepare a parking strategy for the downtown.

The study had found that the City was only at 60 percent capacity of the existing parking

lots and spaces in the downtown area based on existing conditions, not including the proposed project or other anticipated plans. The study had recommended that some of the redevelopment plans anticipate a parking strategy to address those issues. The City was waiting for a proposal from a consultant who had prepared the parking study and would also address the issues of the parking as well as issues for the entire area while identifying the parking strategy.

Commissioner Tumbaga commented that she had seen portions of the parking study which she found to be flawed given that the time of the study had been inappropriate, and had indicated a peak period in the afternoon when there were no vehicles.

PC-15

Ms. Luna expressed the willingness to review the parking strategy plan with Commissioner Tumbaga at a later date.

Commissioner Garcia understood that the new elementary school would have parking on the first floor, half underground and half above ground, which would be available to the church on Sundays, or when the Pittsburg Unified School District (PUSD) was not using the site. A stairway had been planned from Railroad Avenue and on Black Diamond Street.

PC-16

Ms. Ayres understood that was the case, although she noted that the City did not control the school property.

Commissioner Tumbaga emphasized that the parking needed to be addressed. She also clarified with the developer that there would be a total of 195 residential for sale units, with all three buildings abutting one another. The plazas would be for the use of the private residences, with all three buildings via the pedestrian buildings or the street, with key card access to the different courtyard areas. The loading docks would be located behind the commercial uses.

PC-17

Mr. Thatch again walked the Commission through the proposed loading dock areas and areas for loading and unloading of merchandise for the commercial uses, so that vehicles would be out of traffic when deliveries were made. The location of the trash enclosures were also identified.

Mr. Nadhiri also clarified that the sidewalks would be 12 to 15 feet, would step back from the existing curb, behind the current sidewalk, stepping the property line back to be able to maintain the street width. He identified existing buildings along Railroad Avenue on the west side, which property line the project would not match since the project would step back behind those buildings.

In response to Commissioner Ohlson, Commissioner Garcia identified the location of the proposed new elementary school to be located where the former elementary school had been located and which would be demolished.

PC-18

Commissioner Ohlson suggested that there was not a parking problem, but a walking problem, particularly with the downtown being designed as pedestrian friendly. **PC-19**

Commissioner Harris inquired whether or not the surrounding neighborhoods had been notified of the discussion before the Commission. **PC-20**

Ms. Hoggatt advised that a 300-foot mailing radius, as required by the California Environmental Quality Act (CEQA) had been prepared. The workshop discussion and EIR had also been posted on the City's website.

Commissioner Harris sought an expanded public notification process given the size of the development being proposed. **PC-21**

Ms. Ayres clarified that the discussion before the Commission was not a formal public hearing but a study session to solicit comments on the EIR and the project. She explained that there had been several downtown meetings that had been highly advertised. She added that based on a customer survey of residences, the number one source of information from the public was through the City's website, which was the reason the EIR had been posted on the website. Formal public hearings, when scheduled, would be noticed to the public in the newspaper, mailed to owners within 300 feet of the project size and be posted in the area of the project site. As to the request for an expanded notification, she reported that noticing was very expensive and would have to be discussed further at the staff level.

Ms. Luna clarified as well that two public workshops had been held on the project; one earlier in the year held in the Council Chambers which had been well attended and one late last year at the Chamber of Commerce which had been standing room only. The project would be formally noticed when scheduled before the Planning Commission and the City Council.

Commissioner Ohlson agreed that the project should include an expansion of the 300 foot square radius requirement. **PC-22**

TOM La FLEUR, 51 Lake Street, Pittsburg, was pleased with the commercial architecture which he found to be stunning, although he found the residential architecture to be ordinary. As to the needed parking for the project, he noted that many attending St. Peter Martyr Church parked along the north face of Eighth Street which was a Class II Bicycle Lane, and which would likely be enforced in the near future. As noted by staff there were 160 existing on-street and available off-street parking spaces available to the public. **PC-23**

When the project was completed, there would be 158 parking spaces with a net loss of two spaces, versus a project that would bring in 40,000 square feet of retail and 195

homes.

Mr. LaFleur identified the area of illegal parking which was used by the St. Peter Martyr congregation and the 160 parking spaces which had not included those spaces. He suggested that the net loss of actual parking spaces would greatly affect the church and require more thought. If the project were built with inadequate parking, it would affect the commercial and residential uses being proposed, along with existing businesses along Railroad Avenue. Parking would also likely spill into the street, further impacting businesses on Railroad Avenue. He recommended two levels of podium parking. He did not like the fact that there were recommendations to use parking that might not exist.

Mr. La Fleur reiterated his concerns with the parking which should be addressed in the EIR. He added that the plazas, while beautiful, would be located on the second story and should be enjoyed by the general public. He sought public park space and noted that the small plaza on Black Diamond and Eighth Streets was not in the range of 10,000 square feet in size as suggested by the developer, but rather would be a front yard to some of the units and should be opened up, even if that would result in the loss of some residential units. He added that the Scampini Building was a historic resource and had the potential to be as attractive as Cardinale Bakery had been, although the City lost that building last year. He sought more efforts to preserve historical structures in the community.

Commissioner Harris asked to see the parking identified on the side streets on a larger scale plan.

PC-24

Mr. Thatch advised that they could provide an 11 x 17 inch set for the Commission at a future date and on their website for interested parties.

Commissioner Garcia commented that the City had expended funds for the parking lot on Marina Boulevard and the City had thrived without parking over the years. He understood that the intent of the project would be to attract those living in the neighborhood with more retail downtown. He assumed that the market that was being generated would be those that would move into the units and into the nearby developments.

PC-25

Commissioner Garcia pointed out that the downtown had numerous businesses over the years and there had always been adequate parking. He suggested that if everyone went to his/her own parish they would not drive down to the area. He suggested that the new businesses could thrive with those existing in the downtown. With new development planned in the area and with the new bank proposed for the downtown, he suggested that should also improve the downtown area. He also suggested that the new elementary school would complement the area.

PC-26

Commissioner Tumbaga clarified that St. Peter Martyr Church had a registered congregation of over 2,000 people.

PC-27

Acting Chairperson Tumbaga declared a recess at 8:55 P.M. The Planning Commission reconvened at 9:02 P.M. with all Commissioners initially shown as present and absent.

STAFF COMMUNICATIONS:

1. Notice of Intent (to review/approve projects at staff level).
 - a. North Parkside Drive Nextel Wireless Facility. AP-05-239 (AD).

The Commission acknowledged receipt of the Notice of Intent item, as shown.

Commissioner Tumbaga reported that over the past couple of weeks the area from Woodland Hills to the Shell Gas Station on Railroad Avenue had experienced garbled cell phone calls which she understood had affected all cell phone providers.

Ms. Ayres understood that the County was considering an antenna facility on the Thomas property. She was unaware why the problems had occurred along Railroad Avenue and was unaware of other antennas planned to be installed in that affected area.

COMMITTEE REPORTS:

Commissioner Garcia reported that he had attended the September 8 TRANSPLAN meeting which had included a discussion on the 2005 East County Bicycle Plan which had been approved by the TRANSPLAN Committee with a recommendation to the Contra Costa Transportation Authority (CCTA). He noted that Commissioner Ohlson had been very involved in the preparation of that document. A copy of the plan was provided to staff. He added that he would not be in attendance for the October 13 TRANSPLAN meeting.

COMMENTS FROM COMMISSIONERS:

Commissioner Garcia spoke to the staff response he had received regarding his concerns with the closure of Gladstone Drive. He reiterated his request that the road be opened for through traffic particularly off commute periods, or that Ventura Drive be similarly closed since both were public streets.

Ms. Ayres noted that Gladstone Drive was not closed but that speed humps had been installed in the neighborhood.

Commissioner Garcia emphasized that the road was closed to through traffic during commute periods and it should be open during off peak hours.

Commissioner Garcia also spoke to a prior concern with the KB development on Freed

Comments from Planning Commission Study Session – September 13, 2005.

COMMENT PC-1: *Commissioner Williams was excited with the project, as presented. She otherwise requested clarification on the location of the loading docks.*

RESPONSE PC-1: Mr. Thatch (project developer's representative) commented that they had actual loading areas in the plans. As shown on the plans, those loading areas would be away from the main entrances and be separated from the pedestrian environment.

Mr. Nadhiri (project developer's representative) added that they also had taken the loading areas adjacent to the pedestrian bridges which would allow a semi-truck to pull in and park parallel to the space and off the street to allow for loading and unloading. That would also allow two way vehicular access on Sixth and Seventh Streets. Service corridors would serve the back of the retail uses.

COMMENT PC-2: *Commissioner Ohlson inquired of the location of bicycle parking.*

RESPONSE PC-2: Mr. Nadhiri (project developer's representative) explained that the individual garages for the ground floor townhomes would allow storage inside the garages. The common podium area would accommodate 30 to 50 bicycles per building. It was likely that there would be a storage rack vertical along a wall with additional bicycle racks outside on the street for use.

COMMENT PC-3: *Commissioner Ohlson explained that the 2005 East County Bicycle Plan, which had yet to be adopted by the City of Pittsburg, had suggested that large buildings provide shower facilities and changing rooms for employees of commercial establishments and one locker room for the three buildings.*

RESPONSE PC-3: Mr. Nadhiri (project developer's representative) advised that they had not reached that level of detail, although he was aware of that issue.

COMMENT PC-4: *Commissioner Ohlson spoke to Page 3-123 of the EIR and the discussions of transit service and Class II Bicycle Lanes being planned for both directions along Herb White Way and along all of Black Diamond Street. He pointed out that per the City's General Plan, Black Diamond Street would have a Class III Bicycle facility. As such, that paragraph of the EIR should be corrected.*

RESPONSE PC-4: Comment noted. In response to this comment, the text of the first complete paragraph on DEIR page 3-123 has been modified to read as follows:

“There are currently Class III bike routes (the bike route is signed, but not striped, and bicycles share vehicle travel lanes) lanes along Railroad Avenue between S.R. 4 and East Eighth Street. Eighth Street currently has Class II bike lanes (signed and striped lanes) from Harbor Street to Herb White Way. The General Plan shows that Eighth Street is planned to have a Class I bike route (a separate pathway) west of Herb White Way, extending through an undeveloped area, then paralleling the AT&SF Railroad, west of Willow Pass Road to Range Road. Class II bike lanes are planned in both directions along Herb White Way between West Tenth Street and Bay Side Drive, ~~and along all of Black Diamond Street~~. A Class II bicycle facility is in place on Bay Side Drive between River Park Drive and Marina Boulevard. A Class III bike lane is planned along Black Diamond Street in the vicinity of the Project site.”

COMMENT PC-5: *Commissioner Ohlson also referenced Page 3-90 of the EIR and the discussion where the General Plan called for Class III Bicycle lanes along the length of Railroad Avenue between certain boundaries, but which would not occur due to the diagonal parking. The Class III Bicycle facility would then be on Black Diamond Way. He requested that the Black Diamond Way segment be connected via Tenth Street to the Railroad Avenue segment. He also referenced Page 3-91 of the EIR and the discussion of why there would not be a Class III Bicycle Facility along Railroad Avenue fronting the project as a result of the diagonal parking. He requested off-site mitigation for a bicycle facility since there would not be a bicycle facility on Railroad Avenue.*

RESPONSE PC-5: As indicated by Dana Hoggatt (Project Planner), the General Plan shows that at Tenth Street the bike lane goes to Cumberland and Black Diamond. As indicated on DEIR page 3-91, the Class III bike lane shown along Black Diamond Street in the General Plan would serve the project site and vicinity. This bike lane would be located within one block of the busier Railroad Avenue, where an additional Class III bike lane would be less desirable, regardless of the parking arrangements on that street. As the Class III bike lane along Black Diamond Street would provide sufficient bicycle access to the project site and surrounding area, and would be provided as shown in the General Plan, no off-site mitigation is necessary to compensate for the lack of a similar bike lane along Railroad Avenue.

COMMENT PC-6: *Commissioner Ohlson understood that a Class III bicycle lane was called for from Eighth Street to State Route 4. He questioned whether or not the project would generate in-lieu park fees, and he inquired of the potential number of people that were expected to occupy the total number of units.*

RESPONSE PC-6: Dana Hoggatt (Project Planner) advised that it had been estimated that there would be three people per unit. The DEIR indicates that based on the average number of persons per household in Pittsburg (3.19 in 2005), development of

the project site with 195 residential units as proposed could be expected to add approximately 622 new Pittsburg residents (DEIR page 3-104). The project developer would be required to pay in-lieu park fees based on the estimated population, although the project developer would receive credit for the plazas based on whatever was not commercial, which was not counted. The plazas at the corners would, therefore, receive credit. Pursuant to the Subdivision Ordinance, the project developer could receive partial credit for the private recreational areas in each courtyard. The project developer would have to pay the in-lieu park fees for the remainder.

COMMENT PC-7: *Commissioner Garcia spoke to the Scampini Building located at the corner of Fifth and Black Diamond Streets which he understood would be demolished by the City as part of the project. He questioned that situation since the building had been designated as an historical structure.*

RESPONSE PC-7: As indicated in the DEIR, the City of Pittsburg has formally identified the Scampini Building as a “Contributor” to the City’s New York Landing Historic District, and as such, this is considered to be an historic resource under CEQA. Ursula Luna (Redevelopment Agency) explained that the project as proposed would require the removal of the referenced building. The demolition of the Scampini Building has been identified as a significant and unavoidable environmental impact in the DEIR, and the City Council would have to adopt a statement of overriding considerations to allow the building to be demolished in connection with approval of the project. See **RESPONSE D-1**, **RESPONSE E-1** and **RESPONSE G-1**, above, for additional discussion of the Scampini Building.

COMMENT PC-8: *Commissioner Garcia spoke to the discussion on Page ES-12 of the EIR regarding impacts to Eighth Street and Railroad Avenue and whether or not a traffic signal should be installed. He was more concerned with Tenth and Black Diamond Streets since traffic traveling west would likely travel down Tenth Street and not use the freeway, picking up the freeway at Bailey Road. If that corner was not signalized when the new elementary school was open, students on the south side of Tenth Street would more than likely cross at that corner. Even with a crossing guard at that intersection, he suggested there could be a safety hazard.*

RESPONSE PC-8: Opinion regarding the importance of installing a traffic signal for pedestrian safety at the intersection of Tenth Street/Black Diamond Street is noted. The DEIR does not indicate that the proposed project would have a significant environmental impact on that intersection, and no project-related mitigation is required at the intersection of Tenth Street/Black Diamond Street.

COMMENT PC-9: *Commissioner Garcia also spoke to the fact that Sixth and Seventh Streets at Railroad Avenue would have blind spots as traffic traveled towards the east.*

He recommended that one of the streets be made one-way east and the other in the opposite direction to solve that problem.

RESPONSE PC-9: Recommendation regarding the use of one-way traffic flow along East Sixth Street and East Seventh Street through the project site to enhance safety is noted.

COMMENT PC-10: *Commissioner Williams requested clarification of the affordable housing component portion of the project.*

RESPONSE PC-10: Mr. Nadhiri (project developer's representative) explained that based on Redevelopment Law, 15 percent of the units would be set aside for sale to Moderate Income Households. The affordable units would be scattered evenly across the buildings. Ursula Luna (Redevelopment Agency) added that as part of the Disposition and Development Agreement (DDA) with the Redevelopment Agency, the project developer would be required to provide 15 percent of the total number of units as affordable. The DDA would also require that the affordable units include a pro-rata number of units by unit size.

COMMENT PC-11: *Commissioner Harris inquired of the start date for the project. He also inquired whether or not the developer was aware of the benefits of the City's Enterprise Zone.*

RESPONSE PC-11: Mr. Nadhiri (project developer's representative) stated that a late fall start had been targeted and they were working with the City staff to reach that timeline. As to the property being located in the Enterprise Zone, he reported that the developer had discussions with City staff and was working to ensure that the project would be feasible while meeting all goals.

COMMENT PC-12: *Commissioner Tumbaga inquired of the parking that would be provided for the commercial space.*

RESPONSE PC-12: Dana Hoggatt (Project Planner) explained that the parking had been determined based on the project since there was no specific parking standard for the downtown. For the DEIR, the traffic consultant (Crane Transportation Group) surveyed several communities in Central County and found they required between 3 spaces per 1,000 square feet of commercial space and 4 spaces per 1,000 square feet of commercial space. For the purposes of the analysis in the DEIR, the traffic consultant had assumed a hybrid of the two and had suggested a ratio of 3.5 parking spaces per 1,000 square feet of commercial space. Ursula Luna (Redevelopment Agency) understood that the General Plan encouraged a pedestrian-friendly environment and off-site public parking lots, so that there would be no requirement for on-site parking for

commercial uses. Additional parking spaces as part of the project would include the new diagonal parking spaces (158 on-street parking spaces) to be provided with development of the project site as proposed, to replace 107 existing on-street parking spaces fronting the project site, or a net increase of 51 on-street parking spaces resulting from the project). The DEIR also indicates that with the implementation of **MITIGATION MEASURE 3.11.4** to eliminate sight distance limitations associated with the angled parking as proposed, a total of 16 proposed on-street parking spaces would be removed from the current site plan, reducing the total number of on-street, public parking spaces to be provided by the project developer to 142. See **RESPONSE C-1**, **RESPONSE E-4** and **RESPONSE H-6**, above, for more discussion on parking.

COMMENT PC-13: *Commissioner Tumbaga inquired of the size of the main plaza area.*

RESPONSE PC-13: Mr. Nadhiri (project applicant's representative) understood that it would be between 9,800 square feet and 10,000 square feet.

COMMENT PC-14: *Commissioner Tumbaga identified areas used by the church located across the street not only during Sundays, which was an issue she emphasized needed to be taken into consideration with respect to parking needs.*

RESPONSE PC-14: Ursula Luna (Redevelopment Agency) explained that the Engineering Department had conducted a parking study in 2004 for the downtown area and planned to prepare a parking strategy for the downtown. The study had found that the City was only at 60 percent capacity of the existing parking lots and spaces in the downtown area based on existing conditions, not including the proposed project or other anticipated plans. The study had recommended that some of the redevelopment plans anticipate a parking strategy to address those issues. The City was waiting for a proposal from a consultant who had prepared the parking study and would also address the issues of parking as well as issues for the entire area while identifying the parking strategy.

As indicated in **RESPONSE H-6**, above, the project as proposed would provide 25 spaces above what would be assumed to be necessary to meet project-related demand for commercial parking (3.5 parking spaces per 1,000 square feet of commercial space), and would provide off-street parking for residents in excess of City requirements, so the project-related impact on parking has been identified in the DEIR as less than significant. See **RESPONSE C-1**, **RESPONSE E-4** and **RESPONSE H-6**, above, for more discussion on parking.

COMMENT PC-15: *Commissioner Tumbaga commented that she had seen portions of the parking study which she found to be flawed given that the time of the study had*

been inappropriate, and had indicated a peak period in the afternoon when there were no vehicles.

RESPONSE PC-15: Ursula Luna (Redevelopment Agency) expressed her willingness to review the parking strategy plan with Commissioner Tumbaga at a later date.

COMMENT PC-16: *Commissioner Garcia understood that the new elementary school would have parking on the first floor, half underground and half above ground, which would be available to the church on Sundays, or when the Pittsburg Unified School District (PUSD) was not using the site. A stairway had been planned from Railroad Avenue and on Black Diamond Street.*

RESPONSE PC-16: Melissa Ayers (Planning Manager) understood that was the case, although she noted that the City did not control the school property. As indicated in **RESPONSE H-6**, above, the City of Pittsburg has received no formal application related to a new elementary school to be located at the East Eighth Street site, and in compliance with CEQA Guidelines, the DEIR does not speculate on what may or may not be proposed at this site at some point in the future.

COMMENT PC-17: *Commissioner Tumbaga emphasized that the parking needed to be addressed. She also clarified with the developer that there would be a total of 195 residential for sale units, with all three buildings abutting one another. The plazas would be for the use of the private residences, with all three buildings via the pedestrian buildings or the street, with key card access to the different courtyard areas. The loading docks would be located behind the commercial uses.*

RESPONSE PC-17: See DEIR **Section 3.11: Transportation/Traffic**, and **RESPONSE C-1**, **RESPONSE E-4** and **RESPONSE H-6**, above, which all address parking issues. Mr. Thatch (project developer's representative) again walked the Commission through the proposed loading dock areas and areas for loading and unloading of merchandise for the commercial uses, so that vehicles would be out of traffic when deliveries were made. The locations of the trash enclosures were also identified. Mr. Nadhiri (project developer's representative) also clarified that the sidewalks would be 12 to 15 feet wide, would step back from the existing curb, behind the current sidewalk, stepping the property line back to be able to maintain the street width. Mr. Nadhiri (project developer's representative) identified existing buildings along Railroad Avenue on the west side, which property line the project would not match since the project would step back behind those buildings.

COMMENT PC-18: *In response to Commissioner Ohlson, Commissioner Garcia identified the location of the proposed new elementary school to be located where the former elementary school had been located and which would be demolished.*

RESPONSE PC-18: Comment noted. As indicated in **RESPONSE H-6**, above, the City of Pittsburg has received no formal application related to a new elementary school to be located at the East Eighth Street site, and in compliance with CEQA Guidelines, the DEIR does not speculate on what may or may not be proposed at this site at some point in the future.

COMMENT PC-19: *Commissioner Ohlson suggested that there was not a parking problem, but a walking problem, particularly with the downtown being designed as pedestrian-friendly.*

RESPONSE PC-19: Opinion regarding parking/pedestrian use downtown is noted.

COMMENT PC-20: *Commissioner Harris inquired whether or not the surrounding neighborhoods had been notified of the discussion before the Commission.*

RESPONSE PC-20: Dana Hoggatt (Project Planner) advised that a 300-foot mailing radius, as required by the California Environmental Quality Act (CEQA) had been prepared. The workshop discussion and EIR had also been posted on the City's website.

COMMENT PC-21: *Commissioner Harris sought an expanded public notification process given the size of the development being proposed.*

RESPONSE PC-21: Melissa Ayers (Planning Manager) clarified that the discussion before the Commission was not a formal public hearing but a study session to solicit comments on the EIR and the project. She explained that there had been several downtown meetings that had been highly advertised. She added that based on a customer survey of residences, the number one source of information from the public was through the City's website, which was the reason the EIR had been posted on the website. Formal public hearings, when scheduled, would be noticed to the public in the newspaper, mailed to owners within 300 feet of the project site, and be posted in the area of the project site. As to the request for an expanded notification, she reported that noticing was very expensive and would have to be discussed further at the staff level.

Ursula Luna (Redevelopment Agency) clarified as well that two public workshops had been held on the project: one earlier in the year held in the Council Chambers which had been well attended, and one late last year at the Chamber of Commerce which had been standing room only. The project would be formally noticed when scheduled before the Planning Commission and the City Council.

COMMENT PC-22: *Commissioner Ohlson agreed that the project should include an expansion of the 300-foot radius requirement.*

RESPONSE PC-22: Comment noted. This comment does not relate directly to the evaluation of environmental impacts presented in the DEIR, and no further response is necessary.

COMMENT PC-23: *Tom LaFluer, 51 Lake Street, Pittsburg, was pleased with the commercial architecture which he found to be stunning, although he found the residential architecture to be ordinary. As to the needed parking for the project, he noted that many attending St. Peter Martyr Church parked along the north face of Eighth Street which was a Class II Bicycle Lane, and which would likely be enforced in the near future. As noted by staff there were 160 existing on-street and available off-street parking spaces available to the public.*

When the project was completed, there would be 158 parking spaces with a net loss of two spaces, versus a project that would bring in 40,000 square feet of retail and 195 homes.

Mr. LaFluer identified the area of illegal parking which was used by the St. Peter Martyr congregation and the 160 parking spaces which had not included those spaces. He suggested that the net loss of actual parking spaces would greatly affect the church and require more thought. If the project were built with inadequate parking, it would affect the commercial and residential uses being proposed, along with existing businesses along Railroad Avenue. Parking would also likely spill into the street, further impacting businesses on Railroad Avenue. He recommended two levels of podium parking. He did not like the fact that there were recommendations to use parking that might not exist.

Mr. LaFluer reiterated his concerns with the parking which should be addressed in the EIR. He added that the plazas, while beautiful, would be located on the second story and should be enjoyed by the general public. He sought public park space and noted that the small plaza on Black Diamond and Eighth Streets was not in the range of 10,000 square feet in size as suggested by the developer, but rather would be a front yard to some of the units and should be opened up, even if that would result in the loss of some residential units. He added that the Scampini Building was a historic resource and had the potential to be as attractive as Cardinale Bakery had been, although the City lost that building last year. He sought more efforts to preserve historical structures in the community.

RESPONSE PC-23: Opinions regarding the commercial architecture and the residential architecture proposed at the project site is noted.

See **RESPONSE C-1**, **RESPONSE E-4**, and **RESPONSE H-6**, above, which address project-related parking issues, including the adequacy of the parking proposed as part of the project and a discussion of why the DEIR does not address possible parking that

may or may not ultimately be provided as part of the elementary school that might be built in the project vicinity (the City has received no formal application for such a school, so the DEIR does not speculate on how such a school might affect parking conditions). As no significant project-related parking impacts were identified in the DEIR, no mitigation measures were identified to reduce project-related parking impacts, and the development of an additional level of podium parking at the project site is not necessary to mitigate any identified project-related parking impacts.

See **RESPONSE H-7**, above, which addresses issues related to the plaza proposed on the corner of East Eighth Street and Black Diamond Street and the provision of public park space.

Opinion regarding the need to preserve historic structures within Pittsburg is noted. See **RESPONSE H-2**, above, for a discussion of the significant and unavoidable environmental impact associated with the proposed demolition of the Scampini Building.

COMMENT PC-24: *Commissioner Harris asked to see the parking identified on the side streets on a larger scale plan.*

RESPONSE PC-24: Mr. Thatch (project developer's representative) advised that they could provide an 11 x 17 inch set for the Commission at a future date and on their website for interested parties.

COMMENT PC-25: *Commissioner Garcia commented that the City had expended funds for the parking lot on Marina Boulevard and the City had thrived without parking over the years. He understood that the intent of the project would be to attract those living in the neighborhood with more retail downtown. He assumed that the market that was being generated would be those that would move into the units and into the nearby developments.*

RESPONSE PC-25: Comments noted. These comments do not relate directly to the evaluation of environmental impacts presented in the DEIR, and no further response is necessary.

COMMENT PC-26: *Commissioner Garcia pointed out that the downtown had numerous businesses over the years and there had always been adequate parking. He suggested that if everyone went to his/her own parish they would not drive down to the area. He suggested that the new businesses could thrive with those existing in the downtown. With new development planned in the area and with the new bank proposed for the downtown, he suggested that should also improve the downtown area. He also suggested that the new elementary school would complement the area.*

RESPONSE PC-26: Comments noted. These comments do not relate directly to the evaluation of environmental impacts presented in the DEIR, and no further response is necessary.

COMMENT PC-27: *Commissioner Tumbaga clarified that St. Peter Martyr Church had a registered congregation of over 2,000 people.*

RESPONSE PC-27: Comment noted. This comment does not relate directly to the evaluation of environmental impacts presented in the DEIR, and no further response is necessary.

REVISIONS OF THE DRAFT EIR

On Draft EIR page ES-11, **IMPACT 3.4.1: Potential to Create a Significant Hazard to the Public or Environment** and **MITIGATION MEASURE 3.4.1: Site-Specific Remediation/Cleanup** has been modified to read: **IMPACT 3.5.1: Potential to Create a Significant Hazard to the Public or Environment** and **MITIGATION MEASURE 3.5.1: Site-Specific Remediation/Cleanup**.

On Draft EIR page 3-123, the text of the first complete paragraph has been modified to read as follows:

“There are currently Class III bike routes (the bike route is signed, but not striped, and bicycles share vehicle travel lanes) lanes along Railroad Avenue between S.R. 4 and East Eighth Street. Eighth Street currently has Class II bike lanes (signed and striped lanes) from Harbor Street to Herb White Way. The General Plan shows that Eighth Street is planned to have a Class I bike route (a separate pathway) west of Herb White Way, extending through an undeveloped area, then paralleling the AT&SF Railroad, west of Willow Pass Road to Range Road. Class II bike lanes are planned in both directions along Herb White Way between West Tenth Street and Bay Side Drive, ~~and along all of Black Diamond Street~~. A Class II bicycle facility is in place on Bay Side Drive between River Park Drive and Marina Boulevard. A Class III bike lane is planned along Black Diamond Street in the vicinity of the Project site.”

On Draft EIR page 4-13, the paragraph under **Cultural Resources** has been modified as follows:

“Development of the project site under the project as proposed ~~or the “Development Under the General Plan” alternative~~ would result in the demolition of the Scampini Building, a potentially significant and unavoidable environmental impact. Under the “No Project” alternative, the “Development Under the General Plan” alternative or the “Retain Scampini Building” alternative, the Scampini Building would remain undisturbed in place. Earthmoving and site preparation activities associated with the project or either of the two development-related alternatives would have the potential to uncover previously unidentified archaeological, paleontological or cultural resources, or human remains,

although this potential impact could be reduced to a level of less than significant through implementation of the mitigation measures identified in **Section 3.3: Cultural Resources**. The “No Project” alternative would not entail this potential impact, in the absence of any development-related activity on-site.”

On **TABLE 4-1** on Draft EIR page 4-18, the value under “Development Under the General Plan” for Cultural Resources has been changed from “5” to “0”, and the Total value under “Development Under the General Plan” has been changed from “15” to “10”.