

COMMENTS ON THE DRAFT EIR

This document contains comments received during the public review period for the Capitol Annex Draft EIR, which concluded on October 24, 2019. Oral comments from the October 15, 2019 Public Hearing are transcribed and included in Section 1.3, "Public Hearing Oral Comments." Written comments provided within comment letters have also been transcribed into Microsoft Word format to meet the requirements of California Government Code Section 11546.7. This California law requires that all documents that are to be posted on a state website must comply with Section 508 of the American with Disabilities Act (ADA). Section 508 of the ADA applies to online content and has the directive that the content is accessible to those with disabilities. Accessibility is broadly defined as the content being able to be used as effectively by people with disabilities as by those without. For online content, accessibility for individuals with limited sight is of particular concern. Individuals who are blind, or otherwise have limited ability to read written or typed text, often use computer programs broadly categorized as "e-readers" to convert text into spoken words. E-readers are often unreliable or inaccurate when "reading" text in an image format and in programs such as Adobe Acrobat. E-readers are much more effective in reading text in Microsoft Word format. Hence, the comments within each comment letter (or e-mail providing comments) have been transcribed into this Microsoft Word file and are provided below. All formatted text in the comments below, such as highlighted text, colored text, or bold or underlined text, conveys formatting provided in the comment letters. Occasionally there are explanatory notes provided within the comments. These begin with the word "Note:" and are shown in italic text. Electronic versions of comment letters in their entirety in Adobe Acrobat format are available upon request.

1.1 AGENCIES

Letter A1 Wilton Rancheria

September 23, 2019

[Note: this comment letter includes the following Notice of Availability text at the beginning of the comment letter.]

**Notice of Availability of the Draft Environmental Impact Report for the
California Department of General Services Capitol Annex Project
YOU ARE INVITED TO REVIEW AND COMMENT**

The California Department of General Services (DBS) is releasing the Draft Environmental Impact Report (DEIR) for the Capitol Annex Project for public review and comment from September 9, 2019 to October 24, 2019. This project would involve the demolition and reconstruction of the approximately 325,000 square foot existing Capitol Annex building (Annex), built in 1952 on the east side of the historic Capitol Building. Replacement of the Annex is proposed to address numerous deficiencies in the existing building including: life safety/building code deficiencies, non-compliance with Americans with Disabilities Act (ADA) standards, overcrowding, aging and failing infrastructure, and insufficient public and working space. The new Annex would serve the same purpose as the existing Annex, providing office space, hearing rooms, conference rooms, and supporting facilities for the Legislature and executive branch. The new Annex would be occupied by approximately the same number of elected officials and staff as the existing Annex. The project would include a new approximately 40,000 square foot underground visitor/welcome center located between 10th Street and the west steps of the Capitol. The existing basement parking under the Annex would be abandoned and replaced with new underground parking on the south side of the Capitol accommodating up to approximately 200 parking spaces. The DEIR identifies significant environmental effects in the areas of Aesthetics; Archaeological, Historical, and Tribal Cultural Resources; Noise; and Biological Resources.

An informational workshop to inform the public of key analyses and conclusions of the DEIR will be held from 4:30 to 6:30 PM on Tuesday, September 17, 2019 at the DAW Training Room, located at 925 L Street (Lower Level) Sacramento, CA 95814. A public hearing to receive comments on the DEIR will be held from 4:30 to 6:30 PM on

Tuesday October 15, 2019 at the Tsakopoulos Library Galleria, located at 828 I Street Sacramento, CA 95814, in the East Room.

Written comments will be accepted by DGS through 5:00 PM on October 24, 2019. Comments must be delivered or mailed to:

Stephanie Coleman, Senior Environmental Planner
Department of General Services, Environmental Services Section
Mailing Address: P.O. Box 989052, West Sacramento, CA 95798
Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605
Email: environmental@dgs.ca.gov

The DEIR is available for review at the following locations:

- ▶ Department of General Services, Environmental Services Section between 8:00 AM and 4:30 PM
- ▶ Sacramento Central Library at 828 I Street during library hours
- ▶ Request a copy by email at: environmental@dgs.ca.gov
- ▶ Download from the website: <http://bit.ly/DGSCEQA>

Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- ▶ Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- ▶ If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation (ACHP) Native American Traditional Cultural Landscapes Action Plan for further guidance.

Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested Native American Tribes [SIC].

Native American Monitoring Mitigation Measure

To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, **THE PROJECT PROPONENT** and its construction contractor(s) will implement the following measures:

- ▶ Paid Native American monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.
- ▶ Native American representatives and Native American monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.
- ▶ If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Caltrans, the SHPO, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.
- ▶ In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050(c)). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a)

and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Tribal Cultural Resource – Awareness Training - Mitigation Measure

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Letter A2 California Historic State Capitol Commission

Richard Cowan, PE, Chair
October 15, 2019

[Note: the Sections identified with each group of comments refer to sections or chapters in the Draft EIR.]

1. Section 7

- a. Two of the three alternatives given analysis in the Draft EIR are the wrong ones in that they fail to meet project objectives. The "No Project" alternative is required, but rather than analyzing an alternative to rehabilitate the East Annex, redesigning non-historic portions and also adding to the building, the Draft considers a variation on the demolition alternative and a renovation of the existing Annex without adding any space, an alternative that patently fails to meet project objectives.
- b. The program, notably in terms of additional building square footage, can be met by using the existing parking garage space and underground additions to the south, north and east, as well as filling in the two atrium spaces on the interior of the Annex.
- c. An additional scenario for additions to the Annex, including additional underground areas, is to move the existing Annex building to the east, as far east as the proposed project is proposed to be built, and then fill in the atriums and space in between the moved Annex and the West Wing of the Capitol building.
- d. Alternatives considering rehabilitation with alterations to non-significant spaces, as well as additions, potentially per b. and c., above, must be fully analyzed and considered.

2. Section 2.2.4

- a. The Draft EIR needs to more clearly describe what would actually need to occur in order to build the proposed new "underground" parking garage and visitor center, notably that the areas of Capitol Park where these uses would be built would need to be completely dug up, and excavated down to the base level needed, then the "top" would be built to provide landscape features over the garage and visitor center spaces.
- b. Tearing up 2 acres of Capitol Park for a parking garage is not a valid use of the park. Using the 60- or 70-year horizon on which our Capitol's functions are analyzed, the use of large cars leased at State expense for legislators is unlikely. In 2070, Legislators will likely arrive at the Capitol in public transit or automated shuttles.
- c. Tearing up the park to provide for parking cars will seem silly in a very short time. Since there will be a temporary solution for parking in the swing space building, why not continue to use that solution for legislators until the

future arrives? Options to provide secure access to the Capitol from that parking are also feasible and should be studied.

- d. Parks are not building sites, especially such a significant historic park as Capitol Park.

3. Section 4.12

- a. The Historic Fabric study (it is not clear what this refers to - a Historic Structure Report?) described as mitigation measure 4.12-4a should be conducted as part of the DEIR, to inform the consideration and evaluation of impacts, mitigation measures, feasible alternatives, and ultimately a decision whether to rehabilitate/add to or demolish the Annex.
- b. Without such a report, there is no way to be informed of the impacts and choices among alternatives or to create mitigation measures.
- c. The public and stakeholders should understand the significant historic loss and impact that demolition would create before, not after, the decision for or against rehabilitation is made.
- d. The information in the Draft EIR concerning historic fabric is inadequate to support the decision for the Annex's demolition at the expense of a feasible rehabilitation/add-to alternative that can achieve project objectives.

4. Section 4.12

- a. Neither the Draft EIR nor the POS Overview address details regarding actual trees and landscape to be affected by construction. Because there has never been a Tree Management Plan, consideration of the tree population and park landscape has been piecemeal in the many decades after the initial establishment of the Capitol. This is particularly true from the 1920s to today.
- b. The DEIR re Mitigation Measure 4.12.d only requires that memorial trees are protected, relocated, replaced in kind. City trees come under city regulations. That leaves numerous trees (those that are not memorial trees) for which replacement/relocation is not addressed.
- c. Trees and landscape overall, in fact, appear incidental to the project overall. Any project that will take up to five years to complete has the potential to affect the surrounding landscape through construction (e.g. groundwater interruption or changes).
 - i. The myth of trees putting down deep tap roots is just that-a myth. A mature redwood's roots can and do spread for well over 100 feet. A mature Deodar cedar's roots may spread for over 40 feet in every direction. Other species spread even further. All form a dense mat usually not more than 4 feet deep.
 - ii. It takes many years to propagate tree species from seed, cloning or sapling to a giant Deodar cedar, redwood, or magnolia and decades before those will produce the same ecosystem services as large trees that are removed or damaged. The ecosystem services those removed or declining (due to construction) trees provide are lost---the carbon storage, reduction in stormwater runoff, energy savings and air quality benefits are forgone.
- d. Because the current landscape will be significantly changed with construction, it is imperative that a Historic Landscape Report be prepared before a decision to tear up Capitol Park is made, not after. Without such a report, there is no way to be informed of the impacts and choices among alternatives or to create mitigation measures.
- e. Finally, once the project decision is made, a plan for treating landscape (trees, walkways and open space) during construction is required. This plan should be completed by a qualified landscape architectural firm (DGS or otherwise) with employees or subcontractors certified in all phases of construction impact on trees. At a minimum, the plan should include:
 - ▶ A list of trees expected to be removed, relocated or re-propagated (denoted as so) with their current diameter-at-breast height (dbh). This list should designate which trees are historic, e.g. deodar cedars, Civil War trees, Moon Tree) and which are not;

- ▶ A list of trees potentially affected if/when irrigation and groundwater is reduced or re-routed due to re-plumbing of systems around and to the new Annex;
- ▶ The planned source for all replacement trees;
- ▶ A plan to address the potential effect of removal of groundwater and dewatering processes on landscapes surrounding all construction sites;
- ▶ A recommended tree protection plan during construction re: ANSI Guidelines; and,
- ▶ A planting/replanting/ propagation plan for all areas to be excavated.

5. Section 4.12

- a. The "misaligned floors" described on page 4.12-16 is a red herring criticism of the Annex aimed at recommending demolition. The Annex floors are carefully and thoughtfully aligned to the West Wing Chamber floor level, and then aligned to maximize legislative space by minimizing floor to floor heights.
- b. A newly built Annex would still not be able to match all the floor spacing of the West Wing, which has a very high floor to ceiling height, typical of major structures in the 19th century.
- c. To match the Capitol West Wing's floor-to-ceiling heights would make the Annex's needed square footage impossible to attain without increasing its' height above the visible rotunda of the West Wing or without expanding the footprint beyond the visible boundaries of the north and south of the West Wing, or pushing the footprint into the Civil War Memorial Grove. To minimize impacts of the Annex to the historic west wing of the Capitol, while also providing maximum square feet of new office and meeting spaces, the Annex was designed to have much less height from floor to ceiling. Any new Annex building would also need to do this, and therefore could not align all the floors to the West Wing, just as the current Annex does not.

6. Section 2.2.4

The proposed elevator stations above grade at the West entrance to the Visitor Center will impinge on Capitol Park, and violate the Capitol Area Plan, as well as views of the Historic West Façade. An alternative, with ramps down from street level to an elevator landing below grade are feasible and would not clutter the important West appearance of the capitol or Capitol Park's least cluttered western landscape.

To address these major concerns, the Historic State Capitol Commission recommends:

PREPARE COMPLETE HISTORICAL EVALUATIONS OF ANNEX BUILDING AND CAPITOL PARK:

To ensure the project's environmental review is adequate, complete historical evaluations of both the Annex building and Capitol Park are needed. Such evaluations are the basis for understanding what are, or are not, the significant features and characteristics of these historic resources, which then provides the ability to identify whether or not there are any significant impacts to these features and characteristics from the proposed project, and, which then provides the basis for the development of measures to mitigate, and/or develop alternatives that could lessen the project impacts to Less-Than-Significant levels.

DEVELOP AND EVALUATE ALTERNATIVES THAT CAN ACHIEVE THE PROJECT OBJECTIVES WITH LESS-THAN-SIGNIFICANT IMPACTS:

Annex Rehabilitation Standards Alternative: An alternative that involves the Rehabilitation of the Annex, based upon the Secretary of the Interior's Rehabilitation Standards, and the California Historical Building Code, needs to be developed and evaluated. Such an alternative includes additions and alterations to the historic Annex building to achieve project objectives, would be feasible, and could have Less-Than-Significant impacts on the historical resource. Such an alternative needs to be developed and evaluated as part of the DEIR.

Visitor Center and Parking Garage Rehabilitation Standards Alternatives: Similar alternatives to the proposed parking garage and visitors center, based upon the Secretary of the Interior's Rehabilitation Standards for historic landscapes, also need to be developed that can achieve project objectives, be feasible, and minimize impacts to the park's historic features and characteristics, in both its landscape/plant materials and its site design.

Letter A3 City of Sacramento

Brianna Moland, Assistant Planner, Park Planning and Development Services
Department of Youth, Parks, and Community Enrichment
October 16, 2019

Parks has no comments on the Capitol Annex Project DEIR. This project would not increase demand for recreational facilities in the area since the building occupancy is not changing, and no additional visitors are expected.

Letter A4 Historic State Capitol Commission

October 21, 2019

The Historic State Capitol Commission, in its statutory role of advising the Legislature on the Historic Capitol and East Annex, has submitted comments on the East Annex Draft EIR. Below is a summary of our concerns.

The Draft EIR considers the wrong alternatives. Two of the three alternatives given analysis in the Draft entirely fail to meet project objectives. The "No Project" alternative is required by law. But rather than analyzing alternatives to rehabilitate the East Annex, redesigning non-historic portions and also adding space to the building, the Draft considers a variation on the demolition alternative and a renovation of the existing Annex without adding any space, an alternative that potentially fails to meet project objectives. The required square footage can be provided by using the existing parking garage space and providing underground additions to the south, north and east, as well as filling in the two atrium spaces on the interior of the Annex. Another possibility which meets the goals is to move the existing Annex building to the east, as far east as the proposed new building would be built, and then fill in the atriums and build new space in between the moved Annex and the West Wing.

Tearing up Capitol Park for a parking garage is not appropriate. Tearing up 2 acres of Capitol Park for a parking garage is not a valid use of the park. Using the 60- or 70-year horizon on which our Capitol's functions are analyzed, the use of large cars leased at State expense for legislators is unlikely. In 2070, Legislators will likely arrive at the Capitol in public transit or automated shuttles. Since there will be a temporary solution for parking in the swing space building, why not continue to use that solution for Legislators until the future arrives? Options to provide secure access to the Capitol from that parking are also feasible and should be studied.

The Draft EIR suggests putting the Historic Fabric study "cart" in front of the Project Decision "horse." The Historic Fabric study described as mitigation measure 4.12-40 should be conducted as part of the Draft, to inform the consideration and evaluation of impacts, mitigation measures, feasible alternatives, and ultimately a decision whether to rehabilitate/odd to or demolish the Annex. Without such a report, there is no way to be informed of the impacts and choices among alternatives or to create mitigation measures. The public and stakeholders should understand the significant historic loss and impact that demolition would create before, not after, the decision for or against rehabilitation is made.

The Draft EIR does not provide the needed information on Capitol Park and its trees for good decisions. The Draft does not address details regarding actual trees and landscape to be affected by construction. Because there has never been a Capitol Park Tree Management Plan, consideration of the tree population and park landscape has been piecemeal in the many decades after the initial establishment of the Capitol. The Draft mitigation measure 4.12.d only requires that memorial trees are protected, relocated, or replaced in kind. City trees come under city regulations. That leaves numerous trees (those that are not memorial trees) for which replacement/relocation is not addressed. Because the current landscape will be significantly changed with construction, it is imperative that a Historic Landscape Report be prepared **before** a decision to tear up Capitol Park is made, not **after**. Without such a report, there is no way to be informed of the impacts and choices among alternatives or to create mitigation measures.

The Draft EIR mis-represents an important fact about the current East Annex. The "misaligned floors" described on page 4.12-16 is a red herring criticism of the Annex aimed at recommending demolition. The Annex floors are

carefully and thoughtfully aligned to the West Wing Chamber floor level, and then aligned to maximize legislative space by minimizing floor-to-floor heights. A newly-built Annex would still not be able to match all the floor spacing of the West Wing, which has a very high floor- to-ceiling height, typical of major structures in the 19th century. To match the Capitol West Wing's floor-to-ceiling heights would make the Annex's needed square footage impossible to attain without increasing its height above the visible rotunda of the West Wing or without expanding the footprint beyond the visible boundaries of the north and south of the West Wing, or pushing the footprint into the Civil War Memorial Grove. To minimize impacts of the Annex to the historic West Wing of the Capitol, while also providing maximum square footage of new office and meeting spaces, the original Annex was designed to have much less height from floor to ceiling. Any new Annex building would also need to do this, and therefore could not align all the floors to the West Wing, just as the current Annex does not.

The View Protection Corridor should be preserved by the Visitor Center. The proposed elevator stations above grade at the West entrance to the Visitor Center will impinge on Capitol Park, and violate the Capitol Area Plan, as well as views of the Historic West Façade. An alternative, with ramps down from street level to an elevator landing below grade, is feasible. It would not clutter the important West appearance of the Capitol or the least cluttered western landscape of Capitol Park.

Letter A5 Sacramento Municipal Utility District

Nicole Goi, Regional & Local Government Affairs
October 23, 2019

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft EIR (EIR) for the Capitol Annex Project (Project / SCH 2019049066). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

- ▶ Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
 - <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
 - <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- ▶ Utility line routing
- ▶ Electrical load needs/requirements
- ▶ Energy Efficiency
- ▶ Climate Change
- ▶ Cumulative impacts related to the need for increased electrical delivery

More specifically, SMUD would like to have the following details related to the electrical infrastructure incorporated into the project description and or public utilities section. All the below-listed facilities currently serve, either wholly or in part, the facilities located within the project area:

- ▶ Existing 12 kV network underground infrastructure under the south Capitol entrance driveway (from N Street) to the Capitol Building loading dock.
- ▶ Existing 12 kV network manhole in the south Capitol entrance driveway from N Street.
- ▶ Existing 12 kV network manhole in N Street at the intersection of the south Capitol entrance and N Street adjacent to the project area.
- ▶ Existing 12 kV network transformer vault located adjacent to the Capitol south entrance.

As a result of this project the estimated proposed facilities are *subject to change* pending final service requirements and arrangements for the project area. The following indicated estimated proposed facilities will be contingent upon any electrical service changes requested as part of the Capitol Annex Building Project. This includes either or:

- ▶ Additional space for network transformers within the project area. The location of this space would, ideally, be located adjacent to or near the existing 12 kV network transformer vault as noted in the existing facilities section and as seen in Exhibit 1. The size of this space would be commensurate with the changes or additions to the electrical service panels.
- ▶ Additional underground circuits within the project area contingent upon the location and scope of the additional transformer space, should it be needed.

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this EIR. If you have any questions regarding this letter, please contact SMUD's Environmental Management Specialist, Rob Ferrera, at Rob.Ferrera@smud.org or 916.732.6676.

Letter A6 United Auburn Indian Community

Matthew Moore, UAIC Tribal Historic Preservation Officer
October 24, 2019

Thank you for providing the notice to comment on the Capitol Annex Project Draft Environmental Impact Report (DEIR). We have reviewed this information and believe the proposed project has a high likelihood of impacting Tribal Cultural Resources (TCRs) of importance to the United Auburn Indian Community (UAIC) and that revisions and additions to the DEIR and proposed mitigation measures must be made to lessen adverse effects to TCRs. The project site is within UAIC's traditional territory, and we are culturally affiliated with it.

As AB 52 consultation was not completed prior to release of the DEIR, we intend to continue to participate in discussions between the lead agency DGS and UAIC regarding the adequacy of mitigation measures and other specific concerns with language in the DEIR. We are hopeful that those discussions will be productive. For the benefit of the project record and to request clarifying revisions to the DEIR, we offer the following comments at this time that we would like to supplement through the ongoing AB 52 consultation process. UAIC does expect to receive written responses to its comments.

UAIC is very concerned that we have not yet been afforded the opportunity to review the cultural resource documents associated with this proposed project, despite our prior requests. We assume that a Phase I identification report has been prepared, as reference to a survey is made in the DEIR at page 4.12-14. UAIC also understands that no geoarchaeological assessment or testing program has occurred to date. Typically, cultural resources identification efforts are completed prior to issuing a determination of impacts and issuance of a DEIR. From UAIC's perspective, after review of the materials made available with the DEIR, a reasonable effort to identify TCRs still must occur.

The second phase of investigation for historic properties requires agencies to determine if cultural resources are significant. Evaluations consider resources with regard to their status as TCRs as well as archaeological resources. Lead agencies generally complete the evaluation of cultural resources prior to the issuance of the DEIR. This sequence is followed as identification of significant resources is critical to the CEQA and Tribal-preferred alternative of preservation in place. This preference is likewise not analyzed in the DEIR.

In a consultation meeting of April 17, 2019, UAIC staff asked to be consulted on the identification and evaluation process. We further suggested that if identification resulted in the creation of version of what is often called an Archaeological and Tribal Cultural Resource Research Design and Treatment Plan (Treatment Plan). UAIC asked that we be consulted prior to preparation of such a Treatment Plan, to discuss our concerns and recommendations regarding field methods, evaluation methods and findings, and the overall research design. From a June 2019

meeting between DGS, UAIC, Lone Band of Miwok Indians, and Wilton Rancheria, we understood that such a Treatment Plan would be prepared. The Treatment Plan, however, was not referenced in, or part of the circulated DEIR, nor was UAIC or the other tribes invited to develop such a Plan. To date, we have not engaged in consultation on that document, although a draft of what is titled a “Research Design for Evaluation and Treatment of Unanticipated Archaeological Discoveries” was just provided to us the evening of October 21, 2019.

During the June 12, 2019 meeting, the Tribes identified two known TCRs in within or in close proximity to the project area. The DEIR does not acknowledge the resources, nor discuss protections for these resources from currently planned or potential construction activities, including construction staging. We have requested this omission be corrected in the Final EIR in both the ethnohistory and treatment sections. TCRs can be noted in a general way, without specifying their locale within the Capitol grounds.

Directly addressing text within the DEIR, we have the following comments and concerns. Additional comments on the development of a Treatment Plan are noted below our specific comments on the DEIR.

- ▶ **Project Description and Utilities, Pages 3-11 to 3-12:** UAIC is concerned about the project’s existing and proposed utility lines. We could not find a diagram in the DEIR depicting the locations of existing lines or analysis of the potential location and diameter of lines sized for the increase in project square footage. Please provide the Ground Penetrating Radar map for utilities as referenced and promised by DGS at our October 2019 meeting.

The DEIR must be more clear about what the project area encompasses (i.e. compare: DEIR, Figure 2-3 (Project Annex Component) and Figure 3-3 (Project Components) with Figure 2-1 (Site Location) and 3-2 (Site Location): Is the CEQA project disturbance area the footprints for the new structures (as could be implied by the first two figures), the entire west end of the Capitol Park (as could be implied by the latter two figures), or something in between? What are the expected depths for all project features, including utilities? Larger diameter pipes and new locations for pipes could cause impacts to TCRs outside of existing line disturbances. The DEIR admits it is unknown if new water and sewer utility lines would follow the alignments of existing ones (DEIR, pages 3-11 to 3-12). Trenching, including for telecommunication components, and relocation of transformers, could also pose similar additional, unexamined increases in magnitude of potential impacts to TCRs and other cultural resources, including the cultural landscape.

The DEIR provides no mechanism for consideration of these effects or consultation on them once they become known, and there is no DEIR-specific mitigation.

- ▶ **Native American Consultation, Pages 4.12-20 to 21:** The Consultation Efforts section is incomplete. The AB 52 consultation, and agreement on mitigation measures, should have been completed prior to the publishing of the DEIR. A meeting to introduce the project, and a single meeting with several tribes at once, is not sufficient consultation under AB 52, especially for such a complicated and important project. UAIC is also concerned that few if any of the topics discussed in the meeting between DGS and UAIC on April 2019, and in the joint meeting with Lone and Wilton in June 2019, were integrated into the DEIR, even in a general way. UAIC recommends DGS develop a mutually agreeable Consultation Plan without further delay, as envisioned by updated CEQA Guidelines Appendix G. The Consultation Plan should include memorialization of consultation to date, confidentiality protocols, and schedule milestones.
- ▶ **Mitigation Measure 4.12-2, Page 4.12-24:** Tribal monitoring and a cultural awareness training are not compensatory mitigation measures from UAIC’s perspective, as they do not lessen the effects of physical impacts to TCRs. Rather, Tribal monitoring and awareness training are methods used to try and avoid additional effects to TCRs that are discovered, usually in an adverse or destructive manner during construction.

From UAIC’s view, monitoring is better characterized as a field method that is used to avoid and minimize adverse effects that occur during construction. This methodology is typically best outlined in a Treatment Plan (further discussed below), which itself can be characterized as a mitigation measure. Similarly, cultural awareness and sensitivity training is also a field method used to inform construction workers about what to do when resources are encountered. This is particularly important for the project area, as the DEIR identifies that there is a high probability for the presence of TCRs. Both monitoring and awareness training can and should be part of the Treatment Plan. As noted above, Treatment Plans are generally prepared after additional efforts have been made to identify potential

resources within the project area and prior to issuance of the DEIR, and summarized in that document. These methods should not be called out as specific and exclusive mitigation measures as was done in the DEIR, and as explained by UAIC at the October 2019 meeting.

- ▶ **Mitigation Measure 4.12-2, Page 4.12-25:** The buffer distance between an inadvertent discovery and construction activities is typically at least 100 feet. Determinations made in the field lead to confusion. The DEIR should be more specific and protective.
- ▶ **Mitigation Measure 4.12-2, Page 4.12-25:** The proposed measure appropriately cites to Public Resources Code section 21084.3, but then, without explanation, lays out mitigation and treatment options related to archaeological resources – not TCRs. Data recovery, for example, is an archaeological approach and should be a last resort. This measure must be revised to track the specific mitigation and treatment options for TCRs as laid out in 21084.3 (i.e., avoid and preserve in place, protect cultural and natural context, plan parks, greenspace, and open space around it, with appropriate management, etc.). The draft Research Design for Evaluation and Treatment of Unanticipated Archaeological Discoveries document has the same analytical flaw, see page 48. This measure does not reduce impacts to TCRs and Native American human remains to less than significant. From a Tribal perspective, data recovery itself is a significant effect to TCRs as it typically causes an irreversible adverse effect to the resource (removal from location and setting, partial destruction, salvaging only a sample, etc.).

Avoidance and preservation in place is the preferred alternative under CEQA and UAIC protocols. It should be highlighted and discussed further in the DEIR. The simple, parenthetical reference to preservation in place on pages 4.12-25 to 26 is not appropriate or sufficient.
- ▶ **Mitigation Measure 4.12-2, Page 4.12-25:** Imported soils brought to the project site should be certified clean fill, and not come from an area or site with artifacts within the fill. They therefore should not need Tribal monitoring.
- ▶ **Mitigation Measure 4.12-2, Page 4.12-25:** Interested Native American tribes shall be provided at least a 10 business-day-notice prior to the initiation of ground-disturbing activities and/or concrete slab removal, not 7 days as stated in the DEIR.
- ▶ **Mitigation Measure 4.12-2, Page 4.12-25:** Tribal Monitors must have the authority to stop work to inspect soils. They must also have the authority to designate artifacts as TCRs, as appropriate. Protocol for examining removed fill soils can and should be addressed in a Treatment Plan.
- ▶ **Mitigation Measure 4.12-3, Page 4.12-26 (Significance after Mitigation):** The removal of a TCR and/or human remains is a significant effect. From the Tribal perspective, effects to TCRs and Native American remains are always considered by UAIC to be significant. They cannot be reduced to less than significant, as the DEIR states, even after mitigation and treatment measures are required and implemented, and often contribute to cumulative effects.
- ▶ **Mitigation Measure 4.12-2, Page 4.12-26:** Consulting tribes must be allowed to contribute to the report that evaluates the nature and significance of any unanticipated find, as well as the interpretation of the resources. This includes being provided a sufficient period of time to review drafts of the report and provide comments.
- ▶ **Mitigation Measure 4.12-4c., Page 4.12-30:** This mitigation measure is inadequate, as it only addresses only the history of the Capitol building. An interpretive program must also be developed in consultation with affiliated tribes to commemorate the Native American tribes that occupied the area for thousands of years and continue to be affiliated with it. The installation of a permanent exhibit in recognition of tribes and their TCRs related to the area, should be located on-site, in a public space, which is viewable and accessible to the public. Efforts should also be made for temporary installations during construction. Educational materials and exhibit content should be developed in consultation with affiliated tribes.
- ▶ **Environmental Impacts, Page 7-2:** Disturbed soils may also contain TCRs. While artifacts found in disturbed context may not be archaeologically significant, they frequently retain value as TCRs. These soils should not be summarily dismissed as having no potential to contain a TCR. For this reason, a Tribal Monitor must be present for all ground-disturbing activities, even in previously disturbed soils.

General Comments for Topics to be Included in the Treatment Plan

The DEIR acknowledges there is a high probability of encountering Native American sites and TCRs. Leaving archaeological and Tribal investigation of these sites to a construction monitoring phase, as the DEIR does, will guarantee project delays. Complicated sites and meaningful consultation take careful planning. A well-developed Treatment Plan and enacting that plan prior to construction activities will avoid costly project delays and unnecessary rapid recovery approaches which often result in harm to TCRs and Tribal Monitors. From the Tribal perspective, TCRs must be treated with dignity and respect. Rapid recovery and rushed measures when resources are found during monitoring is all too often not respectful, and causes harm to the Tribal community.

UAIC received a copy of a draft Research Design for Evaluation and Treatment of Unanticipated Archaeological Discoveries on October 21. From our initial review, we feel that this document is not adequate to the complexity of the project. The DEIR states that there is a high probability of encountering archaeological sites and TCRs. To prepare an Unanticipated Archaeological Discovery document is unintuitive at best. UAIC intends to provide extensive comments on this document on or before the DGS-set-deadline of November 15, 2019.

UAIC strongly recommends that DGS engage consultants that are more familiar with treatment of TCRs. In a project area such as the Capitol, with a high probability of encountering sensitive Native American sites, UAIC recommends that DGS and their consultants prepare and enact a Treatment Plan with well-planned identification, testing, and evaluation programs, a well-developed research design, and a proposed treatment/reburial plan for Native American human remains prior to any construction-related ground-disturbing activities. Such testing and plans are typically developed prior to the release of the DEIR, especially when identification efforts have resulted in the high probability of encountering TCRs that UAIC prefers to protect in place.

As noted above, consulting Tribes should contribute to the content and extent of the testing program, research design, and the treatment/reburial plan. The Treatment Plan should contain or reference a preconstruction testing program similar to that outlined by UAIC at its October 2019, meeting with DGS, and a robust Tribal Monitoring Plan, both developed in consultation with affected Tribes. UAIC understands that construction of the buildings and related utility placement and landscaping would occur in phases. We recommend that treatment of archaeological and TCRs also occur in phases, that will better allow for adequate identification of resources, and preservation in place whenever possible. DGS should consider the consultant names recommended at our October 2019 meeting to develop an adequate Treatment Plan, and to perform the preconstruction testing and follow-on tasks. During construction, monitors designated by UAIC or other consulting tribes, and paid for by the project proponent, must be present during ground disturbing activities. If cultural resources are unearthed, Tribal Monitors must have the authority to temporarily stop construction while the extent and significance of the resources are determined.

When identifying and evaluating if the project will have an adverse effect on a Native American site, the project proponent should prioritize the use of non-invasive, non-destructive methods and techniques, such as the use of forensic canines and ground penetrating radar to help protect any burials. UAIC strongly believes that such efforts should occur without further delay.

In the event that Native American human remains are unearthed, the California Native American Heritage Commission (NAHC) will appoint the most likely descendent(s) (MLD). The MLD has the right to determine whether an item recovered from the burial is an associated grave good or related sacred object. The MLD can also make the choice as to whether related artifacts and the human remains with which they are associated should be preserved in place or reburied. Native American human remains and associated grave goods are not required to be analyzed or studied (contrary to the Research Design for Evaluation and Treatment of Unanticipated Archaeological Discoveries document, page 49) and/or curated. They can and frequently are reinterred according to the preferred treatment alternatives of the MLD. If this includes reburial, the project proponent will pay the associated costs.

All Native American artifacts, if either archaeological, cultural, or TCRs, should be preserved or reburied on site with some form of recordation to ensure no future disturbance. Protocols for recovery and reburial at the project site should be agreed upon prior to project implementation and any ground-disturbing activities. This discussion should also occur prior to the commencement of a testing and treatment program and be integrated into the research design.

Reburial areas must also be included in the project area CEQA analysis as reburial is a ground disturbance in itself and may cause additional impacts to TCRs if not carefully selected. UAIC may be amenable to photographing some Native American artifacts, or having three-dimensional scans taken of them, but this requires consultation to determine.

Information provided by a Tribe on the character and location of its sacred sites during consultation will be withheld from disclosure to other consulting parties, including other tribes, as well as the public.

Finally, the DEIR does not state how the Native American Commemorative Seal (DEIR, page 4.14-6) would be treated during construction. It is within the project site. Would it be removed? Would ceremony be appropriate for that? If removed, where would it be stored? Is there a way to emplace it temporarily on the Capitol grounds in an accessible area outside of the construction exclusion areas? Is DGS consulting with the NAHC or some other appropriate entity on the treatment of this resource?

Preferred and Recommended Mitigation Measures

UAIC has several recommendations for additional Mitigation Measures that we would prefer and recommend to be included in the DEIR. The basis for these measures is that even with mitigation and treatment, potential impacts to TCRs (including cultural landscape) and Ancestral burials within the project area, would remain significant and unmitigable on both a project and cumulative basis, from UAIC's perspective. UAIC requests that it be further consulted regarding the development of the specific wording of all mitigation measures that may lessen adverse impacts and effects to TCRs, including the cultural landscape. These include, but are not limited to, the following measures. Further consultation may identify additional measures.

- ▶ **Archaeological and Tribal Cultural Resource Research Design and Treatment Plan.** As discussed at length above, such a plan is an appropriate mitigation assuming it involves Tribal input and consultation.
- ▶ **Land Acknowledgment Statement.** Many state-funded institutions, particularly universities and community colleges, have adopted and make regularized land statements that recognize they are operating within the traditional homelands of Native peoples. We recommend that such a statement be developed through consultation and prominently displayed within the Capitol Annex. We also recommend that a program be developed for integration of such statements into legislative session commencements and other ceremonial events at the Capitol.
- ▶ **Prominent Native Participation in Ground-Breaking and Ribbon-Cutting Ceremonies.** In acknowledgment of the potential significant effect to TCRs, UAIC recommends the participation of affiliated tribes, and a Native American blessing, for any public or closed ceremonies associated with the Annex construction (i.e., (preconstruction, construction, post construction, dedication). In recognition of the importance of the Capitol to all Natives in California, public ceremonies should strive for inclusivity.
- ▶ **Temporary Displays during Construction.** During ongoing construction efforts, we recommend that DGS place interpretive panels or displays that discuss the program to protect and treat archaeological and Tribal resources, and acknowledges that the Capitol is operating within the traditional homelands of Native peoples.
- ▶ **Representation of Native Americans in the Permanent Public Interpretative Display.** As noted above, the interpretive display noted in the existing mitigation measures for architectural history must be expanded. Public interpretive display(s) should also highlight the survival and persistence of Native peoples, the importance of TCRs to the Native community, as well as highlight the symbolism of the Capitol building to all Native groups in California. Actions at the Capitol have affected the daily life and survival of Native American groups since the very establishment of the state and Capitol. In 2002, installation of the Native American Commemorative Seal on the west Capitol steps highlighted some of these ideals. Such a display could be included in the Visitor Center or given its own locale within Capitol Park. Further consultation with local Tribes would help to determine the appropriate extent and location.
- ▶ **Update and Expansion of Sacramento Area Ethnography and Ethnohistory.** In 1984, a report entitled "American Indians in the Sacramento Area" was completed for the Sacramento Ethnic Communities Survey, Sacramento Museum and History Division. This document encompassed a study of Native groups originating from the

Sacramento area, as well as the 20th-century influx of others of Native American ancestry from other regions. UAIC suggests the scope of this ethnography/ethnohistory be expanded and updated, and that the ethnohistory particularly document post-1950s events that have been critical in Native identity and cultural awareness.

As examples, the establishment of Native American civil rights, the founding and funding of the NAHC, the history and development of California Indian Day, revisions to California school curriculum, and the promulgation of SB 18 and AB 52 among other pieces of important legislation, have all influenced local area Tribal identity, as well as the history that has recently occurred in and around the Capitol building. Funding for such an effort should include events that emanate from the Capitol and have statewide effect, as well funding to each tribe to supervise a chapter of this contemporary ethnography to highlight the survival, development, persistence, and renewal of the Sacramento-area Tribes and pan-Indian community.

- ▶ **Protection in Place.** If the identification process and treatment result in documentation of TCRs, UAIC would prefer to consult with the lead agency to determine if preservation in place of these resources is possible. In areas where protection in place is not feasible, additional, specific mitigation measures developed through consultation may be appropriate for each affected resource.
- ▶ **Cumulative Effects.** The DEIR does not find any cumulative impacts to TCRs. This is not surprising, as the cumulative impacts section of the DEIR only considers the built environment. (DEIR, section 5.2.4 Related Projects). UAIC disagrees and finds that prior work done at the Los Gobernadoras Project (the old California Governor's mansion and related Native American site and burial ground), other development projects in the Sacramento area (see discussion within Research Design for Evaluation and Treatment of Unanticipated Archaeological Discoveries, pages 26 to 27), as well as past and future work on local levees, among other projects, have caused adverse effects to resources of Tribal concern. In many of these cases, such impacts were poorly mitigated, if mitigated at all. With further consultation, UAIC can add details of cumulative effects caused by such projects. Overall, the proposed project contributes to a potentially significant cumulative effect to TCRs (including cultural landscapes) with the proposed action. Mitigation, developed through consultation, for cumulative effects should occur.

Finally, DEIR Appendix B contains information regarding judicial review of the proposed project. Public Resources Code section 21189.55(c) states that within five days following the close of the public comment period, a commenter on the DEIR may submit to DGS, as lead agency, a written request for nonbinding mediation. At our meeting with DGS in October 2019, DGS did not know whether such request was required to exhaust administrative remedies. Accordingly, while UAIC is hopeful that the AB 52 consultative process will reach mutually agreeable solutions, UAIC feels compelled to make a timely, written request for voluntary mediation on a protective basis, as part of this comment letter. UAIC is open to consider a tolling agreement or other mechanism for the mediation that could allow the parties instead to focus on the immediate AB 52 consultations unless and until impasse occurs, without waiving any of UAIC's rights or remedies.

Should you have any questions concerning the content or intent of these comments and recommendations, please contact Dr. Rebecca Allen, Tribal Historic Preservation Director, rallen@auburnrancheria.com, or Anna Starkey, Cultural Regulatory Specialist, astarkey@auburnrancheria.com.

Letter A7 Historic State Capitol Commission

Richard Cowan, Chair
October 24, 2019

The Historic State Capitol Commission's East Annex Project Review Committee

(Committee) hereby submits the attached comments on behalf of the Commission. The Commission's roles, among many, are to review and advise the Legislature on any development, improvement, or other physical change in any aspect of the historic State Capitol, as well as do any other act which the Commission determines will maintain or enhance the historic and cultural legacy of the Historic State Capitol.

The Committee's main comments concern:

1. The Draft EIR considers the wrong alternatives;
2. Tearing up Capitol Park for a parking garage is not appropriate;
3. The Draft EIR suggests putting the Historic Fabric study "cart" in front of the Project Decision "horse";
4. The Draft EIR does not provide the needed information on Capitol Park and its trees for good decisions;
5. The Draft EIR mis-represents an important fact about the current East Annex; and,
6. The View Protection Corridor should be preserved by the Visitor/Welcome Center.

Please see the Committee's detailed comments on the attached document.

TO ENSURE THE DOCUMENT PROVIDES A SUFFICIENT LEVEL OF ANALYSIS, PER CEQA, KEY COMPONENTS NEED TO BE ADDED, AS FOLLOWS:

- ▶ **PROJECT-LEVEL VS. PROGRAMMATIC-LEVEL EVALUATIONS:** Distinguish and provide clarification between the portions of the "Project" that can be analyzed in this Draft EIR at a "PROJECT-LEVEL" vs. those that must be considered, due to lack of information, at a "PROGRAMMATIC LEVEL," and which would require a subsequent, project-level environmental analysis once that additional information is provided;
- ▶ **EVALUATE HISTORICAL RESOURCES, CHARACTER-DEFINING FEATURES AND INTEGRITY CONSIDERATIONS OF THE HISTORIC ANNEX BUILDING AND CAPITOL PARK, INCLUDING HISTORIC LANDSCAPE AND SITE DESIGN ELEMENTS OF THE PARK:** This evaluation is needed in order to be able to evaluate and identify potential project impacts and then to develop possible mitigation measures and/or feasible alternatives that would avoid or lessen those impacts;
- ▶ **DEVELOP AND EVALUATE A FEASIBLE "REHABILITATION" ALTERNATIVE TO THE PROPOSED ANNEX BUILDING PROJECT:** An alternative that could achieve project objectives while substantially lessening or avoiding impacts to the environment, particularly historical and cultural resources, which can include additions and alterations to the building per the Secretary of the Interior's Rehabilitation Standards and the California Historical Building Code, needs to be evaluated as a feasible alternative;
- ▶ **DEVELOP AND EVALUATE A FEASIBLE MITIGATION MEASURE TO REDUCE IMPACTS FROM THE PROPOSED VISITOR/WELCOME CENTER:** A feasible mitigation measure that would reduce impacts to Capitol Park's historical resources and aesthetics, and could better conform to the Capital Area Plan, by ramping access to the proposed new Visitor/Welcome Center, needs to be considered;
- ▶ **DEVELOP AND EVALUATE A FEASIBLE ALTERNATIVE – INCLUDING AN OFF-SITE ALTERNATIVE – TO THE PROPOSED "UNDERGROUND" PARKING IN CAPITOL PARK:** This is needed to avoid or lessen the impacts to Capitol Park's historical, landscape and cultural resources; and,
- ▶ **CONDUCT A FULL ANALYSIS OF THE PROPOSED PROJECTS', AND POSSIBLE ALTERNATIVES', IMPACTS ON, AND PROTECTION OF TREES AND SURROUNDING LANDSCAPE DURING CONSTRUCTION:** There are impacts to the park landscape beyond those identified impacts to "Memorial Trees" and the 20-30 trees that would potentially need to be removed for the excavation needs of the three different components of the proposed project.

p. 1-1

1.1 PROJECT REQUIRING ENVIRONMENTAL ANALYSIS

*"...The project would involve three primary components, (1) demolition and **reconstruction** of the existing Annex, (2) construction of a new underground visitor/welcome center on the west side of the Historic Capitol, and (3) construction of a new underground parking garage south of the Historic Capitol. ..."*

Since the Annex is an existing historical resource for CEQA purposes, it is not appropriate to use the word "**reconstruction**" as used in the sentence above. The proposed project as described in the Draft EIR is not consistent

with the Reconstruction treatment, per the Secretary of the Interior's (SOI) Standards for the Treatment of Historical Buildings, which typically involves the re-building of missing historic properties and features. Instead, the proposed project would demolish the historic Annex building, which currently exists, and would build a new, larger structure with a different floorplan and design.

p. 1-2

This discussion below is not convincing relative to whether this document should be considered as a Project EIR vs. a Programmatic EIR, or a mix of both.

1.2 PURPOSE AND INTENDED USES OF THIS DRAFT EIR

*"While fewer design details of the new Annex and the underground parking garage (as compared to the visitor/welcome center) were available at the time of publication of this Draft EIR, information about these elements and their characteristics (e.g., square footage, utility demands, number of occupants, types of internal facilities) is generally sufficient to permit analysis that meets the requirements of a project EIR as defined in Section 15161 of the State CEQA Guidelines. The possible exception is historic architectural resources. **Without detailed information on the exterior appearance of the new Annex and how it would integrate with the Historic Capitol Building, and without the specific location and footprint of the underground parking garage, entrance and exit roadways, and facilities, conclusions regarding the consistency of the project with historic architectural resources, and the Historic Capitol in particular, cannot be fully confirmed. In the future, when design of the new Annex and underground parking is more fully developed, DGS will examine via an initial study and review of this EIR whether any additional CEQA compliance documentation must be prepared. If, as a result of this review process it is found that construction or operation of the new Annex or underground parking garage would result in (a) new significant environmental effects that are not examined in this EIR, or (b) or a substantial increase in the severity of significant environmental effects previously identified in this EIR, then additional CEQA analysis will be conducted.**"*

While the proposed Visitor/Welcome Center project's design appears more fully developed in the Draft EIR, such that it might allow an adequate analysis of the environmental impacts and mitigation measures as part of a "Project EIR", it is not at all clear, given the very programmatic descriptions of the proposed new Annex building and proposed new "underground" parking garage projects, that these two parts of the "project" can be considered at a "project level" vs. a "programmatic-level" in this Draft EIR. More detail is needed to be able to understand potential impacts to both the historic State Capitol building as well as to the historic Capitol Park, including impacts to historic landscape features, to City Street Trees, and also relative to potential cumulative impacts to historical resources. Once the proposal is more fully developed and potential impacts can be better understood, mitigation measures and/or feasible alternatives that would achieve project objectives while lessening those impacts, could then be developed.

The text from the Draft EIR, highlighted above, also seems to imply that it is only the exterior design of the proposed new Annex that would need to be reviewed. A comprehensive historical significance and integrity analysis of the entire historic Annex building, inside and out, (beyond that described in the earlier DGS Infrastructure Study of the Annex,) is needed in order to be able to develop and analyze whether or not there is a feasible "Rehabilitation" alternative that could meet project objectives with additions and alterations to the building, and that would not have significant impacts on those building elements and character-defining features that would be identified in such an analysis as historically significant and maintain sufficient integrity.

Also, since a comprehensive description and evaluation of the historic and cultural features and characteristics of Capitol Park – including Native American, historic landscape and site design resources – has not been undertaken, it is not clear that even the proposed new Visitor/Welcome Center's impacts upon historical and cultural resources can be adequately evaluated, mitigated, or alternatives developed that could substantially lessen or avoid those impacts, as part of this Draft EIR document. This comprehensive analysis should be completed to better understand whether there are, or are not, significant impacts to historical features and characteristics of the park. Given the Capitol Area Plan, and assuming the west end of Capitol Park is a significant historic landscape and the aesthetic/visual "front yard" of the Capitol's primary West façade, measures to avoid any new structures in this part of the park – including

elevator shafts, stairwell covers and or security checkpoints – can be developed, including ramping for access, that could ensure compliance with the Capitol Area Plan and lessen potential impacts to Less-Than-Significant.

Completing a comprehensive analysis of Capitol Park’s significant historic features and characteristics, and including testing for potential Native American sites, as part of developing future “Project EIR” compliance documents for the proposed Annex building and proposed “underground” parking garage projects, will help to ensure the adequate analysis of the potential impacts of those two proposed projects on the environment, will help in the development of measures that could mitigate those impacts, and will help in the development of a feasible alternative that could achieve project objectives while substantially lessening or avoiding those impacts.

*“... The possible exception is **historic architectural resources**. Without detailed information on the exterior appearance of the new Annex and how it would integrate with the Historic Capitol Building, and without the specific location and footprint of the underground parking garage, entrance and exit roadways, and facilities, conclusions regarding the consistency of the project with **historic architectural resources**, and the Historic Capitol in particular, cannot be fully confirmed. ...”*

Wording in the above two sentences appears to inappropriately limit considerations about historical or cultural resources (both their identification and understanding of their significant features & characteristics, and the ability to understand and evaluate the impacts to historical resources from the proposed project) to only “**...historic architectural resources...**”

Potential historical and cultural resources that could be impacted by this project, and that need to be identified, evaluated and considered in this Draft EIR document include: Native American; archaeological (pre-historic and historic); cultural resources; historic landscape and site design resources; and, other built-environment resources, including historic architectural resources.

Please use the terms “**historical resources**” or “**historical and cultural resources**” throughout the document to ensure an adequate evaluation of historical and cultural resources, which includes “architectural,” as well as other resource types. This will ensure their identification, consideration of their significant features and characteristics, their level of integrity, better understanding of potential impacts from the proposed project/s, and also will help to ensure adequate identification of potentially feasible measures to mitigate or alternatives to avoid or lessen impacts to those resources/features/characteristics from the proposed project/s.

Page 1-3

1.4.2 TRUSTEE AND RESPONSIBLE AGENCIES

Please clarify which state agency is the responsible agency relative to Capitol Park’s biological resources, in particular its’ significant trees and other landscape and plant materials.

Please clarify the role of the State of California’s Native American Heritage Commission.

Page 1-4

1.4.3 REQUIRED PERMITS AND APPROVALS

The following list identifies permits and other approval actions likely to be required before implementation of individual elements of the proposed project.

STATE ACTIONS/PERMITS

*California State Parks, Office of Historic Preservation: Review of project design pursuant to PRC Sections 5024(f) and 5024.5 regarding historic resources and consultation regarding the project’s potential to adversely affect **historic buildings** that are adjacent to or in the vicinity of the site.”*

Please confirm if the term **historic resources** “adjacent to or in the vicinity of the site” should be used in this sentence vs. just historic “**buildings.**”

Page 2-1

2.2 SUMMARY DESCRIPTION OF THE PROJECT

2.2.2 Background and Need for the Project

... After many decades of alterations and departments expanding and moving to other buildings, the Capitol Annex Building (Annex) was constructed between 1949 and 1951. The six-story and roughly 325,000-square-foot Annex was connected to the west side of the Historic Capitol, resulting in the appearance of a single continuous building."

The Annex is connected to the east side, not the west side, of the historic Capitol building.

Page 2-1 & 2-4

"The Annex was originally constructed in accordance with the 1949 Uniform Building Code (UBC). The code in effect today is the 2016 California Building Code (CBC). While the mission of the code has largely remained the same, considerable changes have been made since the 1949 UBC edition and new regulations and standards related to building facilities and performance have been adopted. Identified deficiencies in the Annex relative to current building standards and building operations include:

- ▶ life safety/building code deficiencies (e.g., fire detection, alarm, and fire suppression systems);
- ▶ non-compliance with Americans with Disabilities Act (ADA) standards;
- ▶ non-compliance with energy efficiency standards;
- ▶ overcrowding;
- ▶ aging and failing infrastructure (e.g., plumbing, electrical, heating/cooling); and
- ▶ insufficient public and working space.

Responding to the need to replace or renovate the Annex, in 2016 the Legislature passed SB 836. SB 836 provides funding for a project to address deficiencies in the existing State Capitol Building Annex. Passage of SB 836 aligned with the need identified in the Governor's 2016 Five-Year Infrastructure Plan to modernize the Annex."

Note that, relative to the above section, the current 2016 California Building Code (CBC) includes Chapter 8, the California Historical Building Code, which provides for standards to achieve accommodations for safe and accessible properties while preserving historically significant features. This DEIR does not adequately consider the opportunities to rehabilitate and modernize the Annex utilizing this portion of the CBC that would address – potentially feasibly – the deficiencies identified above.

Page 2-6

TEMPORARY ADJUSTMENTS TO HISTORIC CAPITOL OPERATIONS

Portions of the existing Annex are used to support functions critical to operation of the Legislature when it is in chambers, such as Assembly and Senate Caucus offices and space for the Assembly Chief Clerk. Space for these functions must be located near the Assembly and Senate Chambers so that they are easily accessible from these locations. When the Annex is closed for demolition, these functions would be moved to several existing rooms on the second floor of the Historic Capitol. Office furnishings and partitions within these rooms may be modified to better serve these temporary uses while the Annex project is completed; however, no historic elements, corridors, or hallways would be altered. Functions and staff currently in those rooms would be moved to the 10th and O Street Office Building."

Please explain the proposed modifications there would be to "Office furnishings and partitions..." within the existing rooms on the second floor of the Historic Capitol referenced in the sentence above, and what, specifically, is referred to in the following, "...no historic elements, corridors, or hallways would be altered."

- ▶ Which elements, corridors or hallways in the West Wing, historic or not, are proposed to be altered, and how? If the proposed Annex building project is without sufficient detail to understand the specific alterations and

modifications that would be needed to the West Wing, it is not appropriate to state there would not be any historic areas altered.

- ▶ If there is sufficient design development that would show this as an accurate statement, please provide those designs for evaluation.
- ▶ If there is a document identifying which features, spaces and elements of the historic West Wing are, or are not, historically significant, please provide that document.

Page 2-7

VISITOR/WELCOME CENTER

"Ground disturbance for construction of the visitor/welcome center would be primarily in the area between 10th Street and the west steps of the Capitol. Excavation would reach a depth of approximately 25 feet. Upon completion of the visitor/welcome center, the temporarily disturbed portions of Capitol Park on the west side of the Capitol would be restored to existing conditions, except that a skylight or similar feature may be located in the "roof" of the visitor/welcome center (at the ground surface) to allow natural light into the center and possibly allow a view of the Historic Capitol from inside the center. Fencing, vegetation, or other materials surrounding the skylight would prevent pedestrians from walking on the skylight, creating a new landscape element on the west side of the Capitol Building."

Please note that figure 2-3 in the DEIR, copied below, relative to the proposed footprint of the underground Visitor/Welcome Center, depicts an area west of the entire historic Capitol building's west façade, and somewhat beyond to the north and south, not only the area between 10th Street and the west steps of the Capitol.

Please clarify and explain how this would impact Capitol Park and its' historical and cultural resources, and the park's significant features and characteristics, in these other areas, north and south of the west steps of the Capitol, as well as the entire area west of the Capitol. What would take place in these areas?



Please note that the proposed new aboveground structures – elevator shafts, stairwell enclosures, and/or security checkpoints, and/or barriers surrounding the proposed skylight – may not comply with the Capitol Area Plan, could be significant visual intrusions to the protected historic view-corridor from the Tower Bridge/Capitol Mall to the primary (west) façade of the Historic Capitol Building, and could be significant intrusions into the historical landscape of the west end of Capitol Park, the Capitol's "front yard."

NEW ANNEX PROGRAM ELEMENTS

The new Annex would provide approximately 525,000 gross square feet of space, compared to the 325,000 square feet in the existing Annex. The new Annex would support more and larger hearing rooms and conference rooms, more consistently sized office spaces, and more efficiently designed facilities. Although the new Annex would support more square footage than the existing building, the functions, activities, and personnel associated with the Annex would not change.

The new Annex would meet all current building codes, ADA standards, and energy efficiency standards. The building would meet or exceed LEED v4 Silver certification."

Note that the current CBC includes Chapter 8, the California Historical Building Code. A rehabilitated Annex building, with alterations and additions where appropriate, can meet current CBD Chapter 8 and meet or exceed LEED v4 Silver certification without having to be demolished. This needs to be an alternative that is evaluated per CEQA.

Page 2-8

LANDSCAPING, LIGHTING, AND MEMORIALS

The existing landscaping and lighting in the vicinity of the visitor/welcome center, Annex, and underground parking would be maintained and protected as much as possible during construction. As many existing trees as possible would be retained during project construction. However, it is estimated that approximately 20-30 trees would need to be removed to implement the project. California Department of Parks and Recreation tree protection guidelines would be implemented to protect trees that are retained within the construction activity area."

Clarify whether the "...approximately 20-30 trees would need to be removed..." include the City Street Tree perimeter palms. These historically significant palms would be impacted by the proposed new curb cuts and driveways proposed along N Street to provide access to/from the proposed new "underground" parking garage in the southwestern area of Capitol Park.

Neither the Draft EIR nor the POS overview address details regarding actual trees and landscape to be affected by construction. Because there has never been a Tree Management Plan, consideration of the tree population and park landscape has been piecemeal in the many decades after the initial establishment of the Capitol.

The Draft EIR Mitigation Measure 4.12d would only require that memorial trees are protected, relocated, or replaced in kind. City trees come under city regulations, and note that they include City Street Trees, the perimeter palms surrounding Capitol Park. That leaves numerous trees (those that are not memorial trees) for which replacement/relocation is not addressed.

Trees and landscape overall, in fact, appear incidental to the project discussion as a whole. Any project that will take up to five years to complete has the potential to affect the surrounding landscape through construction (e.g. groundwater interruption or changes).

The myth of trees putting down deep tap roots is just that – a myth. A mature redwood's roots can and do spread for well over 100 feet. A mature Deodar cedar's roots may spread for over 40feet in every direction. Other species spread even further. All form a dense mat usually not more than 4 feet deep.

It takes many years to propagate tree species from seed, cloning or sapling to a giant Deodar cedar, redwood, or magnolia and decades before those will produce the same ecosystem services as large trees that are removed or damaged. The ecosystem services those removed or declining (due to construction) trees provide are lost – the carbon storage, reduction in stormwater runoff, energy savings and air quality benefits are forgone.

The current landscape will be significantly changed with construction, especially in and surrounding the 2 acres that are proposed to be excavated for the proposed new "underground" parking garage, and related new access driveways and curb cuts along the southwestern portion of Capitol Park south of the Historic West Wing.

It is recommended that, prior to any construction in Capitol Park, a full report be completed. This report should be completed by a qualified landscape architectural firm (DGS or otherwise) with employees or subcontractors certified in all phases of construction impact on trees. At a minimum, the report should include:

- ▶ A list of trees expected to be removed, relocated or re-propagated (denoted as so) with their current diameter-at-breast height. This report should identify which trees on these lists are historic, e.g. deodar cedars, Civil War trees, Moon Tree, City Street Tree perimeter palms, etc., and which are not;
- ▶ A list of trees potentially affected if/when irrigation and groundwater is reduced or re-routed due to re-plumbing of systems around and to the proposed excavation areas that would be needed for the proposed new Annex's

excavation, proposed new “underground” garage and access excavation, and proposed new Visitor/Welcome Center excavation;

- ▶ Define and establish sources and resources for the replacement of all removed trees;
- ▶ Address the potential effect of removal of groundwater and dewatering processes on landscapes surrounding all construction sites;
- ▶ Analysis of potential impact on surrounding landscapes including potential removal of groundwater resources during the 5-yr construction period;
- ▶ Recommended tree protection during construction re: ANSI Guidelines; and,
- ▶ Planting/replanting/propagation plan for all areas to be excavated.

p. 2-8

PARKING GARAGE

Tearing up 2 acres of Capitol Park for a parking garage is not appropriate and is not a valid use of the park. Using the 60- or 70- year horizon on which our Capitol's functions are analyzed, the use of large cars leased at State expense for individual legislators is unlikely. In 2070, Legislators will likely arrive at the Capitol in public transit or some sort of automated shuttle. Since there will be a temporary solution for parking in the swing space building, why not continue to use that solution for Legislators until the future arrives? Options to provide secure access to the Capitol from that parking are also feasible and should be studied.

Two new entry curb cuts and driveways are proposed from N Street, at the intersection with 11th Street, to access the proposed new “underground” parking garage. Evaluation is needed of an alternative that would use the existing entry drive/curb cuts at N Street, near its intersection with 12th Street (vs. the proposed new entries/curb cuts) and that would minimize tree loss from the proposed new parking garage's new entry driveways/curb cuts. Consideration is also needed about replacement of the trees, including street trees, along L Street relative to the proposal to remove that existing driveway access/curb cut into the current parking area underneath the Annex building.

It is also not specified, and needs to be identified and evaluated, where and how the two proposed new driveways' security checkpoint structures would be located and designed to minimize their potential impacts to historic landscape resources, their visual impacts to the visual corridor of the historic Capitol's south entry, and also to ensure conformance with the Capitol Area Plan.

p. 2-9

2.3 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

2.3.2 Significant-and-Unavoidable Impacts and Cumulative Impacts

The Capitol Annex Project would result in one significant-and-unavoidable adverse impact (i.e., impact that cannot be reduced to less than significant levels with feasibly mitigation) related to historic architectural resources. The significant and unavoidable impact occurs because existing historic architectural resources would be altered, damaged, and/or destroyed as a result of project implementation.”

The impact has not been shown to be “unavoidable,” since the feasibility of a “rehabilitation” alternative for the historic Annex – per the Secretary of the Interior's (SOI) Rehabilitation Standards and utilizing the California Historical Building Code (CHBC) – that would achieve the project objectives and lessen impacts to historical resources was not pursued in the Draft EIR document, and needs to be.

CEQA requires that, per p. 1-1 of this Draft EIR document,

“...An EIR is an informational document used to inform public-agency decision makers and the general public of the significant environmental impacts of a project, identify possible ways to minimize the significant impacts,

and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. "

Beside the fact that there are alternatives that could address the as-yet unidentified (in this Draft EIR document) avoidable impacts of the proposed projects to the historic Capitol Park landscape features, which need to be studied, there are potentially alternatives that could also avoid impacts to the historical "architectural" resource of the Annex building.

A rehabilitation alternative, using the SOI Rehabilitation Standards and the CHBC could allow alterations of non-significant spaces and features of the building, and could allow additions to the building – in the interior and the exterior, and below and possibly above ground – in ways that would lessen the impact to the historical resources.

ADD NEW SPACE ALL "UNDERGROUND" ALTERNATIVE: One such alternative, which should be explored, would be to rehabilitate the existing Annex, with alterations to non-significant interior areas, including filling in the atriums, expanding the 6th floor space, and significantly expanding the "underground" area surrounding the Annex's current north, east and south footprint. To meet the project's significant square-foot objectives, this alternative could, however, have significant impact on Capitol Park historic landscape and site design features, and would need to be evaluated in that regard.

SEE ATTACHED DIAGRAM showing where new square feet would be gained "underground"

ADD NEW SPACE BETWEEN THE WEST WING AND A MOVED ANNEX BUILDING ALTERNATIVE: Another alternative which should be explored as part of the Annex's seismic retrofit is to move the existing Annex building to the east, as far east as the proposed new building would be built, and then fill in the atriums and build new space in between the moved Annex and the West Wing. This would allow the east façade and its historic features, along with the building's north and south façades, to be retained. This option would also allow other non-significant spaces to be altered, including expansion of the 6th floor areas. This would also allow for all the additional square feet called for in the project objectives to be met by infilling the area between the moved east Annex and the historic Capitol's current east walls. This new infill could also provide some measure of improvement, though it would not be able to completely change the floor alignment issue between the buildings (due to their different floor-to-ceiling heights) and also the issues dealing with access and egress. The Rehabilitation Standards and the CHBC both allow for consideration of feasibility, as does CEQA, relative to economical and technological feasibility. The Rehabilitation Standards have also been used on many major historical buildings to achieve LEED Silver, even Gold, and in some instances Platinum certification.

SEE ATTACHED DIAGRAM showing where new square feet would be gained between the buildings.

Per CEQA, these alternatives need to be fully evaluated. Both could lessen the impacts to historical resources, potentially to a Less-Than-Significant level, but especially in the MOVED Annex building alternative, since, in that alternative, potential impacts to Capitol Park's historic landscape features would be minimized due to less need to excavate such a large underground area, as the ALL UNDERGROUND ALTERNATIVE would involve.

p.2-9

Section 2.3.2 Significant-and-Unavoidable Impacts and Cumulative Impacts

Significant potential "Cumulative Impacts" from the proposed project/s need to be better identified and evaluated. This can be better addressed through a comprehensive evaluation of the historical and landscape resources of Capitol Park that will identify the park's significant, as well as non-significant, features and characteristics, its integrity considerations and other cultural resources that could be impacted by the proposed project/s. Without such analysis, these impacts are not adequately considered, and measures to mitigate, or alternatives to avoid or lessen impacts, cannot be properly developed.

In addition, significant impacts to historic landscape resources in Capitol Park can be avoided with an off-site alternative to the proposed "underground" parking garage, and with a graded walkway to/from the proposed

Visitor/Welcome Center mitigation, instead of a new 10-foot high elevator shaft and other stairwell enclosure structures above grade in Capitol Park.

p. 2-9 & 2-10

2.4.1 Environmentally-Superior Alternative

An alternative utilizing the SOI Rehabilitation Standards and the California Historical Building Code, suggested in comments above, and including additions and alterations to the Annex building, and which could achieve project objectives, could be the Environmentally Superior Alternative. Such alternative/s must be adequately analyzed.

Alternative 2, the "Capitol Annex Renovation Alternative" discussed in the Draft EIR would not meet project objectives particularly of the additional space needs, and, as such, should not be considered, unless an alternative to consider moving some functions off-site were also to be considered.

Impact 4.2-2: Consistency with Land Use Plans and Documents

The proposed Visitor/Welcome Center's proposed new above-grade elevator shaft and stairwell enclosure structures are not consistent with the Capitol Area Plan. These new structures proposed to be built in Capitol Park, especially this western portion of the park, would be a potentially Significant impact, but could be mitigated with ramping down to the required level.

p. 2-15

Table 2-1 Summary of Impacts & Mitigation Measures

ENERGY

Impact 4.7-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction of Operations

This impact fails to mention/consider the embodied energy that went into the construction of the existing Annex building. It also fails to consider a rehabilitation alternative that would retain the embodied energy of the existing Annex AND could make the existing building meet LEED v4 Silver.

p. 2-18

Table 2-1 (continued)

Geology & Soils

Impact 4.9-1: Seismic Hazards

Impacts from proposed project/s new construction alongside the east (proposed new Annex), south (proposed new "underground" parking garage), and west (proposed new Visitor/Welcome Center) foundations of the historic Capitol will need to consider seismic movement of the various structures.

p. 2-21 and p.2-22 (Also referenced on p. 4-12-23 and p.4-12.24 [SIC])

Table 2-1 (continued)

Archaeological, Historical, and Tribal Cultural Resources

For both Impacts 4.12-1 and 4.12-2 Potential for Impacts on Significant Historic Archaeological Resources and Potential for Impacts on Significant Prehistoric Archaeological Resources and Tribal Cultural Resources

Consider mitigation measures that would involve testing, pre-design or at minimum pre-construction, for all areas where proposed excavation is to take place (horizontally and vertically), instead of just monitoring during construction. Learn the lesson of Sacramento's new City Hall construction where, during construction, significant cultural resources and Native American remains were found, and construction then held up for months. Do this before the construction equipment and labor are hired and before they begin working on-site.

p. 2-24 to 2-28 (Also referenced on p. 4.12-27, -28, -29, 30, and -31)

*Impact 4.12-4: Potential for Impacts on Historic **Architectural** Resources*

Again, leave out the word "Architectural".

Mitigation Measure 4.12-4a: Adhere to Historic Structure Report, Secretary of the Interior's Standards, CHBC and Relevant NPS Briefs.

This measure needs to discuss more than architectural matters, such as historic landscapes, and needs to clarify what parts of the project/s will involve the SOI Standards, the CHBC or NPS Preservation Briefs.

Why include pursuit of a Historic Structure Report (HSR) on the Annex as a mitigation measure if the project proposes to demolish the building? HSRs are meant to evaluate the history and significant features of the resource and develop historically appropriate maintenance and treatment options for the future; not necessary if the building is to be demolished. Perhaps the intention in this mitigation measure is for a Historic American Building Survey (HABS) document instead? If so, documentation is not mitigation for the loss of an historical resource, certainly not to any lessening significantly.

Also, instead of a HSR for Capitol Park, perhaps the intention in the Measure is to conduct an Historic Landscape Report (HLR), which would be very helpful to have, before any of the detailed design developments of the proposed projects are pursued and design or program alternatives can be considered, especially an off-site parking alternative to digging up 2 acres of Capitol Park.

Mitigation Measure 4.12 d: Develop and Implement a Plan for Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials in Capitol Park

See comments included above re: this mitigation measure. Also, consider how an HLR could help mitigate construction impacts for Capitol Park's historic landscape and built environment features.

New plantings above the proposed new "underground" parking garage would be significantly smaller trees and shrubs than are found in Capitol Park today, and more like those smaller varieties of trees and shrubs found in a "roof-top garden." This would be a significant impact and could not be mitigated to a Less-Than-Significant level.

p. 2-30 (Also referenced on p. 4-13-2 and -3, and -13 and -14

Impact 4.13-3: Conflict with Any Local Policies or Ordinance Protecting Biological Resources

Besides protected city trees, the historic City Street Trees, the continuous palms surrounding the entire perimeter of Capitol Park and the blocks that include the Unruh building and Library and Courts building, need to be protected. Their replacement will be a significant impact, since as new plantings their height will be different; all existing palms are the same height. Mitigation Measure 4.-13-3 cannot mitigate this to Less-Than-Significant level.

p. 2-32 (Also references on p.4.15-15 and -16.)

Impact 4.15-1: Adverse Effect on a Scenic Vista

Mitigation Measure 4.14-1: Establish and Implement Performance Criteria for Construction of the Visitor/Welcome Center Entrance

The proposed mitigation measure is not sufficient to lessen impacts to Capitol Park to a Less-Than-Significant level. The entire west end of Capitol Park frames the historic primary façade of the Capitol Building. A mitigation measure to ramp down to the proposed "underground" Visitor/Welcome Center vs. using elevators with 10- or 11- feet high shafts above grade, would lessen the impacts to the scenic vista, to the western end of Capitol Park, and would conform to the Capitol Area Plan.

Also, where will the proposed stairwell enclosures and possible security checkpoint structures be for the proposed new Visitor/Welcome Center?

p. 2-33

Impact 4.15-2: Substantial Degradation of Existing Visual Character or Quality

Add a mitigation measure that would include following the treatment recommendations of a Historic Landscape Report.

p. 2-34

Table 2-2 *Summary of Environmental Effects of the Alternatives Relative to the Proposed Capitol Annex Project*

Consider comments that provide additional considerations for alternatives, especially relative to Archaeological, Historical and Tribal Cultural Resources, Biological Resources, and Aesthetics, Light and Glare.

p. 3-1

Section 3.1 *PROJECT BACKGROUND AND NEED*

Again, note correction needed. The Annex is connected to the east side of the historic Capitol building, not the west side.

Third paragraph and bullets: Note the current building code includes the CHBC, which provides means to overcome all "deficiencies" identified in this paragraph.

The use of the CHBC, with the SOI Rehabilitation Standards, provides standards that allow for alterations and additions to historic buildings, which can address "deficiencies" of the building and achieve project objectives.

p.3-5

Sec. 3.4. *CHARACTERISTICS*

Sec. 3.4.2 *Project Phasing*

#2 mentions entry issues, but not egress, and leaves out details:

- ▶ The proposal calls for the north side of the historic Capitol to be developed for public entry...how? What would be done to the historic building to ensure accessible entry and egress? What about security checkpoints?
- ▶ The proposal calls for the south side of the historic Capitol to be developed for Legislators' entry...how? What would be done to the historic building to ensure accessible entry and egress?

Sec. 3.4.4 *Temporary Adjustments to Historic Capitol Operations*

How will additional data and security needs be accommodated? What will be the impacts to any historic features of the building?

p. 3-6 through 3-9

Sec. 3.4.5 *Visitor/Welcome Center*

What sort of protection would be needed to keep people off the proposed new skylight? How tall, how solid? What would be the visual impacts?

p. 3-10

Sec. 3.4.9 *Landscaping, Lighting, and Memorials*

Do the 20-30 trees to be removed include City Street Trees? Does this number include those trees outside the construction zone that would not need to be removed, but could be potentially impacted by the construction?

If preparing a Historic Landscape Report for Capitol Park, following its' treatment recommendations can minimize impacts to historic planting patterns vs. solely selecting drought tolerant and native California plants. Alternatives that would minimize impacts to the historic landscape features need to be considered that are feasible and would also help achieve water conservation objectives.

p. 3-11

Sec. 3.4.10 *Parking Garage*

First paragraph, excavations to approximately 25 feet deep. Clearly describe how the construction of this proposed project would require digging up at least 2 acres of the park. Replacement plant materials over the new

"underground" parking garage would likely not attain the height and scale of the existing plantings/trees that would need to be removed.

Second paragraph, see comments provided above regarding the proposed two new entry/exit driveways and curb cuts along N Street.

p. 3-13

Sec. 3.4.12 *Modifications at the Historic Capitol*

The second sentence mentions proposed new penetrations for the Visitor/Welcome Center, but what about new penetrations for the proposed new garage and any new penetrations needed for a new Annex project?

p. 4.2-1

LAND USE AND PLANNING

Figure 4.2-1 "Project Location"

The delineation on the map does not include all the proposed project area, per map earlier in the document. It needs to show more than just the proposed Annex building footprint.

Sec. 4.2.1 *Regulatory Setting*

State

p. 4.2-3

Purposes of the Capitol Area Plan – Mentions the CAP's Open Space and Public Amenities section and "...calls for protection of the historic value and role of Capitol Park as an arboretum and public gathering space." ... "*Future construction of structures in the park, including large memorials, should be avoided.*"

- ▶ How would the historic values and role of Capitol Park as an arboretum and public gathering space be protected?
- ▶ Have these historic values been evaluated by qualified historical landscape specialists?
- ▶ What, if any, protection measures have been put in place to protect those historic values?
- ▶ The proposed new elevator shaft structures, projecting 10 feet above grade on the significant west side of Capitol Park, as proposed for the new Visitor/Welcome Center, will be a significant intrusion into the park and a violation of the Capitol Area Plan.

Local

p. 4.2-4

This section needs to address the need to coordinate with the City on proposals to remove City Street Trees for the proposed new entries/exits to the proposed "underground" parking garage on the south side of Capitol Park.

p. 4.2-7

Section 4.2.2 *Environmental Setting*

Second sentence notes Capitol Park as "...a major civic and state historic resource...", and the third sentence mentions the "Historic Capitol", but fails note that the Annex is also historic. The last sentence, this section, also fails to mention that the Unruh Building, the Capitol Fountain, and the Library and Courts Building are also historical resources.

p. 4.2-9 and -10

Impact 4.2-1: *Consistency with Land Use Plans and Documents*

Due to the proposed project's new elevator shaft structures and stairwell enclosures in the western portion of Capitol Park, the project would impact the western most section of Capitol Park and the proposal to locate these outside the view corridor to the west steps of the Capitol would not lessen the impact to Capitol Park to a Less-Than-Significant

level. A new mitigation measure to ramp down to below-grade levels for new structures could help comply with the Capitol Area Plan and also avoid impacts of new above-grade structures in this significant portion of Capitol Park.

p. 4.6-5

Sec. 4.6.2 Environmental Setting, Greenhouse Gas Emissions & Climate Change

An analysis is needed of the current carbon sequestration from the 20-30 trees that are proposed to be removed due to the project, including number of years before the new replacement trees would achieve the same levels of sequestration.

p.4.9-2 Geology and Soils, California Building Code

Note that the California Historical Building Code (CHBC) addresses seismic safety and structural design matters relative to historical buildings and sites, such as the Capitol Annex building and Capitol Park.

p. 4.12-1

Sec. 4.12 ARCHAEOLOGICAL, HISTORIC & TRIBAL CULTURAL RESOURCES

In order for the Draft EIR to adequately analyze and evaluate the potential impacts of the proposed project on these archaeological, historical and Tribal cultural resources, the following would need to be undertaken:

- ▶ Archaeological testing of areas proposed for excavation
- ▶ Historic analysis of all portions of the Annex
- ▶ Historical evaluation of Capitol Park

Even a complete evaluation of the historically significant spaces and features of the historic Capitol's West Wing is not included in this Draft EIR. Downtown Sacramento is generally known to be a high probability area for Native American cultural resources. The Capitol's West Wing, the Annex, and Capitol Park are historical resources. The proposed project's various components could or will potentially have significant impacts on all these resources. To adequately understand the potential impacts, an adequate evaluation of the resources within the project area needs to be undertaken.

Second paragraph, 2nd sentence:

"...built environment (architectural) resources..."

The word "architectural" inappropriately limits consideration of other built environment resources, which can also include other man-made features, not just architectural features. Also note that historical and cultural resources can also include sites, including designed or man-made landscapes and spaces, which in this Draft EIR need to be evaluated and considered to determine their historically significant features and characteristics, especially those in Capitol Park.

Without such evaluation, the impacts from a project cannot be adequately determined, mitigation measures cannot be adequately developed to lessen impacts, and alternatives cannot be sufficiently considered that could avoid or lessen the impacts.

p. 4.12-1

Federal, Section 106 of the National Historic Preservation Act

Note, unless federal funding or permitting is required for the proposed project, Section 106 of the NHPA does not apply.

The National Register of Historic Places is relevant especially since the entire project area is listed in the National Register. The Draft EIR needs to clearly identify the significance and types of listings of the various historical and cultural resources within and immediately surrounding the project area; for instance, expand/explain Table 4.12-1, p. 4.12-15, with specifics about each resource.

p. 4.12-5

California *State* Historical Building Code

The current name of the California Historical Building Code does not include the word "State."

p. 4.12-15

HISTORIC ARCHITECTURAL RESOURCES STUDY AREA

Again, using the word "Architectural" in the heading is inappropriately limiting relative to historical and cultural resources.

Note that the first sentence in this section leaves out mention of Capitol Park, as well as the landscape features of the Capitol Extension District and focuses more on "architectural" resources. This needs to be corrected in the document.

Why aren't other surrounding areas, such as Capitol Mall and the Art Deco District, which have been determined eligible for listing in the National Register, included in Figure 4.12-2?

p. 4.12-16

HISTORICAL RESOURCES

State Capitol Complex

Note the first paragraph, 2nd sentence, specifically mentions the National Register of Historic Places listing including it's *"...landscape design."*

The Draft EIR needs to adequately identify and evaluate this landscape design to better understand potential project impacts and opportunities to mitigate, lessen, or avoid those impacts.

First paragraph, second to last sentence mentions, *"...and the Annex floors and the historic Capitol floors were misaligned with the exception of the second floor of the Historic Capitol and the third floor of the Annex."*

The Draft EIR misrepresents an important fact about the current Annex building. The

"misaligned floors" is a red-herring criticism of the Annex. The Annex floors are carefully and thoughtfully aligned to the West Wing's Chamber floor level, and then aligned to maximize legislative space by minimizing floor-to-floor heights in the Annex. A newly-built Annex, as per the proposed project, would still not be able to match all the floor spacing of the West Wing, which has a very high floor-to-ceiling height, typical of major structures in the 19th century. To match the Capitol West Wing's floor-to-ceiling heights would make the Annex's needed square footage impossible to attain without also increasing its height far above the visible rotunda of the West Wing, or without expanding the footprint and massing beyond the visible boundaries of the north and south of the West Wing, or pushing the footprint into the Civil War Memorial Grove. To minimize impacts of the Annex to the Historic West Wing of the Capitol, while also providing maximum square footage of office and meeting spaces, the original Annex was designed to have much less height from floor to ceiling on each floor. Any new Annex building would also need to do this, and therefore could not align all the floors to the West Wing, just as the current Annex does not.

p. 4.12-16

The Dreyfus and Blackford Architecture, Page & Turnbull 2006 study evaluated publically accessible spaces only. Other significant interior spaces, features and materials, if any, also need to be evaluated, identified and described.

p. 4.12-16

First sentence, *"...Capitol Park, which is an evolving green space..."* Wording? This park is over 100 years old and embodies the Capitol Complex's historic *"landscape design."* Suggest revise wording to *"...Capitol Park, with an historic landscape that needs to be better researched, documented and evaluated for its significant landscape features and landscape design."*

p. 4.12-19

Capitol Extension Group section exhibits a similar need for more understanding and evaluation of the historic landscape features and site design.

The historic landscape and identification of the Capitol Complex/Capitol Park and Capitol Extension Block's significant features and integrity considerations need to be evaluated by a qualified landscape historian in order to be able to fully evaluate impacts to the historical resources from the proposed project. This includes cumulative impacts, and not just impacts to individual trees, but also impacts to the entire Capitol Park and related Capitol Extension blocks' landscape, as a whole.

p. 4.12-24

Mitigation Measures

Mitigation Measure 4.12-2: See comment above re: benefits to pre-construction testing for areas proposed for excavation.

p. 4.12-27 through 4.12-28

Impact 4.12-4: *Potential for Impacts on Historic Architectural Resources*

This section again is inappropriately limiting using the word "Architectural" as the qualifier for "Resources."

The impact to Capitol Park from the proposed project could be significant, and without identification of the park's significant historic landscape and design features, there is no basis for concluding that the proposed Visitor/Welcome Center and other project components – proposed new Annex building and proposed new "underground" garage – would impact these features and characteristics. A Historic Landscape Report on Capitol Park would be an excellent first step prior to detailed design development of these various project components.

Cumulative impacts to historic resources, including introduction of new structures such as elevator shafts and security kiosks, are also difficult to identify and evaluate without such a report.

p. 4.12-29

Mitigation Measure 4.12-4a: *Adhere to the Historic Structure Report, Secretary of Interior's Standards for the Treatment of Historic Properties, the California State Historical Building Code, and Relevant National Park Service Preservations Briefs*

Why prepare a Historic Structure Report for the Annex if the proposed project would demolish the building? Is a Historic American Building Survey what the Draft EIR consultant was thinking?

Why not prepare a Historic Landscape Report for Capitol Park before design development of the three components of this project?

Why not prepare a Historic Structure Report for the Annex that would provide information on the significant, and the non-significant (meaning they could be altered), features of the building that could be used to create a plan to rehabilitate the building with additions and alterations per the SOI Rehabilitation Standards and CHBC?

p. 4.12-31

Mitigation Measure 4.12d: *Develop and Implement a Plan for Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials in Capitol Park*

Prepare a Historic Landscape Report first, pre-design, especially of the proposed "underground" parking garage and new driveways, to better understand Capitol Park's significant features (not only its trees, and not only its "Memorial Trees") that need to be protected and could be protected with design and/or offsite alternatives.

p. 4.13-14

City 2035 General Plan Policies re Trees and its Mitigation Measure 4.13-3: *Remove and Replace Trees*

Minimize, via design alternatives, the need for new curb cuts and City Street Tree perimeter palms removal.

Consider consolidating new driveway/curb cuts with existing south underground parking entry and add only one new exit drive, if needed to be separate from existing. Add back same species of palm on L Street where existing driveway/curb cuts are proposed to be removed. Alternatively, might there be any way these two existing driveways – to/from N Street & to/from L Street – can be re-used vs. adding new cuts/removing more trees?

p. 4.15-1

Sec. 4.15 *AESTHETICS, LIGHT AND GLARE*

Refer to comments above regarding proposals that would look into alternatives to the proposal to add two new 10-foot high elevator shaft structures above grade on the west side of Capitol Park and minimize impact to the historic landscape, the visual aesthetics, the western façade view corridor and comply with the Capitol Area Plan.

p. 4.14-16

Mitigation Measure 4.15-1: *Establish and Implement Performance Criteria for Construction of the Visitor/Welcome Center Entrance*

Proposed new aboveground elevator shafts and stairwell shelters are not appropriate to the western end of Capitol Park, nor would they be consistent with the Capitol Area Plan. The mitigation measure proposed is not sufficient for a Less-Than-Significant impact after mitigation. Ramping down to access the Visitor/Welcome Center below grade, with no new above-grade structures, could be a mitigation measure that appears to be feasible and potentially Less-Than-Significant.

p. 4.14-17

Impact 4.15.2: *Substantial Degradation of Existing Visual Character or Quality*

This impact would be significant, especially since no roof-top garden, as would be the result of building the proposed “underground” parking garage, could accommodate replacement trees that could ever grow or develop to the size or dimensions as the current mature trees in Capitol Park. This would be a significant impact that can be avoided with an off-site garage alternative.

p. 5-2, 5-24 and 5-25

Section 5.2.2 *Cumulative Context*

Section 5.3.11 *Archaeological, Historical and Tribal Cultural Resources*

Section 5.3.12 *Biological Resources*

Losses to the historic landscape resources of Capitol Park need to be addressed under Cumulative impacts, as well as losses to major mature tree resources and losses to Mid-Century Modern resources.

pp. 5-24 to 5-25

Section 5.3.11 *Archaeological, Historical, and Tribal Cultural Resources*

Historic **Structures**...wording again!

p. 7-12

Section 7.4.2 *Alternative 2: Capitol Annex Renovation Alternative*

The Draft EIR considers alternatives that do not meet project objectives. Two of the three alternatives given analysis in the Draft EIR entirely fail to meet project objectives. The “No Project” alternative is required, but rather than analyzing alternatives to rehabilitate the Annex, redesigning non-historic portions and also adding space to the building, the Draft EIR considers a variation on the demolition alternative and an alternative retaining the existing Annex without adding any new space, an alternative that patently fails to meet project objectives.

The required square footage as proposed can be provided by using the existing parking garage space and providing underground additions to the south, north and east, as well as filling in the two atrium spaces on the interior of the

Annex. Another possibility which meets the project objectives is to move the existing Annex building to the east, as far east as the proposed new building would be built, and then fill in the atriums and build new space in between the moved Annex and the Capitol's historic West Wing.

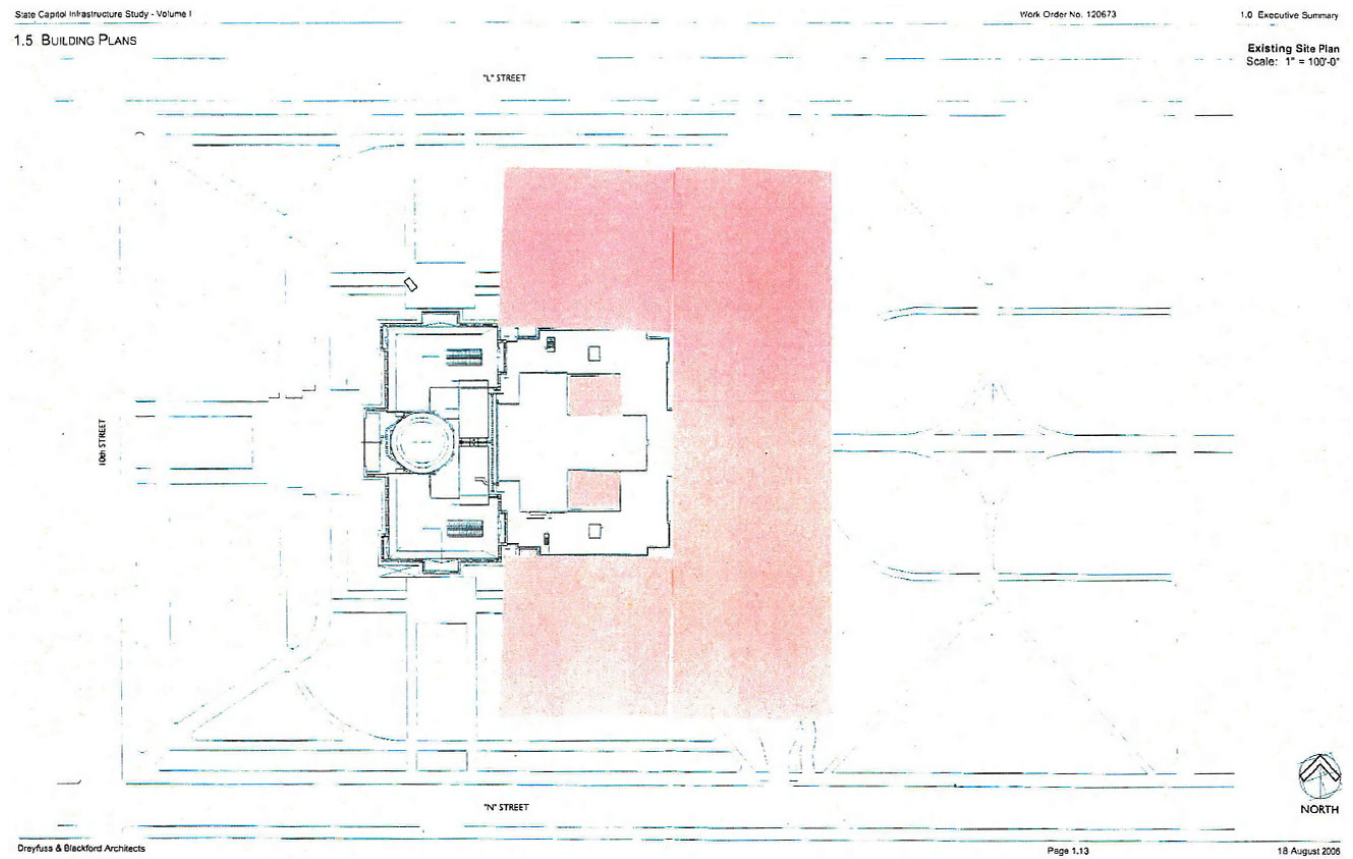
p. 7-18

Section 7.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

First: For the portion of the Capitol Annex Project that may have detail sufficient for project-level environmental review, the Visitor/Welcome Center, the EIR should include a feasible ramping access design option, to mitigate the impacts, which the intrusions of new above-grade structures – elevator shafts and stairwell covers – would have, to LTS level, relative to the impacts to both historical landscape resources and aesthetic elements of Capitol Park.

Second: For the two other portions of the project, which have considerably less detail, the proposed demolition & building a new, larger Annex building, and proposed 2-acre "underground" parking garage, feasible project-level alternatives to these projects need to be analyzed to allow them to be potentially, LTS, in the case of the parking garage, and, in the case of the Annex building, lessening impacts to historical resources to such a point that it would be the environmentally superior alternative. These new alternatives need to include:

USE ATRIUM AND EXISTING SIXTH FLOOR, ADD UNDERGROUND SPACE THREE SIDES OF EXISTING ANNEX



If the atrium spaces were utilized, and the sixth floor fully used, the program could be met by adding approximately 230,000 sf of underground space around three sides of the existing Annex.

USE ATRIUM AND EXISTING SIXTH FLOOR, ADD UNDERGROUND SPACE THREE SIDES OF EXISTING ANNEX

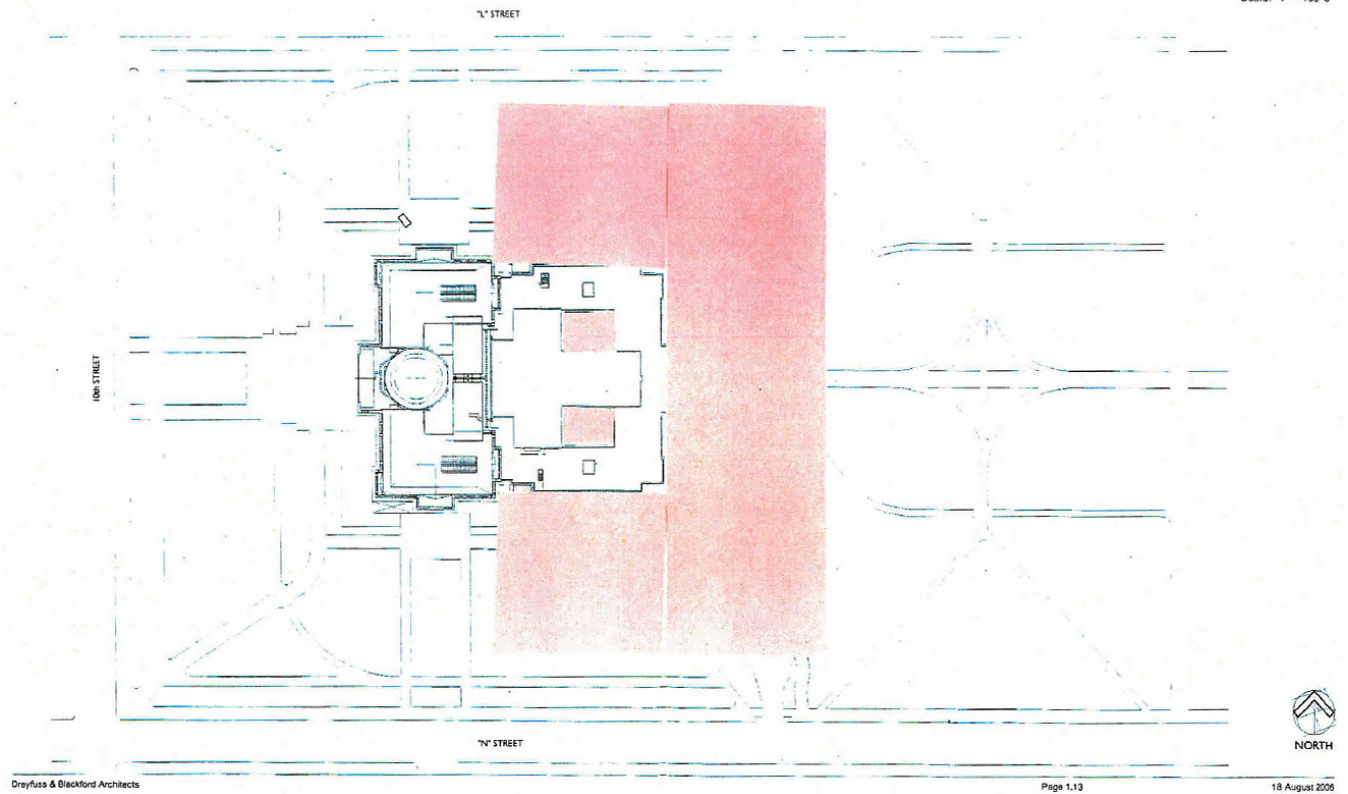
State Capitol Infrastructure Study - Volume I

Work Order No. 120673

1.0 Executive Summary

1.5 BUILDING PLANS

Existing Site Plan
Scale: 1" = 100'-0"



If the atrium spaces were utilized, and the sixth floor fully used, the program could be met by adding approximately 230,000 sf of underground space around three sides of the existing Annex.

MOVE ANNEX TO EAST, USE ATRIUM AND SIXTH FLOOR, ADD SPACE IN BETWEEN

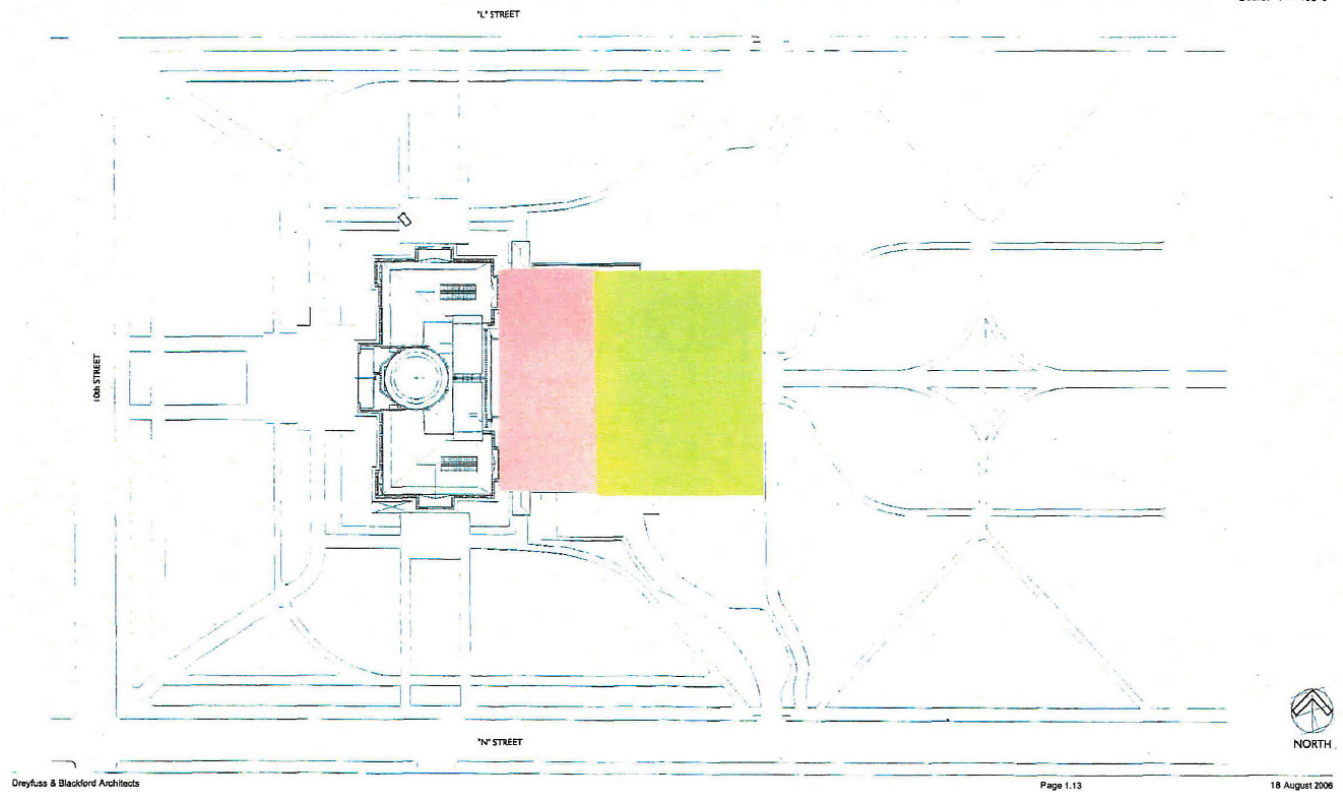
State Capitol Infrastructure Study - Volume I

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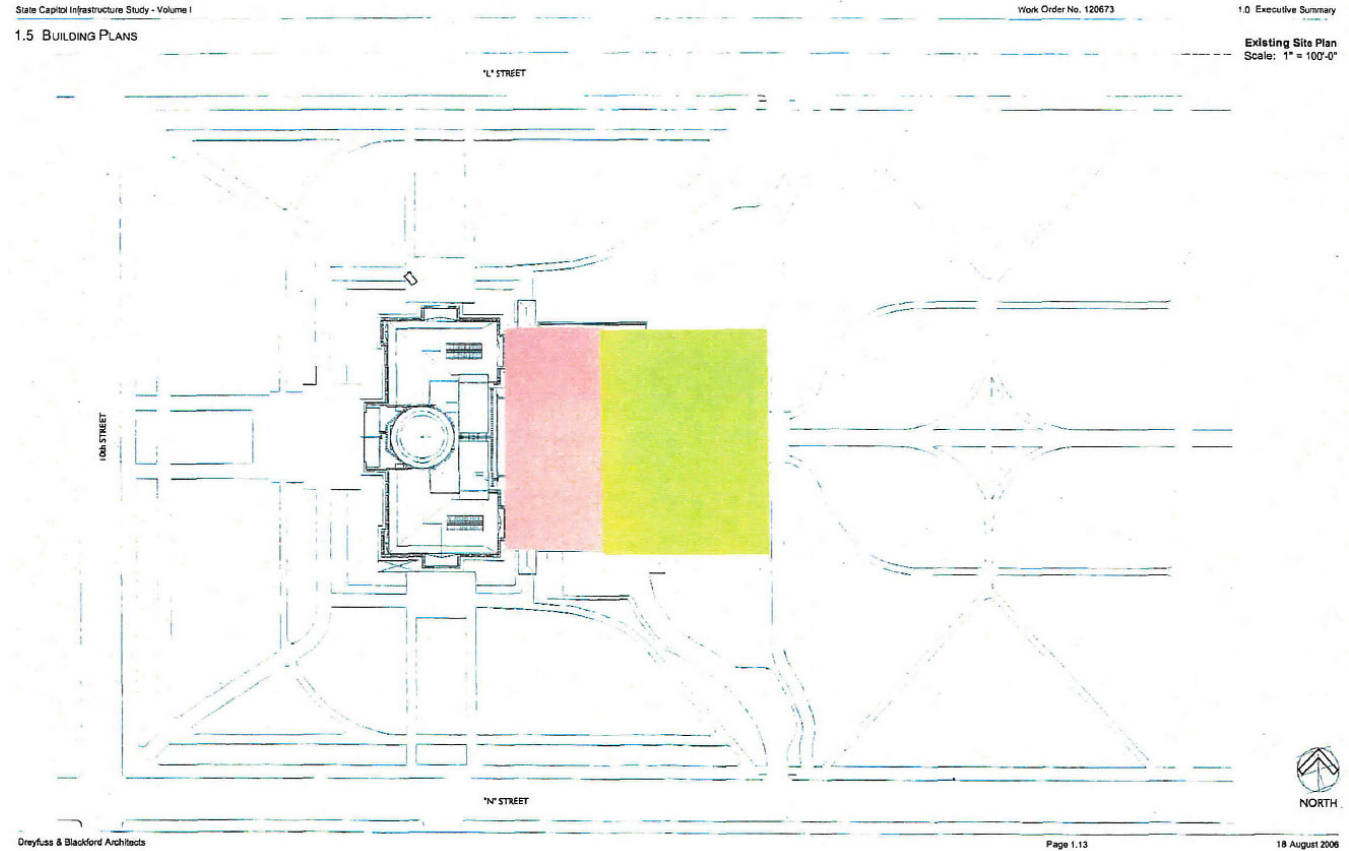
1.5 BUILDING PLANS

Existing Site Plan
Scale: 1" = 100'-0"



If the atrium spaces were utilized, the sixth floor fully used, and if the existing Annex was moved to the east, the program could be met by adding basement plus five stories in between relocated annex and west wing, better accommodating floor elevation differences.

MOVE ANNEX TO EAST, USE ATRIUM AND SIXTH FLOOR, ADD SPACE IN BETWEEN



If the atrium spaces were utilized, the sixth floor fully used, and if the existing Annex was moved to the east, the program could be met by adding basement plus five stories in between relocated annex and west wing, better accommodating floor elevation differences.

Letter A8 Sacramento Metropolitan Air Quality Management District

Joseph James Hurley, Associate Air Quality Planner/Analyst
 Land Use & CEQA section-Communication, Land Use & Mobile Sources Division
 October 24, 2019

Thank you for providing the Draft Environmental Impact Report (DEIR) for the California Department of General Services Capitol Annex Project (Capital Annex) to the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) for review. This project consists of the demolition and reconstruction of the approximately 325,000 square foot existing Capitol Annex building (Annex) and would include a new approximately 40,000 square foot underground visitor/welcome center located between 10th Street and the west steps of the Capitol. The existing basement parking under the Annex would be abandoned and replaced with new underground parking on the south side of the Capitol accommodating up to approximately 200 parking spaces. Sac Metro Air District staff (District Staff) comments on the project NOP and design recommendations follow.

California Environmental Quality Act (CEQA) Comments:

Construction (Short-term) Emissions: District staff note that the DEIR for the project concludes that construction activities would not result in emissions that would exceed Sac Metro Air District-recommended thresholds of 85 lb/day for NOX, 80 lb/day or 14.6 tons/year for PM10, and 82 lb/day or 15 tons/year for PM2.5.

Due to the nonattainment status of the Sacramento air basin with respect to ozone, PM10, and PM2.5, the Sac Metro Air District recommends that all projects with construction activities implement a set of Basic Construction Emission Control Practices¹ as best management practices (BMPs) regardless of the significance determination. District staff recommend that the project commits to implementing the BMPs. If the project does not commit to implementing the BMPs as a mitigation measure, the District recommends the project use threshold of zero (0) for the total emissions of PM10 and PM2.5 that will be generated by project construction. The Department of General Services may add these emission control practices as Conditions of Approval or include them in a Mitigation Monitoring and Reporting Program.

Operational Emissions: District staff note that the project is not anticipated to exceed the Sac Metro Air District threshold of significance for operational emissions.

Transportation & Circulation: District staff note that the City of Sacramento's roadway network near the Capital is "incomplete" for cyclists with one-way streets, arterial streets that lack bike-lanes, and other obstructions that make it challenging for Bicyclists traversing the area. Road closures associated with project construction may exacerbate the situation. The Construction traffic control plan should include specifically designated cyclist detour routes that are safe for cyclists of various skill levels. These detour routes should be clearly signed, marked, and protected from motor vehicle traffic on streets and through intersections.

District staff notes that the project includes a planned closure of N street to motor-vehicles traffic during the daytime from approximately the first quarter of 2022 to the third quarter of 2025², Please expand this section to state explicitly that bicycles, shared-mobility, and micro-transit devices will be allowed to travel on N street during these closures.

Design Recommendations:

District staff recommends that the state consider the addition of the following modifications to the Capital Annex Project to enhance bicycle, pedestrian, and transit user travel adjacent to and within the project site:

1. Enhancements to the North/South multi-use path that bisects the park along the 13th street corridor
2. Protected bike trails separate from pedestrian trails along N street, L street, 10th Street, and 15th street (the Capital park perimeter)
3. Improvements to Bus stops that serve the project site
4. Improvements to the crosswalks and pedestrian crossings along N street, L street, 10th Street, and 15th that serve the project site
5. Designated parking for shared mobility & micro-transit devices such as JUMP BikeShare, Uber scooters, and short-term racks for visitors
6. Long-term bicycle parking for employees
7. A policy that all private vehicle parking on the project site will be paid for by users and charged market rates
8. Clearly delineated pedestrian route with signage between the project and nearby light-rail stations
9. Inclusion of electrical vehicle charging stations within the Capitol Annex parking garage and along project site perimeter roadways. Parking spaces with EV chargers should have appropriate signage to ensure the spaces remain available for electric vehicles.

All projects are subject to Sac Metro Air District rules at the time of construction. Specific rules that may relate to construction activities are attached. A complete listing of current rules is available at www.airquality.org or by calling 916-874-4800.

Please contact me at 916-874-2694 or jhurley@airquality.org if you have any questions regarding these comments and recommendations.

Letter A9 City of Sacramento

Kevin A. Hocker, City Urban Forester
Department of Public Works, Urban Forestry
October 24, 2019

Hello,

The Urban Forestry section of the Public Works Department has the following advisory comment regarding the draft environmental impact report for the Capitol Annex project:

The draft environmental impact report states that prior to the project implementation a plan will be completed addressing tree preservation and replacement for all trees on state owned land that could be removed or disturbed during demolition and construction activities. The current draft environmental impact report describes the trees within the capital as urban landscape trees and appears to imply that the trees are interchangeable with each other or a replacement tree of similar species. It is well documented that there are several individual trees on the capital park that are unique and irreplaceable. Many of the trees on the site exceed 100 years of age and were part of the original design of the capital grounds. There are specimens of the following species within the capital grounds that are the largest known specimens of their species within the state and/or the nation: Deodar Cedar, European Hackberry, Orange, Cockspur Coral Tree, Glossy Privet, Tulip Tree, Olive Tree, Chinese Pistache, Holly Oak, Bald Cypress, and California Fan Palm. These trees are unique and have value to scientific research. There is also a Coast Redwood tree on the capital grounds that went to the moon as a seed in the Apollo 14 mission in 1971. That tree specifically is quite literally a living piece of history that cannot be replaced. These trees could reasonably be considered unique archeological resources, historic resources, and/or biological resources. Since preservation of trees such as these could require alterations or adjustments to the proposed design of the building or key elements of the construction process, it would be prudent to address the impacts to these trees in the final environmental impact report and prepare a comprehensive plan to address preservation and replacement of all trees on state owned land prior to approval of the final environmental impact report.

1.2 ORGANIZATIONS

Letter O1 Sacramento Modern (SacMod)

Gretchen Steinberg, President
October 24, 2019

Thank you for the opportunity to comment on the Capitol Annex project, which proposes the demolition of the existing Capitol Annex building (Annex) and partial demolition of Capitol Park. Our comments focus on historic/cultural resources and sustainability.

Sacramento Modern (SacMod) is a 501(c)(3) non-profit organization founded in 2010; we are dedicated to preserving modern art, architecture, and design in the Sacramento region. We do this by conducting historical and architectural research and evaluation, home tours, bike tours, walking tours, film screenings, preservation campaigns, publications, and educating the public about modernism.

Capitol Annex is a Significant Historic and Cultural Resource

The Annex is a significant historic and cultural resource in its own right:

- ▶ it exhibits features and characteristics of two adjacent historic architectural styles;
- ▶ it was constructed during a significant time in California's history — as an addition to the historic California State Capitol during a time of unprecedented growth;
- ▶ it is the work of a Master architect and includes artwork by world-renowned artists.

The Annex exhibits significant features and characteristics that blend late Moderne and early post-WWII mid-20th century modern (MCM) styles, including its exterior and many elements found in its public hallways and spaces. These

features and characteristics retain a high degree of integrity and include several art pieces which are integrated into the Annex's design.

A wonderful account extolling and documenting the Annex's architectural features and art pieces (including current-day and historic images) can be found in a commemorative brochure from October 2015 — "Public Art Tribute: California State Capitol Annex, A self-guided tour," which was compiled by the Office of the Assembly Chief Clerk in Consultation with Assembly and Senate Committees on Rules, and published by the Joint Committee on Rules, California State Legislature (see attachment, which is included with this letter).

The design of the Annex is attributed to architect Alfred Eichler, who worked for the Architecture Division of the California Department of Public Works. He is credited for designing the Tower Bridge in Sacramento and numerous public buildings throughout California. Alfred Eichler's work is so revered that it has been highlighted by the California State Archives in an online exhibit: "The Alfred Eichler Collection," <https://www.sos.ca.gov/archives/alfred-eichler-collection/> - hosted by Google Arts and Culture.

According to Secretary of State Alex Padilla in a press release dated April 30, 2018:

diversity of styles Eichler used in his work—from brutalist to Spanish mission revival to midcentury modern—matches the diversity of the state he called home. The State Archives' exhibit shines a light on how this prolific architect's designs were embedded into so many facets of everyday life in 20th Century California."

Master architect Eichler designed the Annex addition to the State Capitol in an appropriate, respectful, and understated manner. Its exterior is reflective of circa 1930s WPA Moderne. Arguably, the East entrance portico pays homage to the Classical elements of the existing Capitol, but with a cleaner post-war aesthetic. The Annex design was a careful balance of honoring the existing Capitol while expressing a clear sense of a new era, leaning in to the future and towards mid-20th Century Modernism. The exterior aluminum bas reliefs are also in keeping with the WPA Moderne style and tell an exuberant story of California. Much of the Annex's interior—the artwork, craftwork, built-in displays, and use of natural and man-made materials—all deserve further analysis, preservation, and adaptive reuse.

Restrained ornamentation should not be confused with historic significance nor be cited as a reason for derision or dismissal of the Annex's design. Limited ornamentation is often an inherent and characteristic feature — not a deficit — of both Moderne and mid-20th Century Modern architectural styles.

Work began on the Annex in 1949 and was completed in 1952. While Eichler's design aesthetic was clearly of its era, he understood the need to let the State Capitol's West Wing's design dominate, in terms of massing, setting, and exterior detail.

We concur with the analyses put forth by the California Historic State Capitol Commission regarding applicable historic standards and criteria, as stated in their NOP response, dated May 13, 2019 (also attached to this letter).

According to "California's Legislature - Published Spring 2016" by E. Dotson Wilson, Chief Clerk of the Assembly, the Annex is:

"A contemporary architectural style distinguishes the Annex while, insofar as is possible, blending with the lines and style of the heavy construction used in the original building. The first two floors are faced in granite, and the remaining stories in concrete stucco. Although the roofline is the same, the new section has two additional floors.

The Annex has six stories and a basement. It is 210 feet long, 269 feet wide and 10312 feet in height from the street level to the top of the sixth floor. Driveways permit vehicle access to the basement garage.

Within the building are numerous stairways, a bank of four public elevators and elevators, located adjacent to each chamber, for the use of the Members of the Legislature. There is also a private elevator for the use of the Governor which operates from his or her offices, located in the southeast corner of the first floor, to the basement garage....

The showplace of the Annex is the first floor. The walls of the corridors are of St. Genevieve rose marble from Tennessee and the flooring is of Adorado marble from Missouri. The main entrance to the Governor's office

is outlined in black and gold Montana marble, representing the oil and gold resources of California. The double doors are constructed of California woods, including pin oak, redwood burl, orange, and lemon.

Sixty black marble-framed glass showcases, with individual displays for each of the 58 counties and two for the state, are placed along the walls of the first floor corridors. These displays give visitors an idea of the vast storehouse of natural resources and the diversity of commerce to be found in the 'Golden State.'

In 2012, the definition of the 'historic State Capitol' was revised to include the Capitol Annex, since the 60 year old 'midcentury modern' building had itself become an historic structure in the opinion of some preservationists. The expanded definition also included Capitol Park, provided that the Joint Rules Committee adopts a master plan regarding Capitol Park."

Capitol Park is Also a Significant Historic and Cultural Resource

Also according to "California's Legislature - Published Spring 2016" by E. Dotson Wilson, Chief Clerk of the Assembly:

California is justly proud of Capitol Park, for it is widely known as one of the most beautiful in the United States. The well-kept broad green lawns extend over an area of 30.5 acres—from 10th Street east to 15th Street, and from L Street south to N Street in downtown Sacramento.

Beautification of Capitol Park began in 1869, at about the time the Capitol was first occupied. The grounds were graded and the soil enriched with loads of river silt in 1870, and during the winter of 1870–1871, some 800 trees and shrubs from all parts of the world were planted. This original planting consisted of some 200 different kinds of rare plantlife. Today, there are over 40,000 trees, shrubs, and flowers in the park. With more than 800 varieties of flora represented, ranging from subarctic to subtropical in origin, a visitor from virtually any corner of the globe can find some species of plantlife native to their homeland. Capitol Park stands as one of the finest collections of plantlife in the country.

Located on the east side of the park is an extensive grove of camellia trees, where many varieties of this beautiful flower bloom from October through May. The camellia thrives in the capital city climate. A testament to this is the fact that the Sacramento City Council has officially designated Sacramento as the "Camellia City."

The park showcases other special collections, such as the cactus garden, with plantlife representing the California desert, and the rose garden, which contains over 800 roses. Growing individually in Capitol Park, and of special importance to Californians, are the many specimens of the State Tree, the California Redwood, and the State Flower, the Golden Poppy.

The park abounds with squirrels who run wild over the lawns and walks. These squirrels are not native to Sacramento, but were originally imported in 1923 from Fresno and from Golden Gate Park in San Francisco....

Aside from its immense collection of plantlife, Capitol Park is significant for the many memorials which serve to recognize various groups and individuals who have contributed to California's history.

Military tributes are the theme for many of the memorials in the park. On the west side of the Capitol is a memorial to Mexican-American soldiers from California who fought in World War II. "Memorial Grove," on the east side of the Capitol, contains trees which began as saplings on southern battlefields of the Civil War, and were transplanted here in memory of the fallen. Nearby is the bell from the U.S.S. California, the only battleship to be built on the Pacific Coast.

The California Veterans Memorial was completed in 1998. The memorial consists of a 28-foot granite obelisk surrounded by a small plaza. It is located on the N Street side of Capitol Park between 13th and 14th Streets. The memorial honors the military service of all Californians who have served in military uniform since 1850.

Other monuments in Capitol Park have a different focus. The grove of camellia trees has been designated "Pioneer Camellia Grove," in honor of the early builders of the state. Near this grove is a bronze statue of Father Junipero Serra, the 18th century Franciscan friar who led the movement to establish the missions in California. South of the camellia grove is a memorial to the Native Americans who originally inhabited

California. Near the Library and Courts Building is a monument honoring Peace Officers who have died in the line of duty protecting the citizens of the state. In the east end of Capitol Park, there is a bench memorial honoring former Speaker of the Assembly Robert Moretti.

Perhaps the most striking of the memorials is the California Vietnam Veterans Memorial, the end product of a grassroots effort which began with the creation of the Vietnam Veterans Memorial Commission in 1983. Spearheaded by the fundraising efforts of former Army Captain B.T. Collins, who himself had lost an arm and a leg in Vietnam, over \$1.6 million was raised from private sources and the memorial was dedicated December 10, 1988.

The circular memorial contains 22 panels of India Black Granite upon which are etched the names of the more than 5,800 Californians who gave their lives in the Vietnam Conflict. The inner walls of the memorial contain bronze panels sculpted from actual photographs of various scenes from the battlefields, the hospitals, and the prisoner-of-war camps.

Sustainability, Adaptive Reuse, and Rehabilitation Alternatives Exist and Should Be Fully Considered

According to CSHQA's California State Capitol Annex Project Planning Study, dated December 2017:

Some portions of existing Capitol Annex exterior walls could remain in their current location as exterior elements or be integrated inside a new building as corridor walls or interior courtyard walls. Other exterior wall elements could be salvaged, such as the beautiful cast aluminum relief panels in the east entrance doors, and then integrated into the new building.... we would like to note that in renovations for the Idaho and Wyoming Capitols we discovered beautiful historic elements such as doors, clocks, and an elevator behind modern day remodels. If found, such artifacts could be incorporated in future displays.

The proposed demolition and project will have irreversible and significant impacts on the historic Annex and landscaping in Capitol Park. All design alternatives must be thoroughly and appropriately evaluated, including rehabilitation according to the Secretary of the Interior's Standards.

1. The evaluation of all project alternatives must be considered, including the utilization of the California Historical Building Code (CHBC). The CHBC provides for structural, accessibility, egress and other code compliance approaches related to historic buildings such as the Annex.
2. A rehabilitation alternative must be considered that utilizes the Secretary of the Interior's Standards — the Rehabilitation Standards for Historic Buildings, which provide consideration for significant features and characteristics, while allowing for the elimination or alternation of non-significant features, and which also provide standards for the design of additions to historical buildings.
3. The proposed projects will also have significant impacts to Capitol Park. In addition to the consideration of significant impacts to the Annex building itself and its historical setting —both of which retain a high degree of integrity— a complete analysis on the project's impact to historic resources in Capitol Park must be conducted. This includes impacts to the significant cultural landscape and potentially significant archaeological sites of Capitol Park, as well as significant impacts to the historic plantings and design of the park, and its historic and pre-historic features.

SacMod's Questions for DGS' Final Environmental Impact Report Regarding the Capitol Annex

1a) What are DGS' specific and individualized, case-by-case plans for preserving, salvaging, and adaptively reusing/repurposing/re-integrating each of the following items into the proposed project?

- ▶ Historic architectural spaces and elements (including but not limited to built-ins, doors, elevators, water fountains, architectural elements, grilles, etc);
- ▶ Historic artwork and craftwork (including but not limited to bas relief, sculptures, carvings, murals, ceiling ornamentation, light fixtures, etc.) — *especially, but not limited to, the aluminum bas relief plaques attributed to Olof Carl Malmquist; interior metal work attributed to Clyde Toland; State Dioramas; mural attributed to Lucile Lloyd; and the ceiling relief work (artist not yet identified) in the Sergeant-At-Arms suite.*

- ▶ Cultural resources (including but not limited to memorials, statues, commemorative plaques, etc);
 - ▶ Historic greenspaces, landscaping, and other park elements/features;
 - ▶ Historic/rare/valuable/noteworthy/salvageable building materials (including but not limited to ornamental wood, wood paneling, stone, tiles, old-growth redwood, etc.).
- 1b) What are DGS' clear and specific plans for the proper removal/storage/re-introduction of the items listed above?
- 2) How will DGS minimize and mitigate for the loss of historic and cultural resources from the Annex and Capitol Park?
- 3) As the steward of these historic and cultural resources, how will DGS set an example and provide leadership by demonstrating commitment to state-of-the-art preservation, adaptive reuse practices, and sustainable salvaging techniques?

In closing, the proposed Annex project is an opportunity for DGS and the State of California to demonstrate leadership through the application of the best preservation practices, adaptive reuse practices, and sustainable salvaging techniques. The specific details regarding this proposed project will set the bar, by example and tone, of how DGS and the State of California are committed to historic preservation, sustainability, and how to minimize, to the best extent possible, significant impacts to the historic architecture, greenspaces, artwork, and cultural resources under their stewardship.

Thank you for your consideration of our concerns; looking forward to your answers regarding our questions.

Attachments:

- ▶ Public Art Tribute: California State Capitol Annex, A self-guided tour
- ▶ California Historic State Capitol Commission's 5/13/19 NOP Memorandum (*included below*)

The California State Capitol Building's listing in the National Register of Historic Places includes both the Annex and the West Wing. The Annex was designed by Alfred Eichler, whose body of work is significant. It is the last State building designed in-house by State employees, rather than by outside consulting firms. Mr. Eichler was a founding Board Member of the Capital Chapter of the American Institute of Architects. The Annex is a wonderful example of the Moderne style of architecture and employs the best technology of the 1950s for foundation, structure, and art complementary to the West Wing.

Under National Register Criterion A (Association with events that have made a significant contribution to the broad patterns of our history) the Annex is significant for its association with the post-war growth and development of California and the subsequent growth of the state government to meet the needs of the state. It was during this period that California began to take its place as a world leader in science, technology, and began to influence the national and world culture through art, music, fashion, film, and even progressive public policy. These events were understood by the designers of the Annex, and the building embodies those ideas.

Preservation and reuse of structures and their associated embodied energy is the most sustainable, least wasteful of alternatives compared with a new building.

The Historic State Capitol Commission submits the following comments relating to the Capitol Annex Project Environmental Impact Report (EIR):

1. Comprehensive historical, cultural landscape, and cultural prehistoric resources documentation and evaluation of significant features and characteristics, according to National and/or California Register Standards, are needed in this EIR for:
 - a. the existing Annex building - exterior and interior;
 - b. Capitol Park - the entire park - to understand relationship with the proposed project area;
 - c. the area between the-Jesse Unruh Building and Library & Courts Building, if this area is potentially to be part of an expanded project area relative to possible entries into a proposed underground visitors' center;

- d. prehistoric resources within the project area, and potentially expanded project area per l.c above;
 - e. the protected view corridor from Capitol Mall to the west façade of the Historic State Capitol; and,
 - f. the Annex building in relation to the Historic West Wing and to Capitol Park.
2. The historical/cultural/prehistoric resources documentations and evaluations need to be undertaken by firms with recognized experience in historical, architectural, landscape and prehistoric resources evaluations. The documentations and evaluations are necessary in order to:
 - a. identify and evaluate the proposed project's potential significant impacts on historical/cultural/prehistoric and cultural landscape resources;
 - b. develop feasible alternatives that could achieve most or all project objectives and that could lessen potential impacts on these resources to less than significant levels; and,
 - c. develop measures that could mitigate impacts or lessen potential significant impacts to less than significant levels.
 3. The project description states that the project is "demolition and reconstruction" and "replacement." The graphics accompanying the scoping meeting called the project a "New 5 Story Building." Alternatives, including a rehabilitation, restoration, or potentially an adaptive reuse alternative (which could include rehabilitation and expansion of the existing Annex building), as cited in the Project's legislation, using the California Historical Building Code and the Secretary of the Interior's (Rehabilitation) Standards for the Treatment of Historic Buildings and Standards for Cultural Landscapes, need to be developed by firms that are experienced in major historical properties rehabilitation and adaptive reuse (architecture, structural, landscape architecture and geotechnical firms) in order to determine if there is a feasible alternative that would lessen potential significant impacts and also achieve most or all of the project objectives. Note, the report prepared by CHSQA for the Joint Committee on Rules earlier this year did not evaluate the potential for the rehabilitation of the Annex, and, in particular, did not evaluate the Annex building's potential for upgrades and improvements that could be made utilizing the California Historical Building code. The program requirements may be sufficiently met by a project retaining the historic Annex. It is
 4. entirely possible to both create a functioning Capitol and preserve an historic building.
 5. Any new aboveground structure anywhere in Capitol Park or the fountain court/area between the Jesse Unruh Building and Library & Courts Building could have a significant impact on historical and cultural resources, as well as on the protected view corridor of the Capitol's west façade. Alternatives that would eliminate the need for any proposed aboveground structures to access a proposed underground visitors' center, especially in that portion of Capitol Park west of the Capitol's most significant primary façade, or in the fountain court/area, as previously noted, must be comprehensively evaluated. Any potential aboveground entrances to the proposed visitors' center should be kept away from the statutory view corridor from Tower Bridge to the Capitol, or be only at grade to avoid adding to the visual obstruction of the view.
 6. Alternatives that would minimize or eliminate the need for proposed additional driveways and curb-cuts on N Street, and expansion of area for underground parking, need to be evaluated. The impacts upon pedestrian and bicycle route safety also need to be evaluated.
 7. Alternatives that would consider and allow for off-site parking to minimize impacts to historic, cultural and landscape resources, should also be part of the EIR. Parks are not building sites.
 8. Analysis of the impacts of multiple openings on the west wing foundation and basement wall for any proposed underground visitors' center and any proposed underground south parking garage should be part of the EIR.
 9. It is likely that public gatherings will impact areas of Capitol Park that do not normally receive high foot traffic and use; large areas normally used by the public will be fenced off during construction. CHP permitting of events should be analyzed and locations adjusted to reduce event impact during construction. Michael Nielson, DGS Grounds Operation Manager, should be consulted for his opinions and guidance on tree moving, removal, and

propagation of new stock, as well as the operation of all irrigation systems. Mr. Nielson has 20 years of working knowledge of the park, including hands-on work with the certified arborist hired to assess tree risk.

10. Many of the trees that either need to be removed or will have roots impacted by excavation are old; some are historic. An analysis of the environmental effects on the park landscape should be undertaken by firms with an expertise in issues with large parks, including tree preservation, management, management during construction, and recycled and desalinated water effects. Construction guidance can be found in the American National Standard for Tree Care Operations; Tree, Shrub, and Other Woody Plant Management Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction) ANSI A300 (Part 5), as well as the companion publication: Best Management Practices: Managing Trees During Construction, which provides the best guidelines for establishing protective barriers around large trees based on their diameters-at-breast height.

The Commission appreciates the opportunity to comment on the scope for the EIR on the Capitol Annex Project.

1.3 PUBLIC HEARING ORAL COMMENTS

PH1 United Auburn Indian Community

Matthew Moore
October 15, 2019

MR. MOORE: Okay. So -- first of all, thank you. My name is Matthew Moore. I'm the tribal historic preservation officer for the United Auburn Indian Community. I'm here today to express our opposition to draft EIR for the Capitol Annex Project. The United Auburn Indian Community --

THE COURT REPORTER: Could you move closer to the microphone, please.

MR. MOORE: So I'm here today to express our opposition to the Draft EIR for the Capitol Annex Project. The United Auburn Indian Community is disappointed because the Draft EIR was published before AB 52 consultation, before the project was complete.

We were told that this project was to set the gold standard for consultation and for how tribal cultural resources are treated and respected. As it stands, we do not believe that the Draft EIR incorporates sufficient protections for tribal cultural resources. We have very strong concerns about the Draft EIR and will be forced to oppose the project if those concerns are not addressed.

Thank you.

I have written comments too.

PH2 Historic State Capitol Commission

Roberta Deering
October 15, 2019

MS. DEERING: Good afternoon. I'm Roberta Deering. I am a member of the Historic State Capitol Commission of the State of California.

The Commission is a body that advises the legislature on historic resources at the State Capitol. The historic resources at the State Capitol, we believe, include the historic annex building as well as the historic west wing of the Capitol, as well as the historic Capitol Park.

We believe the Draft Environmental Impact Report does not adequately analyze alternatives that are required by CEQA to consider alternatives that would be feasible and meet project objectives and that could lessen the impacts to a less than significant level.

In part, the alternative that is not considered in this document, that could do all that, is to develop a rehabilitation alternative following the Secretary of the Interior's standards for rehabilitation, since this is a historic property that is

completely doable. The rehabilitation alternative allows for alterations to nonsignificant spaces, of which there are quite a few in the annex. The rehabilitation alternative allows for additions, expanding the underground area, or even additions that would consider, as part of a seismic retrofit alternative, a rehabilitation alternative for the annex.

Doing a pseudo base isolation process and digging out the area that is proposed to be the expanded east annex, if it were a totally new construction east of the current building, and rolling the existing building east, and building the new additional square footage that would meet project objectives in the space between the moved annex and the existing west wing, filling in the atriums and utilizing the underground area, as per the current proposal, would use the underground area.

So we believe the alternatives that are -- are explored in the Draft EIR are not adequate. They did not consider an alternative that would meet project objectives, which CEQA does encourage. And that would also lessen the impacts to less than significant. It would allow modifications of interiors that meet Secretary of Interior rehabilitation standards and meet project objectives.

A rehabilitation alternative would allow use of the California Historic Building Code, which would also allow for feasible alternatives that would -- and alterations that would meet the project objectives, in a feasible way.

So these -- that -- that alternative, a rehabilitation alternative, with additions and alterations, according to the Secretary of Interior rehabilitation standards and the California Historical Building Code, could meet most, if not all, of the project objectives and be feasible.

The Draft EIR, also, we believe, needs to more clearly explain what will happen when you put in, quote, underground, quote, parking. It does not mean that there will be some tunnel bore and everything on the surface of Capitol Park will remain there. That big orange area of the map, as you look at the map behind you, that would -- what we understand would need to happen is it would need to be all dug up.

And this is where the Native American cultural resources issue is key.

I -- I have to just interject one point here: I was with the City of Sacramento as their preservation director, and came in shortly after the new City Hall was built. And I point out the many months of construction delay that occurred because there was not testing done prior to the design and development of the new City Hall. And they found significant cultural resources and delayed construction.

In Sacramento, what we have -- what we did subsequently -- I'm retired from there. But subsequently, we learned our lesson and we required -- because all of downtown is a high probability area for cultural resources, we require testing of areas that are being considered for excavation prior to design, seeing if there might even be a way to provide an alternative design that would minimize impacts to those resources. And just to find out where they are ahead of time and not delay construction while the bulldozers are all prepared and ready to go.

Tearing up two acres of Capitol Park for a parking garage, we also feel, is not a valid use of such a significant historic park. We are concerned, also, that the 60- to 70-year time frame for this project -- looking at its functions over that time. Parking cars will not be the most important use for such an important park. And the potential for the impacts, both to the historic landscape resources of Capitol Park, the historic design of Capitol Park, and Native American cultural resources, potentially, and cars just -- you know, in 50 years, cars just won't be as ubiquitous as they are today, and there are alternatives that could include parking legislators', executives' cars, or some other vehicles in alternate locations and providing secure access to the Capitol and minimizing the need for so many cars.

Parks are not building sites for parking garages. They should not be.

The Historic Fabric Study mentioned in section 4.12 is also unclear what it actually is. Are you referring -- another part of the Draft EIR referred to a Historic Structure Report. We think they -- the intention, really, was a Historic American Building Survey because it was mentioned in terms of before the annex is demolished, there will be a historic structure report.

Well, historic structure reports are meant to understand a resource, how it was built, its history, its significance, and come up with treatment recommendations for its appropriate maintenance. So we think you probably weren't

referring to a historic structure report if you are planning to tear the building down. So we need to figure out what that is.

But nevertheless, historic analysis of the annex, a complete historic analysis of the annex and Capitol Park needs to be done before the design, development, and construction happens, before the decision is made on how to pursue -- what to pursue relative to this project.

We believe there are alternatives that would lessen the impacts to less than significant levels in terms of historic resources.

Without a historic analysis of the annex -- there was a historic analysis done in 2009, I believe. But it was the public spaces only. It did not include other areas. We know most all the legislative offices have been altered, but -- so there -- probably nothing significant there. But there may be other spaces that were not analyzed and do need to be analyzed in order to understand what the project impacts are. If you don't know what are the significant historic areas and features and characteristics of a property, you don't know what your impacts will be.

Similarly, with the park, we do need to know what the historically significant features and characteristics of Capitol Park are, what that history is.

Neither the Draft EIR, nor the overview that was presented to Joint Rules recently addressed details regarding the actual trees and landscape to be affected by the construction of the proposed project. Part of this may be because it's a design/build and it hasn't been designed yet. At least, you know, nothing has been made public that's not part of this Draft EIR, except for certain aspects of the visitors center. There's a little more there to -- to look at.

But the Draft EIR mitigation measure 4.12(d) only requires that memorial trees be protected, relocated, replaced in kind. City trees come under city regulation, and the city trees are a very important part of Capitol Park: The perimeter palms all around the whole park and around the blocks that contain the library and courts and other buildings. These are very significant, all at the same age and height and species. And so impacts to those will be -- could be potentially very significant. So we feel that the historic landscape and tree impacts really have not been adequately addressed in this stage of the EIR.

And a tree management plan and understanding of the significant features and characteristics, historic landscape, biological, historic landscape features, and historic design features of the park need to be addressed and analyzed before the design is developed and so that the potential significant impacts can be minimized as much as possible.

It's not necessarily easy to find some of the species of trees that could be impacted. A recommended tree protection plan during construction and a propagation plan for all the trees needs to be part of it.

The last, sort of, specific area of concern we have is the -- the statement in the Draft EIR that seems to align the design of the annex by calling out the misaligned floors.

And the floors were misaligned on purpose. This is to minimize the mass of the east annex building relative to the west wing of the Capitol, while providing a significant amount of square footage floor space, office space, meeting space.

If the floor-to-ceiling height of the annex building were to match the floor-to-ceiling height of the west wing, the annex building would be significantly taller. And so minimizing the floor-to-ceiling height of the annex building allowed for many more floors to happen and much more square footage to happen in a much smaller, lower, less wide, and deep space.

The west wing has very high -- it's 19th Century construction. Very high floor-to-ceiling heights. And you could never fit that many square feet of floor space using those ceiling heights.

The one floor that is aligned is for the legislators to get from the east annex to the chambers, from the east annex building to the west wing, that floor is the one that's aligned and that was the one decided on purpose.

There are ways to mitigate the alignment issue, we believe, especially if you look at the alternative to roll the building east, the historic annex building. Roll it east.

That in-between area will be a much, you know -- able to figure out, perhaps, a more efficient, useful, helpful, different way of aligning floors, but you still will have misaligned floors. They will not all match.

In conclusion, relative to our comments tonight, we strongly recommend that as part of the Draft EIR, as part of the Final EIR, a complete, historical evaluation of the annex building, inside and out, and Capitol Park be developed in order to understand both project impacts on these historic resources, potential for mitigation, potential for alternatives that would lessen the impacts to less than significant -- perhaps even to less than significant levels. Also to develop and evaluate alternatives that can achieve the project objectives with lesser impacts to historic and cultural resources.

The Draft EIR project or program, as part of a design/build project, is challenging to be able to evaluate what these impacts are, and not having complete, historical analysis of the annex and the Capitol Park makes that an even more significant challenge.

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