



Final  
Environmental Impact Report

# Capitol Annex Project

State Clearinghouse No. 2019049066

Prepared for:

California Legislature





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California Legislature



Joint Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 95814

and



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## LIST OF ABBREVIATIONS

AB	Assembly Bill
ADA	Americans with Disabilities Act
af	acre-feet
afy	acre-feet per year
BMP	best management practices
C&D	construction and demolition
CAAQS	California ambient air quality standards
CALGreen	California Green Building Standards Code
CAP	Capitol Area Plan
CARB	California Air Resources Board
CBC	California Building Code
CBD	Central Business District
CCR	California Code of Regulations
cfs	cubic feet per second
CHBC	California State Historical Building Code
CHRIS	California Historical Resources Information System
City	City of Sacramento
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	CO <sub>2</sub> equivalents
CRHR	California Register of Historical Resources
CSGBD	California State Government Building District
CSO	Combined Sewer Overflow
CSS	Combined Sewer System
CSSIP	Combined Sewer System Improvement Plan
CWA	Clean Water Act
CWTP	Combined Wastewater Treatment Plant
DGS	California Department of General Services
Draft EIR	Draft Environmental Impact Report
EPA	U.S. Environmental Protection Agency
EV	electric vehicle
Final EIR	Final Environmental Impact Report
FWTP	Fairbairn Water Treatment Plant
GHG	greenhouse gas
GSF	gross square feet
HVAC	heating, ventilation, and air conditioning
JRC	Joint Rules Committee
kV	kilovolt
LEED v4	Leadership in Energy and Environmental Design version 4

LTCP	Long Term Control Plan
MLD	Most Likely Descendant
MT	metric tons
MTCO <sub>2e</sub>	metric ton of carbon dioxide equivalent
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NHPA	National Historic Preservation Act
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OPR	Governor's Office of Planning and Research
PCC	Public Contract Code
PG&E	Pacific Gas and Electric Company
PIA	Priority Investment Area
PM <sub>2.5</sub>	fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less
PM <sub>10</sub>	respirable particulate matter with an aerodynamic diameter of 10 micrometers or less
Regional San	Sacramento Regional County Sanitation District
Regional San WWTP	Sacramento Regional Wastewater Treatment Plant
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SACOG	Sacramento Area Council of Governments
SB	Senate Bill
SDWA	Safe Drinking Water Act
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District
SOIS	Secretary of the Interior's Standards
SR	State Route
SRWTP	Sacramento River Water Treatment Plant
SVAB	Sacramento Valley Air Basin
SWRCB-DDW	State Water Resources Control Board Division of Drinking Water
TAC	toxic air contaminant
UBC	Uniform Building Code
UWMP	urban water management plan
UWMPA	Urban Water Management Planning Act
West Lawn	West Lawn of Capitol Park
WDR	Waste Discharge Requirement

# 1 INTRODUCTION

On September 9, 2019, the California Department of General Services (DGS) distributed to public agencies and the general public a draft environmental impact report (Draft EIR) prepared pursuant to the California Environmental Quality Act (CEQA) for the Capitol Annex Project in downtown Sacramento, California. On January 17, 2020, DGS distributed a recirculated Draft EIR, which addressed changes to the project description and resultant impacts to utilities and service systems; archaeological, historical, and tribal cultural resources; and aesthetics, light, and glare.

The Draft EIR and Recirculated Draft EIR were each made available for a period of 45 days during which public and agency comments were received. The public review period for the Draft EIR ended on October 24, 2019. Ten comment letters were received during the comment period and two were received during the October 15, 2019 public hearing, hosted by DGS. The public review period for the Recirculated Draft EIR ended on March 2, 2020. Eighty-nine comment letters were received during the comment period and eleven were received during the February 26, 2020 public hearing.

This final environmental impact report (Final EIR) has been prepared under the direction of DGS in accordance with the requirements of CEQA and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15132). The Final EIR consists of the Draft EIR, Recirculated Draft EIR, and this document (responses to comments document), which includes comments received on the Draft and Recirculated Draft EIRs, responses to those comments, and revisions to the Draft and Recirculated Draft EIR.

The following text is provided as required by Section 21189.54 of the Public Resources Code:

THIS EIR IS SUBJECT TO CHAPTER 6.7 (COMMENCING WITH SECTION 21189.50) OF DIVISION 13 OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT EIR. ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21189.51 TO 21189.53, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.7 (COMMENCING WITH SECTION 21189.50) OF DIVISION 13 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN APPENDIX A TO THIS EIR.

This document is divided into five chapters:

Chapter 1, "Introduction," provides an overview of the environmental review process and a summary of the proposed Capitol Annex Project.

Chapter 2, "Project Modifications," describes changes to the proposed project since publication of the Recirculated Draft EIR and evaluates the changes, documenting that the changes have not triggered the need for recirculation of the EIR.

Chapter 3, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR," identifies comment topics that were raised by multiple commenters and provides a master response to each of these topics.

Chapter 4, "Responses to Comments on the Draft EIR," reproduces public comments received on the Draft EIR and presents responses to those comments.

Chapter 5, "Responses to Comments on the Recirculated Draft EIR," reproduces public comments received on the Recirculated Draft EIR and presents responses to those comments.

Chapter 6, "Revisions to the Draft EIR and Recirculated Draft EIR," identifies changes made to the Draft EIR and Recirculated Draft EIR since its publication and public review. The changes are presented in the order in which they



appear in the original Draft EIR and Recirculated Draft EIR and are identified by page number. The text deletions are shown in ~~strike through~~ and text additions are shown in underline.

Chapter 7, "References," lists references cited in this document.

Chapter 8, "Report Preparers," identifies the preparers of the document.

## 2 PROJECT MODIFICATIONS

### 2.1 BACKGROUND

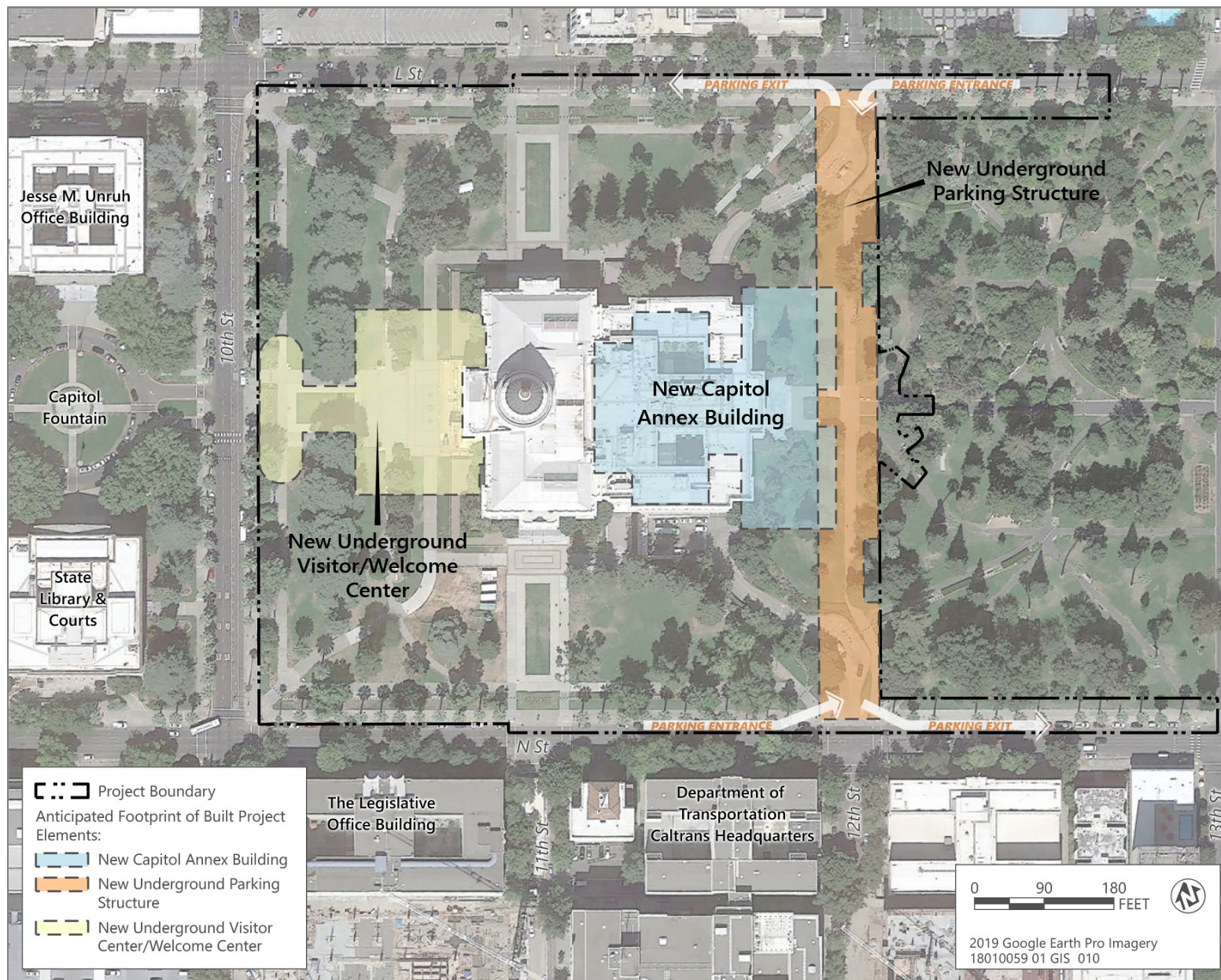
Since publication of the Draft EIR (September 2019) and the Recirculated Draft EIR (January 2020), the design and planning of the Capitol Annex project have evolved. The Capitol Annex project is being designed and delivered in accordance with a Construction Manager At Risk (CMAR) delivery method. This contrasts with a traditional and lengthier three-phased Design-Bid-Build (D-B-B) method and even the briefer but still longer two-phased Design-Build (D-B) method. Under D-B-B, an owner hires an architect or engineer, which takes the time to design a new facility in detail and prepare necessary drawings, the results of which are opened for bids, and the contractor with the winning bid constructs the facility. Under D-B, the designer and contractor are replaced with a single entity, the design-builder, which is accountable for the entire project. The owner presents a concept with performance standards, and the design evolves throughout the process. CMAR is a derivative of D-B, but instead of the design-builder overseeing design and construction, a construction manager is hired to oversee the entire project from preconstruction, design and bidding, through construction. As with D-B, this process begins with a concept that evolves, becoming more detailed and refined throughout the process.

What this has meant for the Capitol Annex project CEQA process is a description of project features that began as a concept and has become more detailed over time. To evaluate project impacts effectively and thoroughly under a CMAR scenario and simultaneously satisfy CEQA's requirement for an accurate, stable, and finite project description, it was necessary to define with some precision the size, scale, footprint, and construction methods of the project elements (the new Capitol Annex, visitor/welcome center, and underground parking garage), even if design details were not available. For example, knowing the location, general dimensions, and massing of the new Capitol Annex (i.e., in place of the existing Annex and with a specific height and footprint) allowed impacts (e.g., historical impacts of existing Annex demolition, surface disruption and tree removal, aesthetic changes from different viewing locations) to be adequately assessed in the Draft EIR. When changes to one project element, the visitor/welcome center, became substantial and deviated from what was evaluated in the Draft EIR, DGS prepared Recirculated Draft EIR to assess the changes.

Now, at the Final EIR stage, while the project design has continued to evolve, none of the changes are so substantial that they would constitute "significant new information" requiring recirculation, as described in detail herein. Specifically, none of the changes would result in new or substantially more severe environmental effects, and nor is a new feasible project alternative or mitigation measure available to clearly lessen environmental effects.

This chapter describes the project modifications and additional design details in Section 2.2, below. These include the following:

- ▶ **Phasing of Construction:** The phasing of proposed project construction has changed. After the existing Annex is remediated and demolished, construction of the new Annex would now occur first, with the underground parking continuing to be constructed concurrently with the Annex, and the visitor/welcome center would be constructed last.
- ▶ **Capitol Annex Design:** The design of the new Annex has progressed, which is consistent with the CMAR delivery method of the project. While the Draft and Recirculated Draft EIRs evaluated a new Capitol Annex with a specific height and footprint (addressing the mass of the new structure), design within that "mass" has advanced. The more detailed design, known as the "Double-T" building configuration, with a pleated glass exterior is now proposed as described and shown in associated figures, below.
- ▶ **Location of the Underground Parking Garage:** The location of the underground parking has changed from south of the Annex to the 12th Street walkway alignment, east of the Annex, with entry/exits to be provided on both L Street and N Street. The alignment under the walkway is proposed to reduce impacts to trees and landscaping in Capitol Park. The maximum number of vehicles that can be parked has also been reduced from 200 vehicles to approximately 150. The revised site plan illustrating this alignment is provided in Figure 2-1.



Source: Adapted by Ascent Environmental 2021

Figure 2-1 Capitol Annex Project



- ▶ **Project Boundary:** Although the project boundary continues to be primarily contained within the Capitol Grounds bounded by 10th Street on the west, N Street on the south, L Street on the north, and 12th Street on the east (roughly following the alignment of the eastern edge of 12th Street would it cross Capitol Park), there are extensions along N Street and L Street to accommodate entry/exit ramps for the underground parking extensions east of the Annex entry to accommodate minor landscaping modification (Figure 2-1).
- ▶ **Capitol Park Trees:** The more refined design and configuration of project elements refines and clarifies impacts to trees and landscaping relative to what was evaluated in the Draft and Recirculated Draft EIRs. Project-related plans for the Capitol Park trees within the project area are presented in greater detail.

The project characteristics not described herein remain as described in the Recirculated Draft EIR. In particular, the Capitol Annex project objectives and project location remain the same as presented in the Draft EIR and Recirculated Draft EIR. The temporary office space during construction, temporary adjustments to Historic Capitol operations, demolition of the existing Annex, new Annex program elements, landscaping/lighting/memorials, project utilities, modifications of the Historic Capitol, and construction methods and equipment remain the same as presented in the Recirculated Draft EIR. Although the timing of the visitor/welcome center construction would change, its design remains as presented and evaluated in the Recirculated Draft EIR.

For the State to approve the Capitol Annex Project with the Double-T Annex with pleated glass exterior design and the 12th Street underground parking alignment, an evaluation of the environmental effects of these modifications must be conducted pursuant to the requirements of the State CEQA Guidelines. Such an analysis is provided in Section 2.3, below, providing substantiation that the proposed designs and project modifications do not trigger a second recirculation of the Draft EIR. Section 2.4 of this chapter provides the determination of whether the combined analysis from the Draft EIR, Recirculated Draft EIR, and this Final EIR may support the approval of the modified Capitol Annex Project, if the State so chooses.

## 2.2 PROJECT MODIFICATIONS

### 2.2.1 Project Phasing

The sequence of implementing the Capitol Annex project elements has been rearranged. The first step remains as stated in the Recirculated Draft EIR, which involves vacating the Annex and moving the Legislature, executive branch offices, and related facilities to the new 10th and O Street Office Building, currently under construction. Limited legislative functions, such as caucus offices, would be temporarily moved to existing rooms on the second floor of the Historic Capitol, and functions and staff currently in those rooms would be moved to the 10th and O Street Office Building.

Second, after hazardous materials abatement and demolition of the existing Annex, construction of the new Annex would begin, although some work outside the footprint of the existing annex (e.g., in utility alignments) may begin before demolition being completed. Demolition of the existing Annex would include excavating and removing the existing underground parking below the current Annex building.

Concurrently with the Annex construction process, the underground parking garage under the 12th Street walkway alignment would be excavated and constructed. Finally, the new underground visitor/welcome center on the west side of the Capitol would be constructed to provide access from the west to the Capitol.

The construction schedule for this revised phasing is anticipated to be:

- ▶ Annex Abatement and Demolition – First Quarter of 2022 to Third Quarter 2022,
- ▶ Annex Construction – Fourth Quarter 2022 to Fourth Quarter 2025,
- ▶ Underground Parking Construction – Fourth Quarter 2022 to Fourth Quarter 2025, and
- ▶ Visitor/Welcome Center Construction – Estimated for First Quarter 2026 to Second Quarter 2027.

The construction of the entire project is still anticipated take approximately 5 years and would be completed before the end of 2027, but with the Legislature and executive branch occupying the new Annex by the end of 2025.

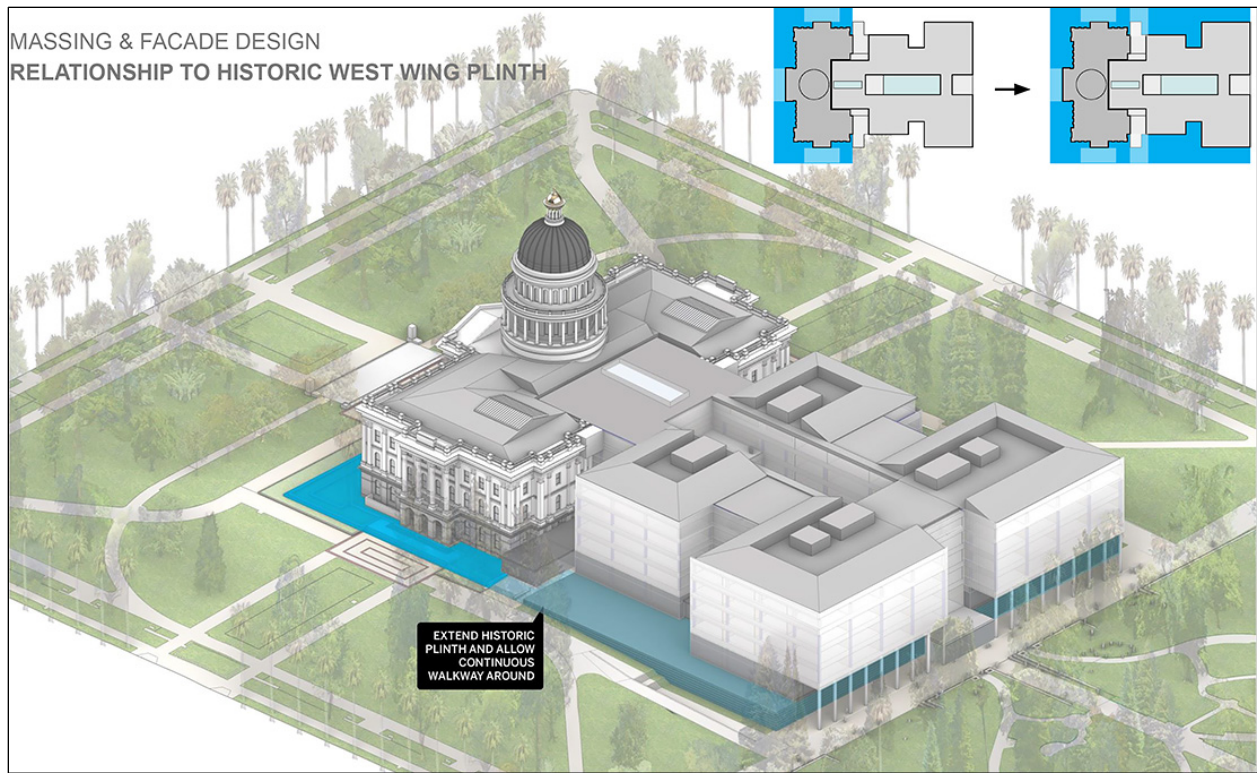
As described in the Draft EIR and Recirculated Draft EIR, before construction activities begin on any project component, temporary fencing would be installed around the construction area and other security measures such as cameras and lighting would be installed to prevent unauthorized access and promote site safety. Before demolition of the Annex begins, temporary fencing would be installed on the east side of the Capitol, around the Annex building. The construction exclusion area would include the sidewalks and parking lanes along the north side of N Street between 10th Street and 12th Street and the south side of L Street between 11th Street and 12th Street. As shown in Figure 2-1, the eastern edge of the construction exclusion area would extend beyond the 12th Street walkway for construction of the underground parking structure, the entrance and exit ramps at L Street and N Street, and the eastern entry to the Annex, where pathways would need to be regraded to transition down to the lower elevation of the new building entrance.

Under this revised project phasing, the new visitor/welcome center would not be constructed and operational prior to the Annex demolition and construction. Therefore, during this phase of construction (i.e., Annex demolition, new Annex construction, underground parking construction) visitor access would be provided at the pedestrian entry on the north side of the Historic Capitol (from L Street). The pedestrian pathway from the south side of the Historic Capitol (from N Street) would be maintained for members of the Legislature, executive branch, and their staff to move between the Historic Capitol and the 10th and O Street Office Building. To facilitate the safe movement of members of the Legislature, Executive branch, and their staff across N Street, during this phase of construction, traffic calming measures may be implemented along N Street, or N Street could be closed to vehicular traffic during the day. The closures would begin no earlier than after the end of the morning peak hour traffic period on N Street and end no later than the beginning of the evening peak hour traffic period.

For construction of the visitor/welcome center, fencing would be limited to the west side of the Historic Capitol. The construction exclusion area would include the sidewalk along 10th Street between L Street and N Street and a portion of the east side of the 10th Street travel corridor in this area. It is expected that parking on both sides of 10th Street between L Street and N Street would be removed during construction and DGS and the JRC or their contractor would re-stripe 10th Street to temporarily provide two vehicle travel lanes and maintain the dedicated bicycle lane. Visitor access during this phase would be provided through the new Annex, via the east entrance. As part of the visitor/welcome center design, the sidewalk on 10th Street in front of the Historic Capitol would be extended into the existing parking lane on 10th Street (also known as a bulb-out). The intent of the bulb-out is to provide greater separation between pedestrians congregating near the visitor/welcome center and vehicles on 10th Street and to maintain unobstructed views of the Historic Capitol, which are often blocked, albeit temporarily, by buses and vehicles parking directly in front of the Capitol on 10th Street. The sidewalk bulb-out would result in the loss of approximately five to seven existing parking spaces but would not affect the dedicated bicycle lane or vehicle travel lanes on 10th Street. After completion of the visitor/welcome center, the exclusion fencing would be removed and this entry would become the primary visitor entry point to the Capitol.

## 2.2.2 Capitol Annex - Double-T Configuration and Pleated Glass Design

The footprint of the new Annex building is proposed as a Double-T configuration, as illustrated in Figure 2-2. The Annex would continue to be physically connected to the historic Capitol and would extend east to the 12th Street walkway. The building would be formed with two north-south oriented rectangles; the shorter rectangle closer to and shorter than the length of the north/south extent of the Historic Capitol, and the footprint of the second longer rectangle extending north/south beyond first rectangle of the building. The north/south extent of the new building footprint is intended to allow connectivity across Capitol Park (east to west). The plinth around the Historic Capitol (the foundation or base) would be extended around the Annex to allow for a continuous walkway, as shown in Figure 2-2. The Double-T configuration is respectful of the Historic Capitol; it would enhance views to the Capitol dome and would reveal a portion of the Historic Capitol's eastern façade, as illustrated in Figures 2-3 and 2-4. Figures 2-5 and 2-6 provide a set of site-views and renderings of the Double-T concept design from various views around the western end of Capitol Park.



Source: Image from MOCA Systems, Inc. March 22, 2021 presentation to the JRC.

Capitol Annex Double-T Configuration - Aerial Perspective, Massing, and Plinth

Figure 2-2 Capitol Annex Double-T Configuration





Source: Image from MOCA Systems, Inc. March 22, 2021 presentation to the JRC.

Capitol Annex Double-T Design – Conceptual View Looking West



Source: Image from MOCA Systems, Inc. March 22, 2021 presentation to the JRC.

Double-T Perspective View, Looking North

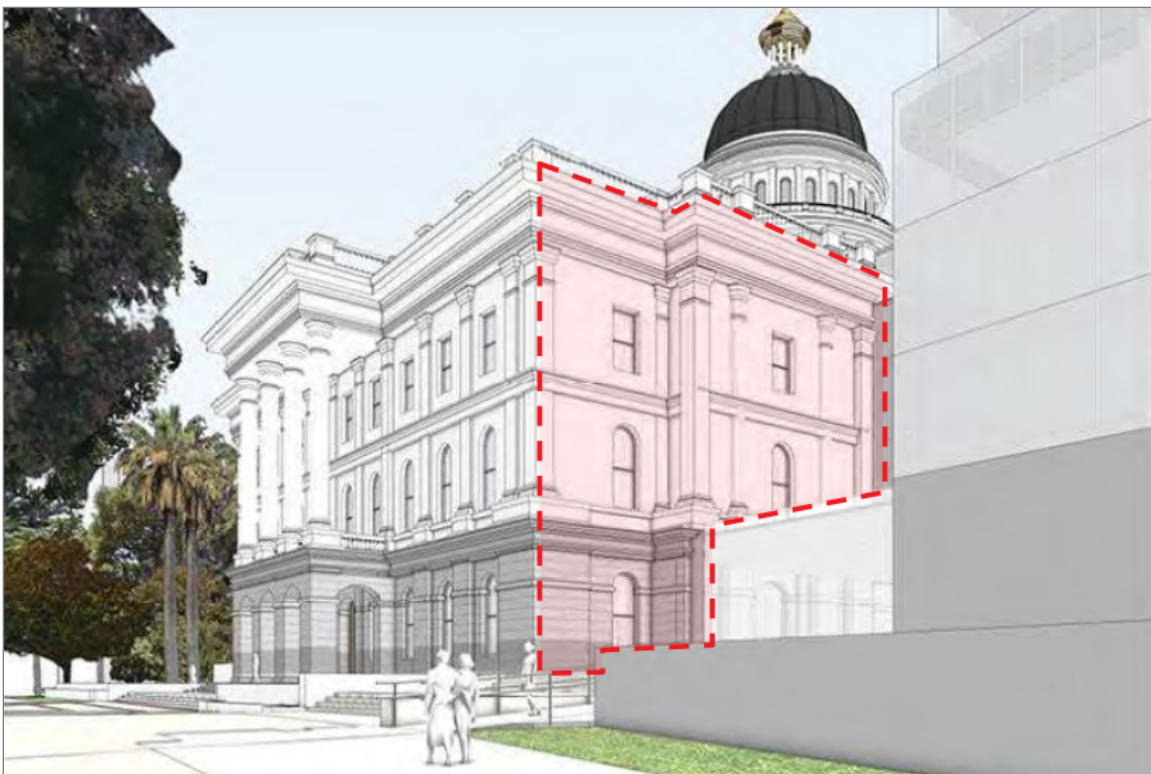
Figure 2-3 Capitol Annex Double-T Design – Pleated Glass Exterior





Source: Image from MOCA Systems, Inc. September 2020 presentation to the JRC.

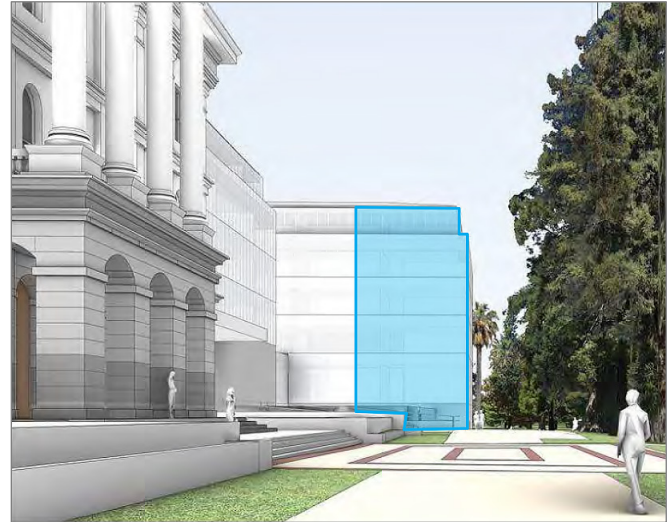
Capitol Annex Double-T Design - Views to the Capitol Dome



Source: Image from MOCA Systems, Inc. September 2020 presentation to the JRC.

Capitol Annex Double-T Design – Reveals Historic Capitol Eastern Façade.

**Figure 2-4 Capitol Annex Double-T Design – Respectful of Historic Capitol**



Source: Images from MOCA Systems, Inc. September 2020 presentation to the JRC.

Double-T Perspective View, Looking East

Double-T Perspective View, Looking East; The blue indicates the additional massing of the new Annex



Source: Images from MOCA Systems, Inc. September 2020 presentation to the JRC.

Double-T Perspective View, Looking Northwest

Double-T Perspective View, Looking Northwest

**Figure 2-5 Capitol Annex Double-T Design – Site Views**





Source: Images from MOCA Systems, Inc. September 2020 presentation to the JRC.

Double-T Perspective View, Looking Northwest

Double-T Perspective View, Looking North



Source: Image from MOCA Systems, Inc. March 22, 2021 presentation to the JRC.

Double-T Perspective View, Looking Southeast

Figure 2-6 Capitol Annex Double-T Design – Site Views

Consistent with the Recirculated Draft EIR, the Double-T building height would be no taller than the parapet of the historic capitol and/or the base of the existing Capitol dome. The Double-T height is anticipated to be approximately 125 feet, which is lower than the current colonnade level and well below the base of the dome (Figure 2-7). This height limitation, along with the overall massing of the new Annex reinforces its subservience to the Historic Capitol building. There would be a below grade level for public meeting spaces where the public would enter from the east side. The floors within the Annex would be designed to align with the floors in the Historic Capitol as illustrated in Figure 2-8, with a mezzanine between the second and third floors. Although this mezzanine level (Level 2M in Figure 2-8) does not connect to the Historic Capitol, all other new Annex floors connect to the corresponding floor in the Historic Capitol (e.g., the 2<sup>nd</sup> floor of the Annex connects to the 2<sup>nd</sup> floor of the Historic Capitol, the 3<sup>rd</sup> Floor of the Annex connects to the 3<sup>rd</sup> Floor of the Historic Capitol, etc.). This is not the current condition, where, for example, the current 3<sup>rd</sup> floor of the Annex connects to the 2<sup>nd</sup> floor of the Historic Capitol.

The interior materials of the new Annex would be sympathetic and respectful of the Historic Capitol while not copying or imitating the historic details. The interior quality of the spaces would be designed to create a 'One Building' feel for the occupant as they move throughout the Capitol. Furthermore, the Double-T design and glass exterior is intended to bring daylight into the building and to provide windows for views to the outside throughout the Annex.

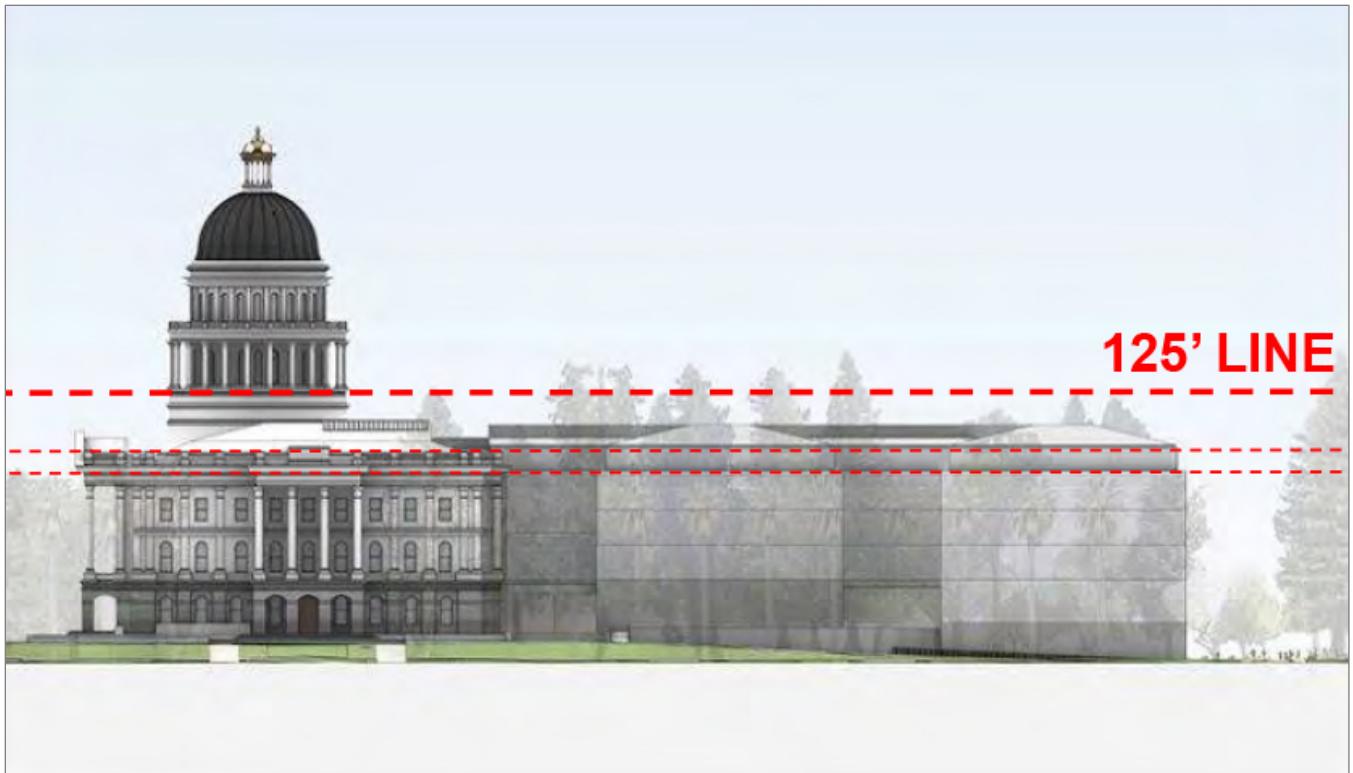
The Double-T design analyzed in this EIR would continue to provide approximately 525,000 gross square feet of space, supporting more and larger hearing rooms and conference rooms, more consistently sized office spaces, and more efficiently designed facilities. The Double-T design for the Annex would not alter the purpose of the building, which remains the same as the existing Annex, providing office space, hearing rooms, conference rooms, and supporting facilities for the Legislature and Executive branch. The Annex would continue to serve approximately 1,700 employees and the number of visitors would not change. It is acknowledged that when the new Annex first opens there may be increased interest in the new building and a corresponding temporary increase in visitors. However, after this period of initial increased interest, the project does not provide facilities or features sufficiently different from the existing Historic Capitol and Annex that increased visitorship to the Capitol Complex would result. The Double-T design would continue to meet all current building codes, Americans with Disabilities Act standards, and energy efficiency standards, including meeting or exceeding Leadership in Energy and Environmental Design (LEED) v4 Silver certification. The Double-T Annex is being designed, and would be implemented, in coordination with California Highway Patrol (CHP) and Capitol security staff to meet all security requirements. In addition, the landscaping surrounding the new Annex would generally be consistent with existing character.

As shown in Figure 2-3, the exterior of the Double-T Annex would be a pleated glass design. The selection of a glass exterior serves multiple purposes. The glass exterior maximizes the availability of natural light, improving work conditions for building occupants and minimizing the need for artificial light. The Annex design as shown provides access to daylight to the offices in the building. Reflecting the Secretary of Interior Standards (SOIS), the New Annex will be compatible but will not be identical to the Historic West Wing, to "protect the integrity of the property and its environment." The desire to maximize the availability of natural light in the building interior acknowledges the present-day science regarding importance of natural light to the health and well-being of building occupants.

However, various features of the glass exterior design support the new building remaining consistent and sympathetic with the Historic Capitol. From ground to roof, the Historic Capitol is broken into three architectural components, a "base", a middle, and the top or "balustrade". As shown in Figure 2-3, the inclusion of materials other than glass around the base of the new Annex ties to the darker color and exposed stone of the base of the Historic Capitol. Also, the height of the "base" component of the new Annex purposefully matches the height of the base of the Historic Capitol.

The glass curtain wall along the new Annex surface will be composed to give the appearance of a vertical rhythm of columns, with the glass pleats of the new Annex reflecting the columns prominent in the middle section of the Historic Capitol. The width and spacing of the "columns" in the new Annex are similar to those of the Historic Capitol, based on proportional studies of the classical architectural ratio of the space between the columns and the width of each column.





Source: Image from MOCA Systems, Inc. September 2020 presentation to the JRC.

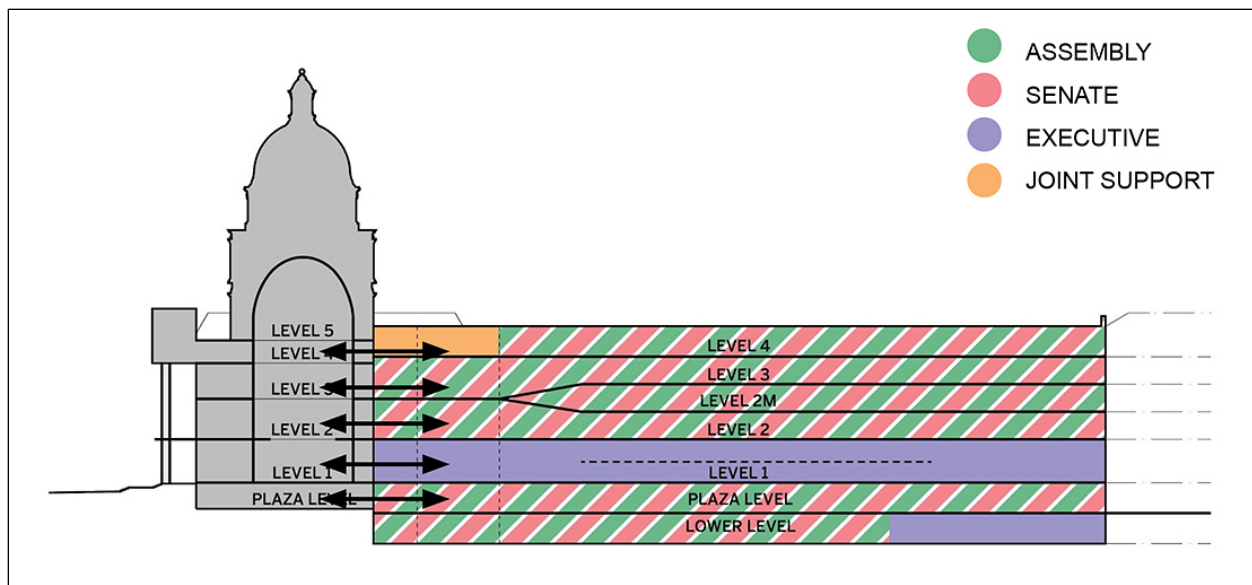
Capitol Annex Double-T Design – Building Height



Source: Image from MOCA Systems, Inc. March 22, 2021 presentation to the JRC.

Capitol Annex Double-T Design – Building Height View with Capitol Park Trees

**Figure 2-7 Capitol Annex Double-T Design – Building Height**



Source: Image from MOCA Systems, Inc. March 22, 2021 presentation to the JRC.

**Figure 2-8 Capitol Annex Floor Alignment with the Historic Capitol**

A portion of the glass will be coated with a white frit pattern (ceramic coating on the glass) which serves to control heat gain and glare, and gives the facade a white color, to more closely integrate the New Annex with the Historic West Wing and accentuate the rhythm of the Historic building's column spacing. Although the fritting is permanently bonded to the glass, it can be thought of like parallel lines of white tape put on the interior surface of one of the sheets of double-pane glass. Depending on the thickness and opacity of each piece of "tape" and how close together each piece is, different effects can be achieved. Although fritting may be used throughout the glass surfacing of the new Annex, as described below, at the glass pleats more prominent fritting may be used to make the pleats appear more "solid" and pillar like than the remaining glass. Finally, the location of some pleats will correspond to the location of structural columns supporting the building. Where these structural columns are present behind the glass, the pleat will have more of an appearance of a solid column.

Like the height of the "base" level of the new Annex matching the height of the base of the Historic Capitol, the bottom and top of the "middle" section of the new Annex matches the middle section of the Historic Capitol as shown in Figure 2-3.

As also shown in Figure 2-3, the beginning of the top level of the Annex, demarcated by a small ledge surrounding the building, aligns with the beginning of the top level, or entablature, of the Historic Capitol. On the Historic Capitol there is latticework along much of the balustrade creating a lighter appearance. The sky can also be seen "behind" the balustrade through spaces in the latticework. Fritting or other modifications to the glass at the top most portion of the new Annex will be implemented to make this top most area appear lighter, and/or to provide views of the sky behind the glass, to correspond to the characteristics in the Historic Capitol balustrade.

As stated above, the glass used for the surface of new Annex will be double pane. Reflecting that the new Annex would be a "building of its time" the glass system to be used combines the qualities of the glass, films placed on the glass, and the fritting mentioned above to create a material that is highly energy efficient, providing excellent insulating qualities while maximizing the entry of visible light. The glass is not "mirror glass." Where a typical mirror reflects close to 100 percent of visible light that hits it, the Annex surface would reflect approximately 25 to 35 percent of visible light. Although films and fritting will be placed on the glass, it will not appear dark, or as "black glass." Brightness and lightness will be the primary characteristics of the glass, to relate to the white color of the Historic Capitol, and to provide a subtle backdrop to the significant landscape. The appearance of the glass will actually change over the day based on various conditions such as position of the sun, brightness of the sun, whether clouds are present, and whether the interior occupant has the shades drawn or the lights on. Depending on the conditions,

glass on some parts of the building could appear transparent while glass on other parts of the building may show a muted reflection of the surroundings. Given these characteristics of the glass, as well as the change in surface angles provided by the pleats in the building design, there will be no concentrations of reflected light that would change air temperatures for pedestrians or nearby vegetation or be damaging to nearby vegetation.

### 2.2.3 Underground Parking - 12th Street Alignment

Demolition of the existing Annex would include excavating out the existing underground parking, which would be removed. The proposed footprint to replace the existing parking in the Annex basement has changed from the south side of the Capitol to the east side of the new Annex, aligned under the 12th Street walkway as shown in Figure 2-1. The alignment under the walkway is proposed to reduce impacts to trees and landscaping in Capitol Park. As illustrated in Figure 2-1, the construction disturbance area and footprint of the garage has been designed to avoid several important trees in Capitol Park. Shoring would be used for trench excavation, which allows for a hard edge of construction disturbance at the edge of excavation. As previously disclosed, the underground parking would be on one level, with construction excavations up to approximately 25 feet deep. After the underground parking is complete, the temporarily disturbed portions of Capitol Park, including the 12th Street walkway and paths to the east entrance into the Annex would be replaced similar to existing conditions; however, paths would be adjusted to properly connect with the new Annex building.

The new underground parking would accommodate approximately 150 vehicles and would include electric vehicle charging stations in numbers that meet or exceed minimum building code standards. As with the current Annex basement parking, as illustrated in Figure 2-1, the 12th Street alignment for the underground parking would have entries/exits with security checkpoints on both L Street and N Street. The State is actively coordinating with the City of Sacramento transportation planning staff on the entries/exits on L and N Streets. As with the Annex, the underground parking is being designed, and would be implemented, in coordination with CHP and Capitol security staff to meet all security requirements. Furthermore, the new Annex parking would continue to be designed for maximum flexibility and convertibility to meeting space versus parking if needed in the future. For example, the floor to ceiling height would be such that the space can meet building codes for a use other than parking.

### 2.2.4 Capitol Park Trees

As project design has progressed, so has planning related to the existing trees within the project site and the anticipated impacts to trees. This continued planning is illustrated on Figure 2-9. As described in the Recirculated Draft EIR, the existing landscaping and lighting in the vicinity of the Annex, underground parking, and visitor/welcome center would be maintained and protected as much as possible during construction. As many existing trees as possible would be retained during project construction. As indicated in Master Response 5 in Chapter 3 of this Final EIR, at the request of multiple commenters on the Recirculated Draft EIR, American National Standards Institute (ANSI) A300 standards for protection of trees will be implemented to protect trees that are retained within the construction activity area rather than the California Department of Parks and Recreation tree protection guidelines identified in the Recirculated Draft EIR. However, some trees within the construction areas of the project site would be affected, as described below.

Construction of the Capitol Annex Project, with the Double-T Annex configuration, the new underground parking garage aligned under the 12th Street walkway, and the underground visitor/welcome center as presented in the Recirculated Draft EIR is projected to affect trees in the project site as follows:

- ▶ Trees Protected In Place. There are 15 large dedicated and historic trees that are within the construction areas that are specifically identified to be preserved in place:
  - the grove of six (6) dedicated redwoods, including the moon tree, on the north side of the Annex
  - one (1) dedicated "largest specimen" tulip tree near the 12th Street walkway slightly north of the Annex

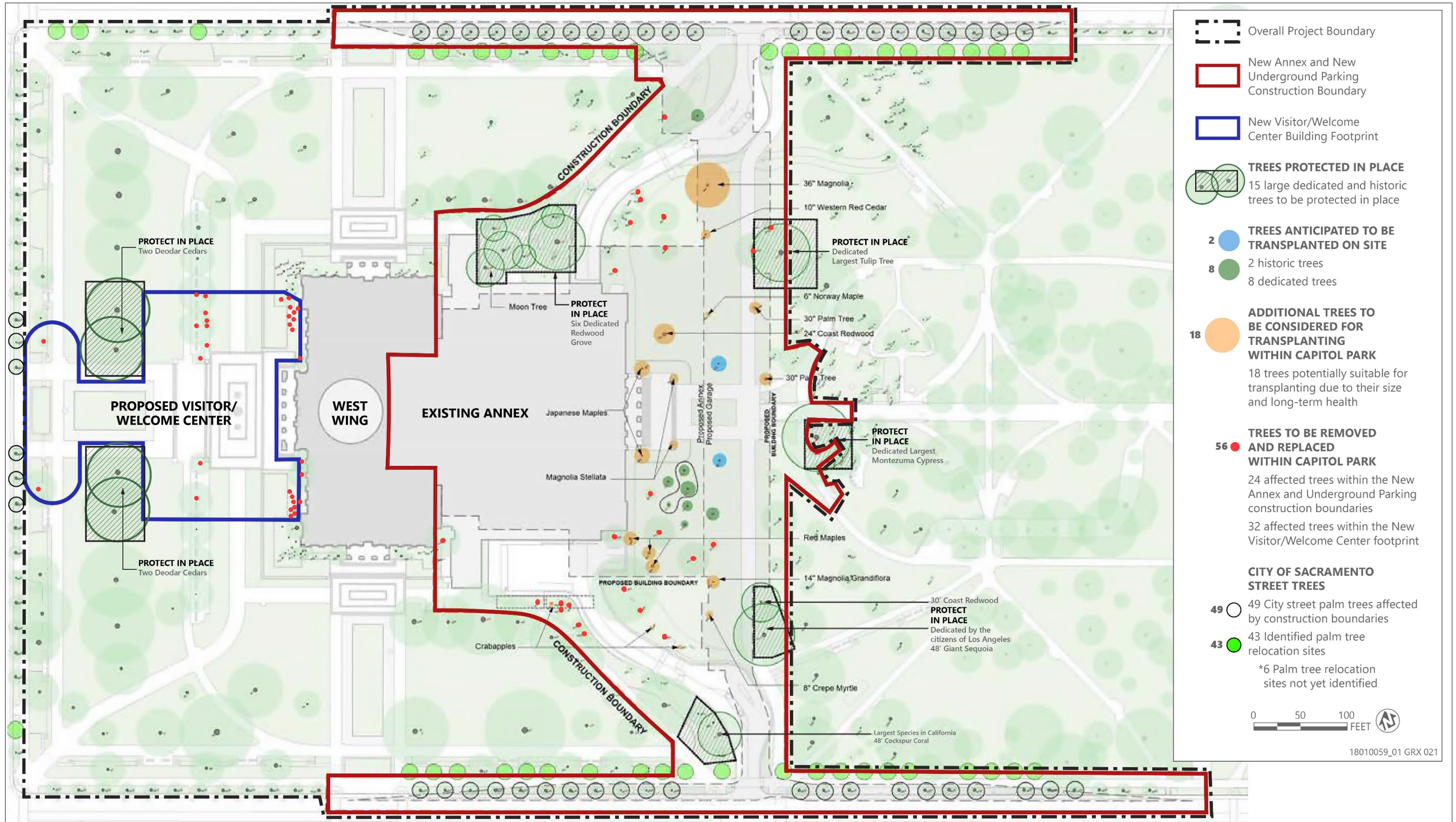
- one (1) dedicated "largest specimen" Montezuma Cypress near the 12th Street walkway near the center of the park
- one (1) 30-inch coast redwood near the 12th Street walkway slightly south of the Annex
- one (1) 48-inch giant sequoia, dedicated by the citizens of Los Angeles, near the 12th Street walkway slightly south of the Annex
- one (1) 48-inch cockspur coral, "largest specimen", near N Street and the proposed entrance to the parking garage
- four (4) deodar cedars in the western end of Capitol Park between 10th Street and the Historic Capitol

It should be noted that there are additional trees within the overall project boundary in the west end of Capitol Park that are not within or directly adjacent to the construction boundaries. These trees would also be protected in place.

- ▶ Trees Anticipated to be Transplanted On Site. There are ten (10) historic or dedicated trees that are suitable for, and planned for, transplanting due to their size and health that occur within the New Annex and underground parking garage construction boundary and would be transplanted to a new location within the construction area as part of the project landscaping.
  - Two (2) historic trees
  - Eight (8) dedicated trees
- ▶ Additional Trees to be Considered for Transplanting within Capitol Park. In addition to the ten (10) historic or dedicated trees that are anticipated to be transplanted on the project site, there are an additional eighteen (18) trees that are considered potentially suitable for transplanting due to their size and health and could be placed in Capitol Park outside the project footprint.
- ▶ Trees to be Removed and Replaced within Capitol Park. There are a total of 56 trees located within the project site that are anticipated to be directly affected by construction activities and require removal of the tree. These trees would not be relocated due to their health/condition; rather, these trees would be replaced in-kind by new trees within Capitol Park.
  - Twenty-four (24) affected trees within the new Annex and underground parking construction boundaries.
  - Thirty-two (32) affected trees within the visitor/welcome center footprint.

\*Note that because a detailed landscape plan has not yet been prepared for the visitor/welcome center portion of the project site, that this evaluation has made a conservative assumption of removal and replacement of all trees affected by construction of this project element. However, some number of these trees are likely to be suitable for transplanting and will be identified for transplanting as landscape design for the visitor/welcome center advances.
- ▶ City of Sacramento Street Trees. The State is coordinating with the City of Sacramento on City trees, consistent with the City's tree ordinance. Project construction would affect a total of 49 City of Sacramento street trees consisting entirely of palm trees that provide a perimeter around Capitol Park. It is anticipated that these 49 palm trees would be transplanted, either to the inside of the new sidewalk to move them out of the way of the new parking ramps, or to be placed in some existing open areas (i.e., gaps in the line of perimeter palms) around Capitol Park. There are 43 transplant sites identified for the project (Figure 2-9), primarily re-establishing the boundary palm trees along L Street and N Street after construction of the underground parking garage. Another six sites for transplant need to be identified for six (6) palms anticipated to be affected by the 10th Street bulb-out included with the visitor/welcome center. As identified above, because design of the visitor/welcome center has not advanced as much as for the Annex and underground parking, receiving sites for these six palms have not been specifically identified. However, there are sufficient gaps in the perimeter palms, either locations where trees are absent or locations where a different species of palm has been planted, to accommodate relocation of these six palms.





Source: Skidmore, Owings & Merrill and PWP Landscape Architecture December 2020; Adapted by Ascent Environmental February 2021

Figure 2-9 Capitol Annex Project Anticipated Tree Impacts





- Forty-three (43) City of Sacramento palm trees at the boundary of Capitol Park along L Street and N Street affected by construction of the ramps for the underground parking.
- Six (6) City of Sacramento palm trees at the boundary of Capitol Park along 10th Street affected by construction of the visitor/welcome center bulb-out.

Therefore, in total, the project would affect an estimated 133 trees; 10 trees to be transplanted on site, 18 trees potentially transplanted outside the construction area but within Capitol Park, 56 trees to be removed and replaced with new trees in Capitol Park (with some portion of these 56 trees anticipated to be identified for transplanting once visitor/welcome center design advances), and 49 City perimeter palm trees to be transplanted along the perimeter of Capitol Park. The new plantings and transplanted trees would be monitored for five years to ensure survivorship. If a new tree or relocated tree dies, it would be replaced in-kind.

## 2.3 EVALUATION OF THE PROJECT MODIFICATIONS

Because the envelope of development for the Double-T Annex and underground parking under the 12th Street walkway is essentially within the previously evaluated project site boundaries (see Figure 2-1), the size of the facilities remain the same, and the occupants and intended uses also remain the same, an analysis equal to that provided in the Draft EIR is not required to provide full disclosure of the environmental effects of the project modifications. Using the environmental effects of the construction phasing, new Annex, and underground parking described in the Draft EIR as the base source of information, the following environmental analyses evaluate whether the revised construction phasing, Double-T Annex design, and 12th Street alignment for the underground parking:

- ▶ would result in any new significant impacts or substantially more severe impacts beyond those already described for the project,
- ▶ are influenced by any new circumstances that would result in new significant impacts or substantially more severe impacts than those already described for the project,
- ▶ require new analysis or verification beyond what has already been completed for the project, and
- ▶ would require new or modified mitigation measures beyond those already required for the project to reduce significant impacts to less-than-significant levels.

DGS has determined that the modifications to the construction phasing, the Annex design, and underground parking design would not generate a new substantial adverse environmental impact or a substantial increase in the severity environmental impacts, as analyzed in the Draft EIR and Recirculated Draft EIR. Each resource section is identified below with a brief explanation as to why new significant impacts or a substantial increase in the severity of an impact are not anticipated with the project modifications.

### 2.3.1 Land Use and Planning

Implementing the Double-T Annex configuration of the Annex would not change the building's location on the east side of the Historic Capitol on the grounds of Capitol Park in downtown Sacramento. Although the location of the underground parking would change from the south side of the Historic Capitol to the 12th Street alignment east of the Annex, the underground parking would still be located within Capitol Park with entry/exits via L Street and N Street. Consistent with the discussion of Impact 4.2-1 of the Draft EIR, construction of the modified Annex and underground parking would temporarily disrupt the use of the west side of Capitol Park, which is a major civic resource and focal point of the Capitol Area. However, during construction, pedestrian, bicycle, vehicular, and transit access would be maintained around the fenced construction area. Although temporary detours resulting in one or two blocks of additional travel distance may be implemented at various times during construction, construction activities would not divide the downtown community. Furthermore, after construction is completed, the new Annex (with its modified design and with the modified parking garage) would be consistent in location and function with the existing Annex, and pathways, hardscape, and landscaping in Capitol Park would be reestablished and maintained. With the proposed underground parking configuration along the 12th Street alignment, east/west mobility in Capitol

Park would be enhanced relative to existing conditions because driveways between the Annex and L and N Streets, which currently block east/west bicycle and pedestrian access, would no longer be present.

Consistent with the discussion of Impact 4.2-2 of the Draft EIR, the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would align with the objectives and purpose of the State's Capitol Area Plan and the Capitol View Protection Act, and although the State is not subject to the requirements of local plans, the modified Annex and garage would also be consistent with the City of Sacramento's 2035 General Plan and Zoning Code and the Sacramento Central City Community Plan. The pleated glass exterior of the Double-T Annex would be consistent with the City's General Plan Policy ER 7.1.4, regarding reflective glass, because, as shown in Figure 2-3, the bottom 36-feet of the Annex (the Plaza and Level 1) would have a non-glass exterior and the glass utilized on the upper levels of the building would be pleated and would have a high-performance glass coating, which involves a frit pattern. This reduces the reflectivity of the glass and allows birds to see it (to prevent bird strike). The glass utilized on the Annex would have a reflectivity of approximately 25 to 35 percent visible light out, meaning that the glass would look reflective or transparent depending on the time of the day. No black glass or mirror glass would be used. Between the frit-patterned glass and the bottom 36-feet of the building exterior not being glass, less than 50 percent of the Annex exterior would be reflective. Furthermore, the Double-T Annex would continue to meet the 2019 Building Energy Efficiency Standards, achieve zero net energy, and achieve the LEED v4 Silver certification. The modified parking garage would accommodate approximately 150 vehicles (less than the maximum of 200 vehicles evaluated in the Draft EIR and Recirculated Draft EIR), remain an underground facility, and provide electric vehicle charging stations in numbers that meet or exceed minimum building code standards.

The modified Annex and garage would not conflict with environmental plans, goals, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the project's land use impacts disclosed for Draft EIR Impacts 4.2-1 and 4.2-2 (less than significant), would not create a new significant land use and planning impact, and would not require additional mitigation measures.

## 2.3.1 Transportation and Circulation

### 12 STREET ALIGNMENT PARKING STRUCTURE DETAILS

#### Ramp Details

The 12th Street alignment for the underground parking would include reconfiguring access to/from the on-site parking structure. Currently, two full access driveways provide access to/from the on-site parking structure. One driveway is located at the south leg of the L Street/12th Street signalized intersection and the other is located at the north leg of the N Street/12th Street signalized intersection. The project evaluated in the Draft EIR assumed that vehicle access to/from the on-site parking structure would occur from two driveways on N Street (one inbound and one outbound).

The 12th Street alignment for the underground parking would eliminate the existing driveways and construct new driveway ramps on the south side of L Street and the north side of N Street. Under Existing Plus Project traffic analysis conditions, inbound ramps would be provided immediately west of the L Street/13th Street intersection and immediately east of the N Street/11th Street intersection and outbound ramps would be provided immediately east of the L Street/11th Street intersection and immediately west of the N Street/13th Street intersection (Figure 2-1). Therefore, vehicles accessing the project site via L Street would enter and exit traveling in the westbound direction, while vehicles accessing the project site via N Street would enter and exit traveling in the eastbound direction. The directionality of the N Street ramps would be reversed in the future after the planned two-way conversion of N Street is completed. For the purposes of this analysis, the N Street conversion and ramp reversal would be expected to occur under Cumulative Plus Project traffic analysis conditions.

Access to the inbound ramps on L Street and N Street would be provided via new entry lanes constructed at the ramp approaches, immediately adjacent to the existing through travel lanes. Both inbound ramp entry lanes would provide 100 feet of storage (measured from the security checkpoint) plus a 60-foot deceleration taper. Inbound vehicles would maneuver into the entry lanes before stopping at the security checkpoint. After passing through the security checkpoint, inbound vehicles would then travel down a ramp into the underground parking structure.

Vehicle ingress/egress would occur as follows:

- ▶ Inbound via L Street – westbound entering vehicle traffic would merge from the westbound through travel lane into the ramp entry lane immediately west of the L Street/13th Street unsignalized intersection in an uncontrolled maneuver.
- ▶ Outbound via L Street – westbound exiting vehicle traffic would merge from the ramp exit lane into the westbound through travel lane at the L Street/11th Street signalized intersection (see description of signal operations below).
- ▶ Inbound via N Street (Existing Plus Project conditions) – eastbound entering vehicle traffic would merge from the eastbound through travel lane into the ramp entry lane immediately east of the N Street/11th Street signalized intersection in an uncontrolled maneuver.
- ▶ Outbound via N Street (Existing Plus Project conditions) – eastbound exiting vehicle traffic would merge from the ramp exit lane into the eastbound travel lane immediately west of the N Street/13th Street unsignalized intersection in an uncontrolled maneuver.
- ▶ Inbound via N Street (Cumulative Plus Project conditions) – westbound entering vehicle traffic would merge from the westbound through travel lane into the ramp entry lane immediately west of the N Street/13th Street unsignalized intersection in an uncontrolled maneuver.
- ▶ Outbound via N Street (Cumulative Plus Project conditions) – westbound exiting vehicle traffic would merge from the ramp exit lane into the westbound travel lane immediately east of the N Street/11th Street signalized intersection in an uncontrolled maneuver.

## Security Checkpoints

The California Highway Patrol (CHP) would operate four security checkpoints, one at the top of each of the four ramps serving the underground parking structure. The service time for each inbound security checkpoint would be an average of 75 seconds per vehicle (Navarra, pers. comm., 2021). For the purposes of this analysis, the outbound security checkpoints would not be assumed to require vehicles to stop upon exit.

In instances where a vehicle is denied entry at one of the inbound security checkpoints, a set of hydraulic bollards situated between the ramp entry lane and the adjacent through travel lane would lower and the vehicle would be required to re-enter traffic on L Street or N Street.

## Intersection/Signal Modifications

Changes to the on-site parking structure access would modify multiple intersections and traffic signals within the immediate project site vicinity:

- ▶ L Street/11th Street – the construction of the outbound ramp on L Street immediately east of the L Street/11th Street intersection would require the installation of new signal equipment. Additionally, the signal plan would need to be modified to introduce an additional signal phase to serve vehicles exiting the parking structure (i.e., this movement could not be overlapped with an existing signal phase).
- ▶ L Street/12th Street – the elimination of the existing driveway would eliminate the south leg of this intersection and accompanying signal equipment.
- ▶ N Street/12th Street – the elimination of the existing driveway would eliminate the north leg of this intersection and accompanying signal equipment.

## On-Street Parking

The construction of the parking structure ramps would require the elimination of existing on-street parking on the south side of L Street between 11th Street and 13th Street and on the north side of N Street between 11th Street and 13<sup>th</sup> Street.

## Other Transportation Modes

The 12th Street Alignment Parking configuration would not change multi-modal transportation access, circulation, and operations within the immediate project vicinity relative to the project description evaluated in the Draft EIR.

## Parking Structure Capacity

In the Draft EIR and Recirculated Draft EIR it was assumed that the new parking structure could accommodate up to 200 vehicles. For the 12th Street alignment underground parking, it is assumed that parking structure capacity would mimic the existing parking under the current Annex and the parking structure would be able to accommodate approximately 150 vehicles.

# TRANSPORTATION AND CIRCULATION ANALYSIS

## Trip Generation

The Draft EIR project vehicle trip generation estimates were developed based upon the assumptions that a) the project would not change the number of on-site employees relative to existing conditions and b) the project would include a 200-space parking structure, an increase of 50 spaces relative to the existing on-site parking structure. Project vehicle trip generation estimates were derived by developing a peak hour trip rate per parking space using peak period traffic counts collected at the two existing project site access points (L Street/12<sup>th</sup> Street and N Street/12<sup>th</sup> Street) in February 2019, and then applying the trip rate to the total number of on-site parking spaces proposed by the project. As shown in Table 4.3-5 of the Draft EIR, the project was estimated to generate 86 a.m. peak hour trips and 60 p.m. peak hour trips.

The 12th Street alignment for the underground parking would accommodate approximately 150 vehicles, which is equal to the number of parking spaces currently provided on-site and represents a 50-space decrease from the project evaluated in the Draft EIR. Moreover, the Double-T Annex configuration would not change the number of on-site employees relative to existing conditions. Therefore, the project trip generation would be comparable to existing conditions and the modified project would not result in new vehicle trips on the surrounding roadway network. Based on peak period traffic counts collected at the two existing project site access points in February 2019, the modified project would generate an estimated 64 a.m. peak hour trips and 45 p.m. peak hour trips (refer to Table 2-1) (see Appendix B of this Final EIR for traffic modelling data).

**Table 2-1 Capitol Annex Project Trip Generation – Modified Project**

	A.M. Peak Hour Total	A.M. Peak Hour In	A.M. Peak Hour Out	P.M. Peak Hour Total	P.M. Peak Hour In	P.M. Peak Hour Out
Existing Trips	64	47	17	45	12	33
Existing Plus Project Trips	64	47	17	45	12	33
<b>Net New Trips</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Source: Data provided by Fehr & Peers in 2021

## Trip Distribution and Assignment

Trips associated with the modified project were reassigned based upon the proposed changes to the parking structure ingress/egress and based upon the distribution of inbound/outbound traffic at the existing L Street/12th Street and N Street/12th Street intersection access points. Separate trip assignments were developed for Existing Plus Project and Cumulative Plus Project conditions to reflect changes that would result from the N Street ramp reversal. With the modified project, inbound and outbound vehicle trips would generally be split evenly between the L Street and N Street ramps.



## Discussion

Implementation of the modified project could change the results of the peak hour intersection operations analysis disclosed in Draft EIR Impact 4.3-1 (less than significant). The thirteen study intersections were re-analyzed using SimTraffic microsimulation software and the analysis methods described in the Draft EIR (see Appendix B for supporting traffic modelling data). Table 2-2 and Table 2-3 summarize the results of the Existing Plus Project and Cumulative Plus Project intersection operations analyses, respectively. The modified project would result in relatively minor changes in traffic operations within the study area relative to existing conditions and Cumulative No Project conditions. All study intersections would operate at LOS C or better under Existing Plus Project conditions and LOS E or better under Cumulative Plus Project conditions. All study intersections would continue to operate acceptably under both Existing Plus Project and Cumulative Plus Project conditions. Therefore, impacts on intersection operations (Draft EIR Impact 4.3-1) remains less than significant.

The ramps for the 12th Street parking structure alignment were evaluated to understand the extent to which the configuration and operations of the ramps and inbound security checkpoints could adversely affect operations or safety of adjacent public roads. In particular, the inbound ramps were evaluated to determine if sufficient storage capacity would be provided to accommodate anticipated inbound queues in a manner that would prevent queue spillbacks into the adjacent through travel lane. The inbound ramps on L Street and N Street would have a single-entry lane. The entry lanes would provide 100 feet of storage (as measured from the security checkpoint) plus a 60-foot taper. This would provide sufficient storage for four queued vehicles, assuming an average length of 25 feet per vehicle. The service time for each inbound security checkpoint would be an average of 75 seconds per vehicle (Navarra, pers. comm., 2021). In other words, each inbound vehicle would be required to stop for 75 seconds on average while security checks are conducted. While the project trip generation estimates yield entry volumes of 24 vehicles per hour per lane during the a.m. peak hour, the ramp queue evaluation assumes vehicle entry volumes of 30 vehicles per hour per lane to avoid understating the potential inbound queues associated with the project. Moreover, a Poisson distribution was utilized to estimate the random arrival of inbound vehicles. Taking these factors into account, the a.m. peak hour 95th percentile queue at the L Street and N Street inbound ramps would measure an estimated length of four vehicles, or 100 feet. Therefore, sufficient storage would be provided at the inbound ramp entry lanes to accommodate the 95th percentile queue, and inbound queues generated by the project would not spill back out of the entry lane in a manner that would adversely affect operations or safety on adjacent public roads.

The modified project would continue to be exempt from vehicle miles traveled analysis because the project location remains within a transit priority area; the project continues to be consistent with the intent of the Central City Specific Plan and Central City Specific Plan EIR; and the project remains consistent with the general use designation, density, building intensity, and applicable policies specific to the project area identified in the Sacramento Area Council of Governments' *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*, which identifies the project area as a higher-density major employment center. There are multiple transit options in the study area, and consistent with the discussion of Draft EIR Impact 4.3-2 (less than significant), implementing the modified project would not result in additional demand for transit service, would not reduce access to existing transit, and would not adversely affect existing public transit operations. In addition, consistent with the discussion of Draft EIR Impacts 4.3-3 (less than significant) and 4.3-4 (less than significant), after the modified project is complete, it would not generate new bicycle or pedestrian trips and would not adversely affect existing or planned bicycle or pedestrian facilities.

The ramps for the 12th Street alignment of the parking structure would require the removal of on-street parking on the south side of L Street and the north side of N Street between 11th Street and 13th Street. This would result in the loss of approximately fifty on-street parking spaces. As noted in Section 4.15.1, "Regulatory Setting," of the Draft EIR, the Capitol Annex Project is located in a transit priority area and it qualifies for CEQA streamlining benefits provided by Senate Bill (SB) 743. As a qualifying project, impacts related to the loss of parking could not be considered a significant impact (Public Resources Code Section 21099[d][1]).

Finally, consistent with the discussion of Draft EIR Impact 4.3-5 (less than significant), construction-related traffic impacts would continue to be localized and temporary. Construction of the modified project would continue to necessitate restriction or redirection of pedestrian, bicycle, and vehicular movements and removal of curbside parking around the site to accommodate construction staging, material hauling, material staging, modifications to utility

connections, and movement of State personnel between the Historic Capitol and the 10th and O Street Office Building. DGS and the Joint Rules Committee or their contractor would prepare and implement a construction traffic management plan to reduce the temporary impacts to the degree feasible.

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the project's transportation and circulation impacts disclosed in the discussion of Draft EIR Impacts 4.3-1 through 4.3-5 (less than significant), would not create a new significant transportation or circulation impact, and would not require additional mitigation measures.

**Table 2-2 Intersection Operations – Existing Plus Project Conditions – Modified Project**

Intersection	Traffic Control	Peak Hour	Existing Conditions Delay <sup>1</sup>	Existing Conditions LOS	Existing Plus Project Conditions Delay <sup>1</sup>	Existing Plus Project Conditions LOS
1. 9th Street/L Street	Signal	a.m. p.m.	7 21	A C	7 9	A B
2. 10th Street/L Street	Signal	a.m. p.m.	17 13	B B	15 15	B B
3. 11th Street/L Street	Signal	a.m. p.m.	11 11	B B	20 14	C B
4. 12th Street/L Street	Signal	a.m. p.m.	11 10	B A	17 15	B B
5. 13th Street/L Street	SSSC	a.m. p.m.	5 (14) 5 (14)	A (B) A (B)	4 (16) 4 (16)	A (C) A (C)
6. 15th Street/L Street	Signal	a.m. p.m.	18 11	B B	19 15	B B
7. 10th Street/Capitol Mall	SSSC	a.m. p.m.	3 (11) 3 (10)	A (B) A (A)	3 (11) 3 (10)	A (B) A (A)
8. 9th Street/N Street	Signal	a.m. p.m.	9 13	A B	9 13	A B
9. 10th Street/N Street	Signal	a.m. p.m.	7 6	A A	7 7	A A
10. 11th Street/N Street	Signal	a.m. p.m.	6 6	A A	6 6	A A
11. 12th Street/N Street	Signal	a.m. p.m.	4 4	A A	4 4	A A
12. 13th Street/N Street	SSSC	a.m. p.m.	1 (4) 2 (8)	A (A) A (A)	1 (4) 2 (8)	A (A) A (A)
13. 15th Street/N Street	Signal	a.m. p.m.	10 16	B B	6 9	A A

Notes: LOS = level of service; SSSC = side-street stop-controlled.

<sup>1</sup>For signalized intersections, average intersection delay is reported in seconds per vehicle for all approaches. For SSSC intersections, the LOS and control delay for the worst movement is shown in parentheses next to the average intersection LOS and delay. Impacts on intersections are determined based on the overall LOS and average delay. Intersection LOS and delay are calculated based on the procedures and methodology contained in the Highway Capacity Manual, sixth edition (TRB 2016). All intersections were analyzed in SimTraffic.

Source: Data provided by Fehr & Peers in 2021

**Table 2-3 Intersection Operations – Cumulative Plus Project Conditions – Modified Project**

Intersection	Traffic Control	Peak Hour	Cumulative No Project Conditions Delay <sup>1</sup>	Cumulative No Project Conditions LOS	Existing-Plus-Project Conditions Delay <sup>1</sup>	Existing-Plus-Project Conditions LOS
1. 9th Street/L Street	Signal	a.m. p.m.	12 65	B E	11 66	B E
2. 10th Street/L Street	Signal	a.m. p.m.	14 52	B D	19 55	B E
3. 11th Street/L Street	Signal	a.m. p.m.	23 64	C E	24 74	C E
4. 12th Street/L Street	Signal	a.m. p.m.	20 100	B F	16 75	B E
5. 13th Street/L Street	SSSC	a.m. p.m.	7 (16) 61 (64)	A (C) F (F)	5 (25) 34 (82)	A (D) D (F)
6. 15th Street/L Street	Signal	a.m. p.m.	9 24	A C	23 23	C C
7. 10th Street/Capitol Mall	SSSC	a.m. p.m.	3 (12) 2 (10)	A (B) A (B)	3 (10) 2 (7)	A (B) A (A)
8. 9th Street/N Street	Signal	a.m. p.m.	13 15	B B	9 16	A B
9. 10th Street/N Street	Signal	a.m. p.m.	15 15	B B	21 14	C B
10. 11th Street/N Street	Signal	a.m. p.m.	13 17	B B	8 12	A B
11. 12th Street/N Street	Signal	a.m. p.m.	9 11	A B	9 9	A A
12. 13th Street/N Street	SSSC	a.m. p.m.	2 (8) 5 (14)	A (A) A (B)	10 (30) 5 (16)	A (C) A (C)
13. 15th Street/N Street	Signal	a.m. p.m.	14 35	B D	8 23	A C

Notes: LOS = level of service; SSSC = side-street stop-controlled.

<sup>1</sup>For signalized intersections, average intersection delay is reported in seconds per vehicle for all approaches. For SSSC intersections, the LOS and control delay for the worst movement is shown in parentheses next to the average intersection LOS and delay. Impacts on intersections are determined based on the overall LOS and average delay. Intersection LOS and delay are calculated based on the procedures and methodology contained in the Highway Capacity Manual, sixth edition (TRB 2016). All intersections were analyzed in SimTraffic.

Source: Data provided by Fehr & Peers in 2021

## 2.3.2 Utilities and Service Systems

Implementing the Double-T Annex configuration, pleated glass design, and constructing the underground parking garage in a different location in Capitol Park would not alter utility demands; it would not change the number of employees in the new Annex, the parking structure would remain underground and would have the same number of parking spaces, and the number of visitors would remain unchanged. The project would continue to implement energy and water conservation measures that exceed Title 24 requirements and meet LEED v4 Silver standards. The conservative water demand and wastewater generation estimates, which would be the same as current demands, would continue to be adequately served by the City. Because the improvement plans to the combined sewer and stormwater system are in place, the project would be required to pay the City's adjusted Combined Sewer Development Plan Fees, and there is capacity sufficient to treat wastewater flows during dry-weather periods. The project modifications would not alter the estimated generation of solid waste during construction and solid waste due to operations would not change; the landfill capacity remains adequate for disposal of solid waste generated by

the project. Finally, the project would continue to use existing infrastructure for water supply, wastewater/stormwater conveyance, and electricity when feasible. As disclosed in the Recirculated Draft EIR, updated or replacement infrastructure, including utility vaults, connections, or conveyance lines, to the new Annex, visitor/welcome center or parking facility may be required. However, construction associated with new utility infrastructure would occur within the planned construction footprint, the impacts of which have been evaluated throughout this EIR.

The Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the project's utility and service systems impacts disclosed for Draft EIR Impacts 4.4-1 to 4.4-4 (less than significant), would not create a new significant utility and service systems impact, and would not require additional mitigation measures.

### 2.3.3 Air Quality

Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not appreciably alter the anticipated project construction disturbance or the construction equipment needed. Consistent with the discussion of Draft EIR Impact 4.5-1, construction of the modified project would continue to result in emissions of reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>), and fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM<sub>2.5</sub>) from demolition, excavation, material and equipment delivery trips, off-road heavy-duty equipment, worker commute trips, and other miscellaneous activities (e.g., application of architectural coatings). With the modified Annex design and parking garage designs, although construction activities would be modified to some degree, the overall change in level of activity when considering all construction activity would not be sufficient to result in emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> that would exceed thresholds recommended by the Sacramento Metropolitan Air Quality Management District (SMAQMD). As shown in Table 4.5-4 of the Draft EIR, construction emissions from the modifications to the Annex design and underground parking garage would need to more than double to exceed any of the emissions threshold (85 lb/day for NO<sub>x</sub>). Such a doubling of construction activity would not occur because the overall ground disturbance (footprint and depth) of the Double-T Annex and the modified parking garage the depth of excavation is expected to be the same as evaluated in the Draft EIR. Therefore, the overall soil handling and transport, and associated emissions, would not be appreciably different than identified in the Draft EIR. Overall, as described in the Draft EIR for Impact 4.5-1, construction-generated emissions of criteria air pollutants or precursors would not contribute substantially to the nonattainment status of the Sacramento Valley Air Basin (SVAB) for ozone with respect to the California ambient air quality standards (CAAQS) and national ambient air quality standards (NAAQS), PM<sub>10</sub> with respect to the CAAQS, and PM<sub>2.5</sub> with respect to the NAAQS.

As stated above in Section 2.2, "Project Modifications," implementing the modified project would not alter the number of employees in the Annex or the vehicular trip generation disclosed and evaluated in the Draft EIR. Neither would the Double-T configuration or the modified underground parking alter the net change in building size for the project. The pleated glass exterior may alter the specific energy usage within the building (due to bringing in natural light, warmth from sunlight, etc.); however, the project would continue utilize 100-percent renewable electricity through an agreement with the Sacramento Municipal Utility District (SMUD) and would implement energy efficiency measures to support LEED v4 Silver certification. Consistent with the discussion of Draft EIR Impact 4.5-2, although there would be emissions of ROG from reapplication of architectural coatings to maintain the building, the modified project would not result in long-term operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> that exceed SMAQMD's thresholds of significance (65 pounds per day [lb/day] for ROG, 65 lb/day for NO<sub>x</sub>, 80 lb/day for PM<sub>10</sub>, and 82 lb/day for PM<sub>2.5</sub>). Therefore, operational emissions would not conflict with air quality planning efforts or contribute substantially to the nonattainment status of the SVAB with respect to the CAAQS for ozone and PM<sub>10</sub> and with respect to the NAAQS for ozone and PM<sub>2.5</sub>.

Implementing the modified visitor/welcome center would not alter construction- or operation-related emissions of toxic air contaminants (TACs), consistent with the discussion of Draft EIR Impact 4.5-3. Operation of the Double-T Annex and 12th Street alignment for underground parking would not result in new sources of TACs; therefore,

operation of the project would have no impact. In addition, considering the relatively low mass of diesel PM emissions that would be generated by construction activity for the modified project, the relatively short duration of diesel PM-emitting construction activity at the project site, and the highly dispersive properties of diesel PM, construction-related TAC emissions would not expose off-site sensitive receptors to an incremental increase in cancer risk greater than 10 in one million or a hazard index greater than 1.0.

As discussed in Draft EIR Section 4.5, "Air Quality," SMAQMD's project-level thresholds are intended to maintain or achieve attainment designations in the SVAB with respect to the CAAQS and NAAQS. If implementing the modified visitor/welcome center would not exceed SMAQMD's thresholds and would not contribute to nonattainment designations, it would not exacerbate or interfere with the region's ability to attain the health-based standards. Furthermore, the lack of exposure to criteria air pollutants that may exceed the NAAQS and CAAQS would avoid health impacts. Because the modified project construction- and operation-generated emissions of criteria air pollutants and precursors would not exceed SMAQMD's recommended thresholds, they would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Because the ambient air quality standards are established to be protective of public health, adverse health impacts on receptors are not anticipated.

Implementing the Double-T Annex, pleated glass design, and constructing the underground parking garage in a different location in Capitol Park would not substantially increase the severity of the air quality impacts disclosed in the discussions of Draft EIR Impacts 4.5-1 through 4.5-3 (less than significant), would not create a new significant air quality impact, and would not require additional mitigation measures.

## 2.3.4 Greenhouse Gas Emissions and Climate Change

Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not appreciably alter the anticipated project construction effort or the construction equipment needed (see the discussion of construction emissions of criteria air pollutants above in Section 2.3, "Air Quality"). In addition, implementing the modified Annex and garage would not alter the overall square footage of the facilities, the number of employees in the new Annex, the number of visitors to the Capitol, or the vehicular trip generation disclosed and evaluated in the Draft EIR. Therefore, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not appreciably alter the estimated construction-related generation of metric ton of carbon dioxide equivalent (MTCO<sub>2e</sub>) per year or the estimated operation-related generation of MTCO<sub>2e</sub> per year disclosed in the discussion of Draft EIR Impact 4.6-1. Both construction and operation of the modified Annex and garage would continue to include greenhouse gas (GHG) efficiency measures consistent with all applicable State and local plans, policies, and regulations adopted for the purpose of reducing GHG emissions and enabling achievement of the statewide GHG reduction target of Senate Bill 32 of 2016. Therefore, implementing the modified Annex and garage would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. It also would not substantially increase the severity of the GHG emissions disclosed in the discussion of Draft EIR Impact 4.6-1 (less than significant), would not create a new significant contribution to climate change, and would not require additional mitigation measures.

## 2.3.5 Energy

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter the project's energy efficiency design features, the overall square footage of the facilities, the number of employees in the new Annex, the number of visitors to the Capitol, or the vehicular trip generation disclosed and evaluated in the Draft EIR. The pleated glass exterior of the Annex may alter the specific energy usage within the building (due to bringing in natural light, warmth from sunlight, etc.); however, consistent with the discussion of Draft EIR Impact 4.7-1, the modified Annex would be powered with 100-percent renewable electricity through an agreement with the Sacramento Municipal Utility District. This is in contrast to the existing Annex, which was built in the 1950s, before energy reduction goals were in place and many current energy-saving technologies were available. Additionally, there would be no direct natural gas use at the building. Although the parking garage would be



constructed in a different location, it would, as previously proposed, remain an underground facility with electric vehicle charging stations in numbers that meet or exceed minimum building code standards. The current underground parking proposal would accommodate approximately 150 vehicles, which is less than the maximum of 200 vehicles considered in the Draft EIR and Recirculated Draft EIR. The conservation of transportation fuel would continue to be encouraged through limited on-site parking and proximity to multiple modes of transportation in the downtown area. Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not result in the wasteful, inefficient, or unnecessary consumption of energy during construction or operation. In addition, consistent with the discussion of Draft EIR Impact 4.7-2, the Double-T Annex would be designed to achieve LEED v4 Silver certification through energy and water efficiency measures, as well as exceed the 2019 California Energy Code by 15 percent pursuant to Executive Order B-18-12. Therefore, implementing the project modifications would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. The Double-T Annex, pleated glass design, and the 12th Street alignment for the underground parking would not substantially increase the severity of the energy-related impacts disclosed in the discussion of Draft EIR Impacts 4.7-1 and 4.7-2 (less than significant), would not create a new significant energy-related impact, and would not require additional mitigation measures.

### 2.3.6 Noise and Vibration

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter potential operational noise sources; it would not change the number of employees in the new Annex, the parking structure would remain underground and would have the same number of parking spaces, and the number of visitors would remain unchanged. Implementing the Double-T design and the 12th Street alignment for the underground parking also would not increase traffic noise or introduce new stationary noise sources and therefore would not alter long-term noise over existing conditions. Furthermore, implementing the Double-T Annex and parking under the 12th Street walkway would not alter the location of construction activities evaluated in the Draft EIR nor appreciably alter the type and extent of construction activities. During construction, consistent with the discussion of Draft EIR Impact 4.8-1, most noise-generating activity would be performed during daytime hours, when construction noise is exempt from noise standards by the City of Sacramento Noise Control Ordinance. However, as with the design evaluated in the Draft EIR, construction activity may be required during the nonexempt evening and nighttime hours (6:00 p.m. to 7:00 a.m., Monday through Saturday, and between 6:00 p.m. and 9:00 a.m. on Sunday) for activities such as large, continuous concrete pours. Nonetheless, accounting for simultaneous equipment operation, proximity to existing sensitive receptors, and typical attenuation rates for noise levels associated with the loudest construction activities, noise levels would not exceed City or Sacramento noise standards at any nearby receptors.

In addition, consistent with the discussion of Impact 4.8-2 of the Draft EIR, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter the use of heavy-duty vibration-generating equipment during construction. As addressed in the Draft EIR, the construction of piles close to the Historic Capitol could result in significant vibration impacts. Therefore, Mitigation Measure 4.8-1 would be imposed, requiring preparation and implementation of a vibration control plan that ensures that pile driving would not occur during the more sensitive times of the day (i.e., late evening through early morning), controls vibration sufficiently to prevent structural damage to nearby buildings, and corrects situations where substantial human disturbance from vibration might occur. This mitigation would be required for construction of the Double-T Annex and the underground parking garage under the 12th Street walkway, consistent with the rest of the project. The measures would ensure compliance with recommended vibration levels to prevent structural damage and human annoyance, and the vibration impact would be reduced to a less-than-significant level.

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the noise and vibration-related impacts disclosed in the discussion of Draft EIR Impacts 4.8-1 (less than significant) and 4.8-2 (significant), it would not create a new significant noise- or vibration-related impact, Mitigation Measure 4.8-2 (Develop and Implement a Vibration Control Plan) would continue to be required to reduce the vibration impact to less than significant, and no additional mitigation measures would be required.

### 2.3.7 Geology and Soils

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not change the location of the Capitol Annex Project, located within the grounds of Capitol Park in downtown Sacramento as shown in Figure 2-1. As evaluated in the discussion of Draft EIR Impacts 4.9-1 through 4.9-4, the project site is not located on any known faults or traces of active faults; loose to medium dense sand and gravel soils identified beneath the project site are considered to have a low potential for liquefaction; the site is not located in an area of potential subsidence or dynamic compaction; and potentially expansive soils were not identified in borings taken at the project site. Construction of the Double-T Annex configuration and the underground parking would conform to the current California Building Code (CBC), which contains specifications to minimize adverse effects on structures caused by ground shaking from earthquakes and to minimize secondary seismic hazards (i.e., ground lurching, liquefaction). Through conformance with the CBC and implementation of site-specific engineering measures developed in compliance with these codes, development of the Double-T Annex and 12th Street alignment for the underground parking would not result in exposure of people or structures to substantial adverse effects related to seismic hazards, nor would it have the potential to exacerbate these hazards. Therefore, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the geology and soils impacts disclosed in the discussions of Draft EIR Impacts 4.9-1 through 4.9-4 (less than significant), would not create a new significant geology- or soils-related impact, and would not require additional mitigation measures.

### 2.3.8 Hydrology and Water Quality

Consistent with the discussion of Draft EIR Impact 4.10-1, although ground-disturbing activities could lead to erosion and sedimentation, implementation of the Double-T Annex and the 12th Street alignment for the underground parking would include compliance with existing regulations relating to stormwater controls, including storm water pollution prevention plan best management practices and design standards set forth in the City's Stormwater Quality Design Manual for the Sacramento Region. Compliance with these standards and regulations would ensure that the modified Annex and garage would neither conflict with nor obstruct any applicable water quality control plan, including the Water Quality Control Plan for the Central Valley Regional Water Quality Control Board and the Central Sacramento County Groundwater Management Plan. In addition, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking, like implementing the project described in the Draft EIR, could result in minor increases in the extent of impervious surfaces, which could alter drainage patterns at the project site (Draft EIR Impact 4.10-2). However, given that overall changes in the extent and location of impervious surfaces would be minor, and that a grading plan and drainage plan would be implemented as part of the project, any changes to the site drainage pattern would not result in substantial erosion, siltation, or flooding; exceedance of stormwater drainage systems; or additional sources of polluted runoff. Therefore, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the hydrology and water quality impacts disclosed in the discussions of Draft EIR Impacts 4.10-1 and 4.10-2 (less than significant), would not create a new significant hydrology- or water quality-related impact, and would not require additional mitigation measures.

### 2.3.9 Hazardous Materials and Public Health

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter the temporary storage, use, or transport of hazardous materials for project construction or operation. Consistent with the discussion of Draft EIR Impact 4.11-1, hazardous materials would be handled in compliance with local, State, and federal regulations. Therefore, adverse impacts related to the creation of significant hazards to the public through the routine transport, storage, use, and disposal of hazardous materials and through the risk of upset would not occur. Implementing the modified Annex and garage also would not change the possibility that the Annex may contain hazardous materials, such as asbestos-containing material, lead-based paint, and polychlorinated biphenyls, nor does it change results of the Phase 1 Environmental Site Assessment regarding past soil or

groundwater contamination at or near the project site. Consistent with the discussion of Draft EIR Impact 4.11-2, remediation and disposal of any identified hazardous materials would be implemented in accordance with federal, State, and local laws and regulations intended to protect workers and the public from exposure to hazardous materials, and compliance with these laws and regulations would be achieved, in part, through direct coordination with applicable regulatory agencies. Therefore, compliance with existing regulations would prevent the implementation of the modified Annex and garage from resulting in a significant risk to construction workers or the public from exposure to hazardous materials. Finally, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter the temporary lane or street closures during construction, which could affect emergency access and evacuation routes, and DGS would prepare a construction traffic control plan, consistent with Section 12.20.20 of the Sacramento City Code, which would minimize construction impacts related to potential interference with emergency response or evacuation (Draft EIR Impact 4.11-3). In addition, the project site is within the downtown street grid; therefore, various alternative routes are available to access the project site and nearby locations. Following construction, the modified Annex and garage would comply with the current Building Code and the Americans with Disabilities Act, security checkpoints would be modernized, and emergency response and evacuation of the State Capitol building and Annex would be improved. Therefore, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the hazardous materials and public health impacts disclosed in the discussion of Draft EIR Impacts 4.11-1 through 4.11-3 (less than significant), would not create a new significant hazardous materials or public-health-related impact, and would not require additional mitigation measures.

## 2.3.10 Archaeological, Historical, and Tribal Cultural Resources

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would expand the location of the construction area for the project to the east along N Street and L Street. Some minor shallow grading would occur just east of the new Annex entrance to allow existing paths and landscaping to transition more smoothly to the new entrance. However, the depth of excavations would not change from those anticipated previously. As disclosed and analyzed in the Draft and Recirculated Draft EIR Impacts 4.12-1 and 4.12-2, although previous site disturbances and construction likely removed any significant historic or prehistoric archaeological features, there are some areas within the project site that may yet be undisturbed, thus potentially retaining significant historic or prehistoric archaeological resources and/or tribal cultural resources. Because earthmoving activities resulting from the modified project could potentially affect significant historic or prehistoric archaeological resources and/or tribal cultural resources within these undisturbed areas, these impacts remain potentially significant and Mitigation Measures 4.12-1 and 4.12-2 are required. Implementation of these mitigation measures would reduce these impacts to a less-than-significant level by requiring preconstruction training, construction monitoring, and, in the case of a discovery, preservation options (including data recovery, mapping, capping, or avoidance) and proper curation if significant artifacts are recovered. Similarly, there are no known cemeteries or burials on the project site. However, earthmoving activities associated with project construction could disturb or destroy previously undocumented human remains (Draft and Recirculated Draft EIR Impact 4.12-3). Mitigation Measure 4.12-3 is required and would reduce Impact 4.12-3 to a less-than-significant level by requiring work to stop if suspected human remains are found, communication with the county coroner, and the proper identification and treatment of the remains consistent with the California Health and Safety Code and the California Native American Historical, Cultural, and Sacred Sites Act.

Implementing the Double-T Annex configuration and constructing the underground parking garage in a different location in Capitol Park would not result in a larger project footprint than was analyzed in the Draft and Recirculated Draft EIR. Therefore, the modified project would not result in a change to the Historic Architectural Resources Study Area boundary as defined in Figure 4.12-2 of the Recirculated Draft EIR. Consistent with Impact 4.12-4 disclosed and analyzed in the Draft and Recirculated Draft EIR, project implementation would continue to cause physical changes—as well as introduce changes to the setting—to two NRHP-listed historic districts, a third historic district that is NRHP-eligible, and four individually NRHP-eligible buildings. Impact conclusions for historical resources are provided below.

## STATE CAPITOL COMPLEX

The Double-T Annex and the 12th Street alignment for the underground parking would continue to result in a substantial adverse change to the characteristics that qualify the State Capitol Complex for listing in the NRHP. The impact of the Double-T configuration with the pleated glass exterior would not differ from those disclosed in Impact 4.12-4 of the Recirculated Draft EIR with the exception that the Double-T would increase the visibility of the Historic Capitol building's east elevation when compared with both the current Annex and the previously proposed Annex design and the information on the pleated glass exterior clarifies the extent to which the appearance of the new Annex is both different from, and sympathetic with the Historic Capitol. The Double-T configuration with a pleated glass exterior would continue to change the exterior of the Historic Capitol building, alter character-defining landscape features of Capitol Park, and transform interior and exterior circulation patterns. These changes would impair the characteristics that qualify the State Capitol Complex for listing in the NRHP, which in turn would impair its ability to convey its historical significance. Also consistent with Impact 4.12-4, construction activities for the Double-T design and the 12th Street alignment for the underground parking would occur in close proximity to the Historic Capitol, which could potentially result in vibration levels that could cause damage to the masonry of the Historic Capitol building. Construction of Double-T Annex configuration and the 12th Street alignment for the underground parking would continue to result in the removal and/or inadvertent damage to commemorative trees, plantings, memorials, and other character-defining landscape features of Capitol Park. Mitigation Measures 4.12-4a, 4.12-4b, 4.12-4c, 4.12-4d, and 4.12-4e would still be required for the modified project to reduce impacts and compensate for those impacts that cannot be avoided by ensuring preservation treatments, preparing a detailed salvage plan, development of an interpretive program, and ensuring protection of Capitol Park resources and the Historic Capitol. Although the Double-T Annex configuration with pleated glass exterior and the 12th Street alignment for the underground parking would not substantially increase the severity of the impact to the State Capitol Complex previously analyzed in Impact 4.12-4, would not create a new significant impact to the State Capitol Complex, and would implement these mitigation measures, this impact would remain significant and unavoidable because the Capitol Annex, which represents approximately half of monumental building in the NRHP-listed complex, would be permanently and completely destroyed, and the West Lawn of Capitol Park would be intensely modified, to the point of potentially not conveying its period of significance.

## CAPITOL EXTENSION GROUP

Consistent with Impact 4.12-4, the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would present a change in setting to the Capitol Extension Group, which consist of the Stanley Mosk Library and Courts building, the Jesse M. Unruh Office building, and the Capitol Fountain to the west of the Capitol. The Double-T design and realigning the underground parking to the east of the Annex would alter the project disturbance on the east side of the Historic Capitol, not the west side of the Capitol. Therefore, consistent with Impact 4.12-4 (less than significant), implementation of the project modifications would not impair the Group's features that qualify it as a CEQA historical resource, and the Capitol Extension Group would not be impaired due to the physical change occurring as a result of the project at the Capitol Complex. Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not substantially increase the severity of the impact to the Capitol Extension Group, would not create a new significant impact to this District, and would not require additional mitigation measures.

## CALIFORNIA STATE GOVERNMENT BUILDING HISTORIC DISTRICT

Similar to effects of the Capitol Extension Group, the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would also result in changes to the existing setting of the California State Government Building Historic District. Consistent with Impact 4.12-4, the physical changes of the modified project within the California State Government Building Historic District would impact one part of one contributor to the district. However, there would be no change in the District's ability to convey its significance as a grouping of buildings designed by the State Division of Architecture and functioning to support state government

operations. Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not substantially increase the severity of the impact to this District as disclosed in Impact 4.12-4 (less than significant), would not create a new significant impact to this District, and would not require additional mitigation measures.

## INDIVIDUALLY ELIGIBLE HISTORIC BUILDINGS

There are four buildings within the California State Government Building Historic District fronting the south side of N Street that are individually listed on their own merit in the CRHR and therefore are individual CEQA historical resources: the Department of Food and Agriculture, the Department of Transportation, the Legislative Office Building, and the Blue Anchor Building. The modified project would result in a physical change to the setting of these four resources. However, no aspect of physical change caused by the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would impair any of the features that qualify each of these four buildings as individual CEQA historical resources (Impact 4.12-4, no impact). Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not create a new significant impact to these buildings, and would not require additional mitigation measures.

## SUMMARY

Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not substantially increase the severity of archaeological, historical, or tribal cultural resources impacts disclosed in the discussion of Draft EIR Impacts 4.12-1 through 4.1-4 and Mitigation Measures 4.12-1 through 4.12-4 would still be required. The project modifications would not create a new significant archaeological, historical, or tribal cultural resources impact, and would not require additional mitigation measures.

### 2.3.11 Biological Resources

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would maintain the general boundary of construction activity within the four-block area bounded by 10th Street, L Street, N Street, and the alignment of 12th Street walkway through Capitol Park. Although the disturbance area is extended to the east along N Street, L Street, and in a small area east of the new Annex entrance, none of these disturbance areas contain habitats or other biological resources different from the park vegetation, walkways, and landscaping already identified as affected by the proposed project.

Consistent with the discussion of Impact 4.13-1 of the Draft EIR, project implementation would involve removal of several trees from the project footprint. Tree removal could result in direct loss of nests and mortality of adults, chicks, or eggs if they are present when tree removal occurs. Additionally, loud noises and visual disturbance from the presence of construction equipment, trucks, and construction crews associated with project implementation, including demolition and construction, could result in indirect disturbance to nesting Swainson's hawks, white-tailed kites, other nesting raptors, and other native nesting birds if they are present in trees adjacent to the project site. Indirect disturbance to nesting birds could result in nest abandonment. Mitigation Measure 4.13-1 would continue to be required to reduce potential impacts on Swainson's hawk, white-tailed kite, other nesting raptors, and other native nesting birds to a less-than-significant level. In accordance with this mitigation, active nests would be identified during preconstruction surveys, active nest trees would not be removed until the young have fledged, and no-disturbance buffers would be implemented to avoid indirect disturbance to active nests.

As described in Section 2.2, "Project Modifications," the pleated glass exterior on the Double-T Annex is intended to bring daylight into the building and to provide windows for views to the outside throughout the Annex. This design would incorporate more glass surfacing on the exterior of the building than is present in the existing Annex. An increase in glass surface area could increase the risk of bird strikes as the amount of glass on a building's exterior is typically the best predictor for bird strike risk (American Bird Conservancy 2015). To address the amount reflectivity of the glass, a pleated exterior is proposed and a high-performance glass coating would be utilized, which involves a frit

pattern. Fritting is a design feature that reduces the likelihood of bird strikes by making the surface of the glass visible to birds (American Bird Conservancy 2015). A study examining bird strike rates before and after implementation of bird strike deterrence methods at several buildings, specifically windows with treated glass, demonstrated that these modifications can reduce bird strikes by up to 94 percent (FLAP Canada 2018). Further, the special-status bird species that may occur in the vicinity of the project site (i.e., Swainson's hawk, white-tailed kite) are not expected to have a high risk of colliding with glass, because these species have high visual acuity and are not pursuit hunters of smaller birds (i.e., these species would not inadvertently collide with glass while chasing smaller birds). Because windows in the new Annex building would use glass with inherent properties that reduce the risk of bird strikes, substantial avian mortality is not expected to occur and there would not be a substantial increase in the severity of impacts on birds. Additionally, the habitat in Capitol Park adjacent to the Annex building does not represent an important migratory or wildlife movement corridor and the project site is otherwise surrounded by urban development; thus, the change in surfacing is not expected to substantially change the character of the environment or impede the use of this habitat by common wildlife species.

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter the potential for inadvertent disturbance to maternal colonies of common bat species or inadvertent exclusion of these bats if they are present on the exterior of the Capitol Annex. Mitigation Measure 4.13-2 would continue to be required for the modified project to reduce impacts by identifying roosts and maternity colonies and excluding bats during demolition activities. In addition, the modified project would continue to disturb street trees protected under the City of Sacramento Tree Preservation Ordinance, with a better understanding of effects on perimeter palms (which are City street trees) now available. However, in accordance with Mitigation Measure 4.13-3 of the Draft EIR, before construction begins, a survey of City street trees at the project site will be completed and a detailed tree removal, protection, replanting, and replacement plan will be prepared and submitted to the City arborist. The implementation of the tree removal, protection, replanting, and replacement plan during project construction and operation would comply with the City's Tree Preservation Ordinance. Therefore, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the biological resources impacts disclosed in the discussion of Draft EIR Impacts 4.13-1, 4.13-2, and 4.13-3; it would not create a new significant biological resources impact; Mitigation Measures 4.13-1, 4.13-2, and 4.13-3 would continue to be required to reduce the modified project's impacts to less than significant; and no additional mitigation measures would be required.

## 2.3.12 Public Services and Recreation

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not alter the project's compliance with current fire protection and safety requirements identified in the California Fire Code; California Building Code; and other applicable regulations, such as the portions of the State of California Building Code applicable to high-rise and underground buildings. Constructing and operating the new configuration and building the garage in a different location also would not change the number of State employees or visitors to the Capitol or Capitol Park. Therefore, consistent with the discussion of Draft EIR Impact 4.14-1, implementing the modified Annex and garage would continue to result in a less-than-significant impact on fire protection facilities, equipment, and services. Similarly, the fire flow demand estimated for the modified Annex and garage would be the same as disclosed in the discussion of Impact 4.14-2 of the Draft EIR. Fire flow quantities have been established and would be available to meet the project requirements, and the project would incorporate the necessary fire protection infrastructure. Consistent with the discussion of Draft EIR Impact 4.14-3, implementing the modified Annex and garage would result in a reconfiguration of security and law enforcement services during construction but would have a less-than-significant impact on police protection services, facilities, and equipment. The modification in design of the Annex would not change the number of employees or visitors; therefore, existing law enforcement services, facilities, and equipment would be adequate to serve the modified Annex and garage during long-term operations.

Finally, consistent with the discussion of Draft EIR Impact 4.14-4, the modified Annex would serve the same number of staff and visitors, and the function of the Annex would not change; therefore, it would not increase demand for recreational facilities in the project area. However, as described in the Draft EIR for the Capital Annex Project, during



construction of the Double-T Annex and the underground parking, the extent of recreation facilities would be reduced compared to existing availability because access to the Historic Capitol would be restricted, and the west side of Capitol Park would be closed. Events and activities currently held on the project site would need to be relocated to the open portions of Capitol Park or to other public or private venues. Events in the open portions of Capitol Park and along Capitol Mall would continue under the existing California Highway Patrol Capitol Protection Section permitting process and, after project construction is complete, full access to Capitol Park would be restored.

As required by Mitigation Measure 4.12.4d, described above, DGS and the JRC will prioritize protection in place over removal of commemorative trees, plantings, or other memorials. Where protection, preservation, or in-kind replacement of contributing landscape features is not feasible, guidelines for compatible design options that comply with the Secretary of the Interior's Standards for Rehabilitation will be included. Treatments may include relocation of the memorial to a new location as close as possible to the original location after project construction is complete, relocation of the original memorial to a new location within Capitol Park, complete removal of the original memorial and replacement "in-kind" with the same type/species or materials, or complete removal of the original memorial and replacement with a mutually acceptable new memorial.

Therefore, implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the public services and recreation impacts disclosed in the discussion of Draft EIR Impacts 4.14-1 through 4.14-4 (less than significant), would not create a new significant public service or recreation impact, and would not require additional mitigation measures.

### 2.3.13 Aesthetics, Light, and Glare

Implementing the Double-T Annex configuration would not alter the location, size, or height of the new Annex. Construction of the Double-T Annex and the 12th Street alignment for the underground parking would extend facilities beyond the eastern edge of 12th Street; however, construction activities would be temporary, and new facilities (parking entry exit ramps, walkways) would be consistent with the existing visual environment. These activities would not result in a permanent adverse effect on visual resources. Also consistent with what was stated in the Draft and Recirculated Draft EIR, operation of the Double-T Annex would not adversely affect the Capitol Mall scenic vista because views would be considerably shielded by the Historic Capitol (Recirculated Draft EIR Impact 4.15-1). The Recirculated Draft EIR discussed that demolition and reconstruction of the Annex would result in visual changes in the project area. However, the completed Capitol Annex Project would be similar to the existing visual setting and would not substantially degrade the visual character or quality of the site and its surroundings. The aesthetics and materials of the Double-T Annex would be consistent with the Secretary of Interior Standards and consistent and sympathetic with the Historic Capitol. Building materials for the Annex would be selected for durability, quality, and consistency with the Historic Capitol and the SOIS. The Annex building would continue to sit within a tree-filled park environment. The majority of the trees to the north and the south of the new Annex would be retained and would continue to shield direct views of the new Annex from N Street and L Street as seen in Figures 2-2 through 2-6, above.

As described in Section 2.2, "Project Modifications," and shown in Figure 2-3, the exterior of the Double-T Annex would be a pleated glass design, with the bottom 36-feet (the Plaza and Level 1) of the exterior utilizing other (non-glass) materials. The pleated glass design is intended to be consistent with SOIS in providing a modern-day building that is consistent and sympathetic with the Historic Capitol. The design is intended to speak to the transparency of the State government, to bring daylight into the building, and to provide windows for views to the outside throughout the Annex. No black glass or mirror glass would be utilized. To address the amount of reflectivity of the glass, a pleated exterior is proposed, and a high-performance glass coating would be utilized, which involves a frit pattern. The glass exterior would have a reflectivity of approximately 25 to 35 percent visible light out, meaning that the glass would look reflective or transparent depending on the time of the day and other conditions. Between the frit-patterned glass and the bottom 36-feet of the building exterior not being glass, less than 50 percent of the Annex exterior would be reflective. Figures 2-5 and 2-6 provide a set of site-views and renderings of the Double-T concept design from various views around the western end of Capitol Park.

The Double-T Annex design would not conflict with applicable zoning or other regulations governing scenic quality, including the Capitol View Protection Act and the CAP, because it would not detract from the visual prominence of the Historic Capitol (Recirculated Draft EIR Impact 4.15-2).

Modifying the underground parking garage to be east of the Annex under the 12th Street walkway instead of south of the Annex would not alter the project's aesthetics impacts. The parking garage would continue to be underground, which would not impair long-distance, scenic views and would not be visible along the Capitol Mall corridor (Recirculated Draft EIR Impact 4.15-1). Because construction activities would be temporary, these activities would not result in a permanent adverse effect. Furthermore, because the parking garage would be constructed underground and ground surface landscaping and hardscape of the 12th Street walkway would be replaced, it would be visually consistent with the project site after construction and surface restoration and landscaping (Recirculated Draft EIR Impact 4.15-2).

The Double-T configuration, pleated glass design, and the modified location for the underground parking would not alter the need for new lighting. The light sources would continue to be similar to the current lighting in downtown Sacramento and would be consistent with the U.S. Green Building Council's LEED v4 Green Building Rating System, which would reduce both the generation of exterior light and the potential for light trespass to affect off-site areas. The project would also be required to meet CALGreen standards that limit light and glare generated by State-owned buildings. For these reasons, the modified project would not create a new source of substantial light that would adversely affect day or nighttime views in the area (Recirculated Draft EIR Impact 4.15-3).

Implementing the Double-T Annex configuration and the 12th Street alignment for the underground parking would not substantially increase the severity of the aesthetics, light, and glare impacts disclosed in the discussion of Recirculated Draft EIR Impacts 4.15-1 through 4.15-3 (less than significant), would not create a new significant aesthetics impact, and would not require additional mitigation measures.

## 2.3.14 Cumulative Impacts

On the basis of the preceding resource discussions, implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not alter the impact conclusions for the resource topics discussed above, nor would these modifications alter the contribution to the cumulative impacts disclosed in Chapter 5 of the Draft EIR. Furthermore, the cumulative setting, regional planning environment, and related projects associated with the modified Annex and garage would be consistent with those presented in Chapter 5 of the Draft EIR. Implementing the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not substantially increase the severity of the project's disclosed cumulative impacts on these resource areas, would not create a new cumulative impact, and would not require new mitigation measures.

## 2.3.15 Other CEQA Sections

Implementing the modified Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would not change the project purpose, the number of employees in the new Annex, or the number of visitors to the Capitol. In addition, the anticipated construction effort and estimated number of temporary construction jobs would not change appreciably. Therefore, the growth inducement discussion in Section 6.1 of the Draft EIR also applies to the modified Annex and garage. In addition, in accordance with the preceding resource discussions, the modification of the Annex and garage would not result in any new significant environmental effects that cannot be avoided (consistent with Section 6.2 of the Draft EIR). Finally, the irreversible and irretrievable commitment of energy and material resources during construction and operation would remain consistent with that disclosed in Section 6.3 of the Draft EIR.

## 2.4 CONCLUSIONS REGARDING THE ENVIRONMENTAL ANALYSIS OF PROJECT MODIFICATIONS

The revised construction phasing, the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking would continue to support the objectives of the Capitol Annex Project. Consistent with, and in furtherance of Senate Bill (SB) 836, SB 840, Assembly Bill (AB) 1826, and AB 2667, the objectives of the Capitol Annex Project are to:

- ▶ Provide an accessible, efficient, and safe environment for State employees, elected officials, and the public they serve.
- ▶ Integrate the new State development with the existing surroundings.
- ▶ Develop sustainable and energy efficient facilities.
- ▶ Provide modern facilities that meet current construction standards and codes.
- ▶ Continue to provide secure parking for legislative and executive branch officials.
- ▶ Provide meeting space for legislative and executive functions of sufficient size to support efficient performance of State business and with modern communications technology.
- ▶ Continue to provide Annex facilities directly adjacent to the Historic Capitol.
- ▶ Promote education, hospitality, and a welcoming environment for the visiting public.

As documented in Section 2.3, the Double-T Annex configuration, pleated glass design, and the 12th Street alignment for the underground parking garage would result in the same environmental effects as the Annex and underground parking addressed in the Draft EIR. These project modifications would not result in any new significant impacts or substantially more severe impacts than described for the Capitol Annex Project in the Draft EIR and Recirculated Draft EIR and would not require any new or different mitigation measures. Furthermore, there are no new circumstances since completion of the Draft EIR or Recirculated Draft EIR that would influence the environmental effects associated with the project. New information/analysis related to traffic and circulation is included in this Final EIR and has been verified to be accurate. There is no other new information requiring analysis or verification. Therefore, the combined analysis of the environmental effects of the Capitol Annex Project in the Draft EIR, Recirculated Draft EIR, and in this Final EIR is sufficient to support the approval of the modified Capitol Annex Project if the State so chooses.

# 3 MASTER RESPONSES TO COMMENTS ON THE DRAFT EIR AND RECIRCULATED DRAFT EIR

## 3.1 OVERVIEW

Several comments on the Draft EIR and Recirculated Draft EIR raised similar issues. Rather than responding individually, a master response has been developed to address the comments comprehensively. A reference to the master response is provided, where relevant, in responses to the individual comment.

## 3.2 MASTER RESPONSE 1: ADEQUACY OF DRAFT EIR ALTERNATIVES ANALYSIS

Multiple comments on the Draft EIR and the Recirculated Draft EIR ask questions and express opinions on alternatives to the Capitol Annex Project and to the elements of the project: the visitor/welcome center, the parking garage, and the Annex. Comments suggest that alternatives should be studied further in the Draft EIR and potentially adopted, asserting that alternatives may reduce the project's impacts. This master response focuses on the adequacy of the Draft EIR's alternatives analysis. For a discussion of two alternatives proposed in comments that would either keep the existing Annex with additional underground space or would move the existing Annex building east and fill-in building space to the Historic Capitol, please see Master Responses 2 and 3, below. For a discussion of alternatives to the proposed underground parking garage, please see Master Response 4, below. Also see Chapter 2 of this Final EIR, "Project Modifications", for evaluation of a modified configuration for the Capitol Annex, the Double T configuration, and an alternative location for the underground parking structure, which can be considered an additional alternatives beyond those evaluated in the Draft EIR and described below.

### 3.2.1 Adequacy of Alternatives Analysis

CEQA and the State CEQA Guidelines identify the requirements for the analysis of project alternatives in the EIR. State CEQA Guidelines Section 15126.6 generally addresses the requirements for an alternatives analysis in an EIR:

- ▶ An EIR shall describe a reasonable range of potentially feasible alternatives to the project or the location of the project that would attain most of the basic project objectives and would avoid or substantially lessen any of the significant effects of the project.
- ▶ There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.
- ▶ The EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons for the lead agency's determination.
- ▶ The EIR shall include enough information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.
- ▶ The no project alternative should be evaluated along with its impacts. The purpose for describing the no project alternative is so decision makers can compare impacts of approving the proposed project with impacts of not approving the proposed project.
- ▶ The no project alternative for a project that revises an existing land use plan is the continuation of the existing plan.

- ▶ If it is found that the no project alternative is the environmentally superior alternative, then the EIR should identify an environmentally superior alternative among the other alternatives.

Screening of individual alternatives for consideration in an EIR involves evaluating each alternative for three elements under CEQA:

1. Accomplishment of most of the basic project objectives: Alternatives must accomplish most of the basic objectives of the project (State CEQA Guidelines Section 15126.6[c]). CEQA compels consideration of an alternative even if it “would impede to some degree the attainment of the project objectives” (Section 15126.6[b]).
2. Potential feasibility: An EIR must consider potentially feasible alternatives (Section 15126.6[a]). Section 15364 defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”
3. Potential to avoid or substantially reduce a significant environmental effect of the proposed project: An alternative must “avoid or substantially lessen any of the significant effects of the project” (Section 15126.6[a]).

An alternative that does not satisfy all three CEQA requirements would be dismissed from further evaluation in an EIR.

As described in detail below, the Draft EIR’s evaluation of alternatives meets the CEQA requirements because it provides a reasonable range of feasible alternatives designed specifically to substantially reduce significant impacts associated with the proposed project, and it identifies the environmentally superior alternative. Beyond the alternatives evaluated in the Draft EIR, the Recirculated Draft EIR evaluates a modified approach to the visitor/welcome center, and as identified above, Chapter 2 of the is Final EIR, “Project Modifications”, evaluates a modified configuration for the Capitol Annex, and an alternative location for the underground parking structure. These analyses evaluate further project options beyond those considered in the Draft.

### 3.2.2 Draft EIR Alternatives Analysis

Section 7.3 of the Draft EIR, “Alternatives Considered but not Evaluated Further,” on pages 7-3 through 7-7 describe eight alternatives that were considered by DGS and the JRC but rejected during planning, and the reasons underlying the lead agency’s determination. Comments on the Draft EIR and Recirculated Draft EIR asked about leaving Annex functions such as parking at the temporary 10<sup>th</sup> and O Street office building, not building any new parking, not building a new visitor/welcome center, retaining the Annex building and remodeling it, or providing other designs in an effort to reduce environmental impacts. These considerations were discussed throughout the alternatives that DGS and the JRC considered but rejected, as presented in Section 7.3 of the Draft EIR, including Split Annex Functions (Section 7.3.2) No Parking Garage (Section 7.3.3), No Visitor/Welcome Center (Section 7.3.4), and Annex Remodel and Addition (Section 7.3.5). Please see Section 7.3 of the Draft EIR, which explains why each of these alternatives was removed from further consideration.

The Draft EIR carries two action alternatives forward for full evaluation to address the key environmental impact concerns identified in the EIR (see Section 7.2.2): noise and vibration; archaeological, historical, and tribal cultural resources; biological resources; and aesthetics, light, and glare:

- ▶ **Alternative 2: Capitol Annex Renovation Alternative** assumes that the Annex building would not be demolished; rather, it would remain in its existing location and would be fully renovated, as feasible. Construction of the new underground visitor/welcome center and parking garage would occur as in the proposed project.
- ▶ **Alternative 3: New Annex Building and Parking Garage with Two Basement Levels Alternative** assumes that the Annex would be fully demolished and reconstructed with two basement levels. The parking garage would also include two underground levels. Construction of the new underground visitor/welcome center would occur as in the proposed project.



### 3.2.3 Environmentally Superior Alternative

In accordance with State CEQA Guidelines Section 15126.6, Draft EIR page 7-18 contains the evaluation of the environmentally superior alternative. The No-Project Alternative is environmentally superior as it would preclude all environmental effects; however, when the No-Project Alternative has been identified as the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that the environmentally superior alternative from among the remaining alternatives be identified. As illustrated in Table 7-1 of the Draft EIR, Alternative 2, the Capitol Annex Renovation Alternative, would be the environmentally superior action alternative because although the environmental impacts would be similar to the proposed project, Alternative 2 would fully renovate the existing Annex, and avoid the project's significant and unavoidable historic structure impact related to the Historic Capitol building. However, this alternative would not provide an Annex structure large enough to meet the project objectives, such as providing meeting and public hearing rooms of appropriate size nor would it provide space for legislative and executive functions of sufficient size to support efficient performance of State business or improved public access to the Capitol. Therefore, this alternative along with the No-Project alternative is rejected.

### 3.2.4 Reasonable Range

The Draft EIR evaluated a reasonable range of alternatives, presenting alternatives considered by DGS and the JRC that were removed from consideration due to environmental concerns and/or inability to meet project objectives, and evaluating two alternatives (in addition to the No Project Alternative) that aim to reduce significant impacts of the proposed project while meeting most of the basic objectives of the project. CEQA does not specify how many alternatives constitute a "range of reasonable alternatives," but provides the following guidance:

"The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project." (Guidelines Section 15126.6[f]; Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. [1988] 47 Cal.3d 376, 406-407; Citizens of Goleta Valley v. Board of Supervisors [1990] 52 Cal.3d 553, 565-566). "'There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.'" (CEQA Guidelines Section 15126.6(a)). 'The [agency's] discretion to choose alternatives for study will be upheld as long as there is a reasonable basis for the choices it has made.'" (City of Maywood v. Los Angeles Unified School Dist. [2012] 208 Cal.App.4th 362, 414). "The rule of reason 'requires the EIR to set forth only those alternatives necessary to permit a reasoned choice' and to 'examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.'" (CEQA Guidelines Section 15126.6(f)) An EIR does not have to consider alternatives 'whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.' (CEQA Guidelines Section 15126.6(f)(3))" (In re Bay-Delta Programmatic Environmental Impact Report (2008) 43 Cal.4th 1143, 1163-1164).

The Draft EIR permits a reasoned choice by discussing both the alternatives considered by DGS and the JRC but found to be infeasible and evaluating two alternatives aimed at reducing significant impacts to key resources while meeting most of the project objectives.

### 3.2.5 Consideration of Alternative

When DGS considers whether to certify the EIR, the Director of DGS will also determine whether to approve the proposed project or an alternative that is feasible, avoids or substantially lessens any of the significant adverse effects of the project, meets most of the basic project objectives, and the environmental effects are adequately evaluated. The Director can consider an alternative to the entire project or to elements of the project. As discussed in Chapter 2, "Project Modifications", the proposed modifications to the Annex and underground parking structure evaluated there can also be considered for approval. Feasibility of an alternative is considered twice in the CEQA process. As indicated previously, an EIR must consider the potential feasibility of alternatives, in addition to whether they meet most of the

basic project objectives and avoid or substantially reduce a significant impact of the proposed project. The Director will also consider feasibility of alternatives when considering whether to approve the project. The Director can consider a variety of factors, such as economic, legal, social, and technological factors, when determining whether to reject alternatives in favor of the proposed project (see State CEQA Guidelines Section 15091[a][3]). If the Director finds an alternative considered potentially feasible in the EIR to be infeasible at the decision-making phase, that finding does not indicate the EIR should not have considered the alternative. For example, the Director can consider all comments received on the Draft EIR and Recirculated Draft EIR, as well as other material in the record when making their final determination about the proposed project. And the determination of feasibility inevitably requires exercise of judgment by the decision-making body regarding the factors to be considered when determining whether an alternative is feasible.

### 3.2.6 Alternative 2: Capitol Annex Renovation Alternative

Multiple comments express concern that “Alternative 2: Capitol Annex Renovation Alternative,” evaluated in Chapter 7, “Alternatives,” of the Draft EIR is infeasible because it lacks the full square footage to provide the facilities necessary to meet project objectives. As stated above, in compliance with CEQA, the evaluation of this alternative is appropriate, as it would attain most of the basic project objectives and would avoid or substantially lessen significant effects of the project. DGS presented this alternative to address the important concepts of maintaining the Annex building to reduce the project’s impact on historic resources and of reducing the footprint of ground disturbance to reduce associated environmental impacts (e.g., archaeological resources, excavation and off haul). The intent of this alternative is to strive to meet the basic project objectives while reducing the proposed project’s environmental impacts. As comments note, the Draft EIR discloses that Alternative 2 would not provide the project’s full square footage, falling short by approximately 100,000 square feet. However, Alternative 2 would reduce archaeological resources impacts by reducing ground disturbance and historical resources impacts by renovating the Annex building rather than demolishing and reconstructing it.

Although the Annex building would not be demolished, it would require major alterations (essentially gutting the interior of the building and retaining the exterior) that would result in adverse physical impacts to the Capitol Annex. In addition, the ground disturbance associated with the visitor/welcome center and underground parking area would be similar to the proposed project. Therefore, this alternative would result in changes to the historic integrity, setting, and association of the building caused by the introduction of the new visitor/welcome center; the potential for vibration damage during construction activities; and physical changes to Capitol Park. This alternative would result in noticeable changes to the characteristic topography, pedestrian circulation, vegetation, and vistas of the West Lawn, the west entrance to the Capitol building, as well as removal of or damage to memorials, and reconfiguration of pedestrian and vehicular circulation around the Capitol Building. As with the proposed project, these combined impacts would result in a substantial adverse change per State CEQA Guidelines Section 15064.5(b)(2)(A) because they would materially impair physical characteristics of the State Capitol Complex that help convey its historical significance and that qualify it for listing in the NRHP. As required for the proposed project, Mitigation Measures 4.12-4a through 4.12-4e would help reduce and compensate for those historical resource impacts that cannot be avoided by ensuring preservation treatments, preparing a detailed salvage plan, developing an interpretive program, and ensuring protection of Capitol Park resources and the Historic Capitol. However, even after application of these mitigation measures, this impact would remain significant and unavoidable because the Capitol Annex would be physically altered, and the West Lawn of Capitol Park would be modified to the point of potentially not representing its period of significance.

### 3.2.7 Alternative 3: New Annex Building and Parking Garage with Two Basement Levels Alternative

Alternative 3 in Section 7.4.3 of the Draft EIR examines the concept of modifying the project’s proposed design by having two basement levels (instead of a single basement level, as proposed) to both meet the desired building space and reduce the project’s environmental impacts through narrowing the project footprint. Despite feasibility

concerns such as serious engineering challenges, dewatering concerns, and construction costs, DGS evaluated this alternative to reduce the footprint of disturbance in Capitol Park. As discussed in the Draft EIR, it was determined that Alternative 3 both increases the potential for adverse effects on subsurface archaeological resources and would result in similar historic resource impacts as the proposed project because the Annex would be demolished and Capitol Park would still be physically altered. Additionally, the digging of the deeper basement level adjacent to the historic capitol would greatly increase the risk of extensive damage to the foundation of the existing West Wing. Like the proposed project, the combination of the complete physical demolition of the Capitol Annex, the changes to the historical integrity of setting and association caused by the introduction of the new visitor/welcome center, the potential for vibration damage during construction activities, the introduction of a new modern building, and physical changes to Capitol Park including introduction of the visitor/welcome center, removal of or damage to memorials, and reconfiguration of pedestrian and vehicular circulation systems together would result in a substantial adverse change per State CEQA Guidelines Section 15064.5(b)(2)(A) because they would materially impair physical characteristics of the State Capitol Complex that help convey its historical significance and qualify it for listing in the NRHP. Mitigation Measures 4.12-4a through 4.12-4e would avoid or minimize adverse impacts to the degree feasible, and compensate for impacts that cannot be avoided through implementation of preservation treatments, a detailed salvage plan, and interpretive program, and ensuring protection of Capitol Park resources and the Historic Capitol. However, like the proposed project, Alternative 3 would result in a significant and unavoidable impact on historic resources because the Capitol Annex would be demolished, and the West Lawn of Capitol Park would be intensely modified, to the point of potentially not conveying its period of significance.

### 3.2.8 Alternatives for Rehabilitation of the Annex Based on Secretary of the Interior's Rehabilitation Standards

Multiple comments suggest that DGS needs to evaluate an alternative that involves rehabilitation of the Annex based on the Secretary of the Interior's Rehabilitation Standards (SOIS) and the California Historical Building Code (CHBC). Comments refer to a specific term: "rehabilitation." Rehabilitation is defined by the Secretary of the Interior as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character (National Park Service 2017). The Draft EIR is written for the general public to understand, and discussion of "renovation" of the Annex building is not intended to reflect strict SOIS terminology for historic architectural resources, but rather it is meant to describe that the existing Annex building would be left in place, disturbed, and renovated/reconstructed to update infrastructure, layout, fire/life safety, etc. However, as stated in Recirculated Draft EIR Mitigation Measure 4.12-4a, the required historic structure report would include measures in conformance with the SOIS for the Treatment of Historic Properties and the CHBC as applicable. The HSR shall identify historic preservation objectives and requirements for the treatments and use of the building prior to initiation of any repairs, modifications, and/or renovations to ensure that the historical significance and condition of the building are considered in the development of proposed renovation work. (Note that Mitigation Measure 4.12-4a has been modified since publication of the Recirculated Draft EIR. The modifications are intended to enhance clarity and provide improved direction for those eventually implementing the mitigation measure. The overall content, performance, and outcomes of the mitigation measure have not been altered. The modifications to Mitigation Measure 4.12-4a are shown in Chapter 6 of this Final EIR in Section 6.3, "Revisions to the Recirculated Draft EIR.") It is assumed in the Draft EIR that Alternative 2, which would maintain the existing Annex building and renovate it to meet project objectives for necessary upgrades, would be designed to incorporate the CHBC to the extent feasible and adhere to SOIS guidance for rehabilitation as feasible. However, the comments seeking specific determination of whether this project alternative would fully meet SOIS and CHBC standards would require detailed planning and design (even more detailed than the Annex scenario described in Chapter 2, "Project Modifications"), which would require substantial effort and financial investment. To make such an investment for an alternative that may be ruled out would be unreasonable. Therefore, DGS has evaluated alternatives based on broader conceptual plans, in

comparison to the proposed project, to provide reasoned disclosure and evaluation to support avoidance of environmental impacts and informed decision making, in compliance with CEQA requirements.

However, even if a rehabilitation alternative was confirmed as meeting the SOIS and incorporated the CHBC, as described above in the discussion of Alternative 2, a renovation (or rehabilitation) alternative that met project objectives would require major alterations (essentially gutting the interior of the building and retaining the exterior) that would result in adverse physical impacts to the Capitol Annex. Although the adverse effect on Capitol Annex as a component of the Capitol Complex would be reduced with a rehabilitation alternative (Alternative 2), and might be further reduced on a marginal basis if the rehabilitation met the SOIS and incorporated the CHBC, there is no avoiding that the interior of the Annex would need to essentially be removed and reconstructed to meet project objectives. Meeting the SOIS and incorporating the CHBC would simply adjust the nature of the reconstruction to be marginally better at mimicking the character defining features that were lost.

A similar conclusion applies to alternatives for the underground parking and visitor/welcome center that would explicitly contain commitments to meet the SOIS and utilize the CHBC. Through anticipated design elements and commitments in the EIR, these project features would not have a substantial adverse effect on the Historic Capitol and Annex. They also would not affect the Insectary. Therefore, the only component of the Capitol Complex that they would adversely affect is Capitol Park. As new facilities, there are no existing historic architectural elements that would be inside the facilities that might be better preserved if the SOIS were applied or if the CHBC were used to allow relaxing of applicable modern building codes. As far as effects on Capitol Park, both of these facilities require extensive excavation and disturbance to meet project objectives. Application of the SOIS or use of the CHBC would not appreciably alter this level of disturbance; large excavations disturbing landscaping, trees, and other elements of Capitol Park would still occur. The EIR accurately conveys this disturbance as contributing to a significant and unavoidable adverse effect on the Capitol Complex and this conclusion would not change if the SOIS and CHBC were applied. In addition, these facilities already include components to minimize adverse effects on Capitol Park, such as avoidance and preservation of the deodor cedars at the visitor/welcome center and restoration of park components after construction. There is little, if anything, use of the SOIS or CHBC would add to the visitor/welcome center and parking structure that is not already part of the planned project.

### **3.3 MASTER RESPONSE 2: CONSIDERATION OF ALTERNATIVE INVOLVING RENOVATION OF CAPITOL ANNEX WITH UNDERGROUND SPACE ON THREE SIDES OF THE BUILDING**

DGS appreciates the input provided in comments that expands on the key concepts of reducing the project's impact on historic resources and reducing the ground disturbing impacts of the project while striving to meet project objectives. This response addresses an alternative proposed by the Historic State Capitol Commission that would involve rehabilitation of the existing Capitol Annex, based upon the Secretary of the Interior's Rehabilitation Standards (SOIS) and the California Historical Building Code (CHBC), and that would construct additional underground space to the north, east, and south of the Annex as shown on the figure provided in Draft EIR Comment A7-102, "USE ATRIUM AND EXISTING SIXTH FLOOR, ADD UNDERGROUND SPACE THREE SIDES OF EXISITNG ANNEX." The comments suggest that such an alternative would be feasible, would achieve project objectives, and could reduce impacts to the historic structure. In this proposed alternative, the visitor/welcome center and underground parking would be constructed, and the Annex building would not be demolished, but rather would be rehabilitated utilizing SOIS and CHBC standards (see Master Response 1 for an explanation of "rehabilitation" per the Secretary of the Interior). The interior space in the building would be utilized to the maximum degree feasible; however, as with Draft EIR Alternative 2, it may be limited due to SOIS and CHBC standards, which would require protection, salvage, and reuse of character defining features in the building. Nonetheless, again like Alternative 2, meeting the SOIS rehabilitation standards to the degree feasible would reduce the historic architectural resource impacts to the Annex building. However, this alternative would require substantially more excavation for construction of additional underground space, necessitating greater ground disturbance than the proposed project. Extending excavation to the north, east, and south of the Annex would result in increased impacts to biological resources (trees



and vegetation), potential archaeological and tribal cultural resources, and historic resources (including memorials and trees) associated with Capitol Park. The increased area of excavation in this alternative may also increase construction-related air emissions, GHG emissions, and noise and vibration. If the modified underground parking location evaluated in Chapter 2 of this Final EIR is selected, the north/south parking corridor running along the alignment of 12<sup>th</sup> Street could conflict with the eastward excavation extension proposed under this alternative. As described in Chapter 2, this parking configuration was developed, in large part, to minimize impacts to trees relative to the underground parking location evaluated in the Draft EIR and Recirculated Draft EIR.

As with Alternative 3 in the Draft EIR, this alternative would increase project costs and long-term building maintenance, because as identified in Section 4.9, "Geology and Soils," depth to groundwater in the downtown Sacramento area varies seasonally and groundwater can be less than 10 feet below the ground surface. Additional excavation for this proposed alternative would require dewatering during construction, special-engineering techniques to minimize groundwater intrusion into the basements, and continuous collection and pumping of groundwater away from the basements. Dewatering would need to be continuously monitored and managed because if too much dewatering occurs, soils underlying the foundations of the adjacent Historic Capitol could become too dry and result in impacts to soil structure and stability which could result in building settling and cracking. In addition, unlike above-ground building components that could be repaired or replaced within the building's overall service life, below-ground components need to be built to approximate overall service life. Below-grade systems are often inaccessible for repairs and extremely costly if repairs or modifications are necessary.

Operationally, underground workspace is not ideal for employees due to the lack of windows, natural light, and ventilation. Underground workspace would require some above-ground infrastructure for ventilation and light, resulting in additional structures within Capitol Park, which would not occur in the proposed project. It should be noted that the underground parking garage in the proposed project (as identified in the Recirculated Draft EIR and in Chapter 2 of this Final EIR) and project alternatives would not require above-ground facilities because the road/ramps for ingress/egress to the parking would provide ventilation and parked cars would not require natural light as would workspaces for people. Furthermore, the revised visitor/welcome center design includes a skylight to allow entry of natural light.

Renovation (rehabilitation to SOIS standards as feasible) of the existing Annex in Alternative 2 or in this proposed alternative would require demolition and rebuilding of the building's interior and retaining the exterior. Due to the floor-to-ceiling heights of the Historic Capitol, which are large and change floor to floor, the existing Annex floors are misaligned to the Historic Capitol and require ramps and mismatched elevator floors. The misaligned floors between the Annex and the Historic Capitol have resulted in operational and wayfinding issues for the Annex and Historic Capitol for more than 60 years. Although alignment of floors between the Annex and the Historic Capitol is a challenge under any Annex design, keeping the existing Annex building exterior, as in this proposed alternative, raises greater engineering and design challenges to connect the rebuilt floors in the Annex with the existing floors of the West Wing of the Historic Capitol. Maintaining the exterior structure of the Annex building while gutting and rehabilitating the interior to align the floors would result in misaligned exterior windows, with windows either being higher or lower than typical relative to the floor and ceiling, or potentially even crossing between two floors. Window locations that deviate sufficiently from "typical" make it awkward for occupants to work around or use the windows, such as deciding to place office furniture in front of a window that is located entirely on the lower half of a wall. Adjusting the exterior windows so that they occur at appropriate locations for the new interior floors and spaces would require physical modifications to the exterior character defining features of the building, which this alternative is attempting to maintain. Aligning the floor-to-ceiling heights of the Historic Capitol's West Wing to the Annex would result in a shortfall of needed square footage. As discussed above, gaining building square footage with underground space provides less desirable working conditions, has additional construction impacts, and necessitates additional above-ground structures within Capitol Park for light and ventilation.

DGS and JRC are not considering further this proposed alternative to rehabilitate the existing Capitol Annex building to SOIS and CHBC standards, implement the visitor/welcome center and underground parking, and include additional underground facilities to provide the full required project square footage. Although it could reduce the historic structure impacts, it would result in greater environmental impacts than the proposed project, would create

potentially uncomfortable underground work spaces, would increase ongoing operations and maintenance effort and cost for the additional underground facilities, would increase above ground facilities in Capitol Park, and would have serious challenges with Annex renovation to align with the Historic Capitol. All of these challenges would increase project costs and extend the project schedule. For these reasons, DGS and the JRC are not considering renovation of the Capitol Annex with underground space on three sides of the building.

### **3.4 MASTER RESPONSE 3: CONSIDERATION OF ALTERNATIVE THAT MOVES THE ANNEX BUILDING EAST AND ADDS BUILDING SPACE IN BETWEEN THE NEW ANNEX AND THE HISTORIC CAPITOL**

Several comments propose another alternative to avoid demolition of the Capitol Annex and provide sufficient square footage to provide the facilities necessary to meet project objectives. The comments recommend moving the existing Annex building east, rehabilitating it to SOIS and CHBC standards, and filling in building space between it and the Historic Capitol as shown on the figure provided in Comment A7-103, "MOVE ANNEX TO EAST, USE ATRIUM AND SIXTH FLOOR, ADD SPACE IN BETWEEN." Like the Draft EIR alternatives, this alternative would implement the visitor/welcome center and the underground parking as proposed. There are several key challenges to this alternative. The Annex could not be moved as an intact structure. The structure itself, once detached from the foundation, would run the risk of substantial damage, and even collapse during a move. Any move would also have to transition the building from the basement, where supports would extend to the basement floor, to the ground surface where new, much shorter supports would need to replace the building supports as it moved. Without being able to move the building intact, relocating the Annex would require disassembly of all existing materials and finishes, complete disassembly of all structural components of the building, and disconnecting the building from the Historic Capitol. The materials and finishes would need to be cataloged and stored to ensure proper reassembly. However, the exterior skin is load bearing cast-in-place concrete with plaster finish. It is anticipated that the exterior skin could not survive the process of removal and relocation. Under the California Building Code, the reassembled Annex (i.e., all materials, finishes, systems, and designs) would have to comply with the current building and energy code. The exterior walls may need to be upgraded to provide for thermal and moisture protection. Similar to renovating the Annex in its existing location, the misaligned floors between the Annex and Historic Capitol would need to be addressed. Alignment of the floors on the interior of the rebuilt Annex would have to connect to the new building space and Historic Capitol, resulting in the potential for misaligned exterior windows as described in Master Response 2. Adjusting the exterior windows so that they occur at appropriate locations for the new interior floors and spaces would result in additional exterior building modifications, which this alternative is attempting to avoid. Also, the existing internal Annex atrium would be filled to meet project objectives for sufficient interior square footage. Furthermore, the massing of the building under this scenario and the potential to result in multiple architectural expressions raises design challenges and may be at odds with having a one building expression and having the Annex remain subservient to the Historic Capitol. This proposed alternative would have multiple design, construction, engineering, and structural challenges that would be extremely prohibitive to the project cost and schedule.

If the modified underground parking location evaluated in Chapter 2 of this Final EIR is selected, the north/south parking corridor running along the alignment of 12th Street could conflict with the eastward extension proposed under this alternative. As described in Chapter 2, this parking configuration was developed, in large part, to minimize impacts to trees relative to the underground parking location evaluated in the Draft EIR and Recirculated Draft EIR.

In terms of potential environmental impacts, this proposed alternative is anticipated to result in a similar footprint of ground disturbance and similar building operations. However, the disassembly of the building and the potential for contributing elements to be damaged beyond use in the relocated and reassembled building would result in a similar significant and unavoidable historic structures impact, even with implementation of the required Mitigation Measures 4.12-4a through 4.12-4e in the Recirculated Draft EIR. (Note that Mitigation Measures 4.12-4a through 4.12-4e have been modified since publication of the Recirculated Draft EIR. The modifications are intended to enhance clarity and provide improved direction for those eventually implementing the mitigation measure. Some modifications are also intended to clarify language in response to comments received on the Draft EIR and Recirculated Draft EIR. The

overall content, performance, and outcomes of the mitigation measures have not been altered. The modifications to Mitigation Measures 4.12-4a through 4.12-4e are shown in Chapter 6 of this Final EIR in Section 6.3, "Revisions to the Recirculated Draft EIR.") Furthermore, due to a similar footprint of disturbance, this alternative would result in similar impacts to biological resources (trees and vegetation), recreational resources, and historic resources associated with Capitol Park. This alternative would also have similar construction-related air emissions, GHG emissions, and noise and vibration. For these reasons, DGS and the JRC are not considering moving the Annex building to the east and filling the atrium, sixth floor, and space in between.

### 3.5 MASTER RESPONSE 4: PARKING GARAGE

Multiple comments raised concerns regarding constructing underground parking within Capitol Park. It is a stated project objective to continue to provide secure parking for Legislature and executive branch officials. The Draft EIR discloses and evaluates the impact of this project element. As described in Section 3.4.10, "Parking Garage," of Chapter 3, "Project Description," the proposed underground parking structure would *replace* parking space beneath the Annex that would be abandoned if the project is implemented. The current Annex basement parking can accommodate approximately 150 vehicles. The new parking structure would also be located below ground and would accommodate up to 150 spaces. The Draft EIR and Recirculated Draft EIR identified that the underground parking could accommodate up to 200 parking spaces because, at that time, the possibility of providing additional parking spaces beyond the existing 150 was being considered. However, since the Recirculated Draft EIR was published, and as design of the new Annex and underground parking has proceeded (as described in Chapter 2 of this Final EIR), a facility with space for approximately 150 vehicles that generally replaces, but does not add to the existing parking capacity has been moved forward.

Located adjacent to N Street rather than beneath the Annex, the new parking facility also would avoid the security threat associated with locating a parking area beneath a government building. In addition, construction of the new structure would not conflict with the City's goal to increase public transit use. The downtown Capitol area is currently served by existing transit as well as bicycle and pedestrian infrastructure. As stated in Section 3.4.10, the new parking garage would be designed for maximum flexibility and convertibility for future uses. For example, the floor to ceiling height would be such that the space can meet building codes for a use other than parking. Therefore, if or when parking is no longer needed, the design of parking garage structure could be converted to allow for other new uses, such as additional meeting space.

As stated previously, in Chapter 2 of this FEIR, "Project Modifications", a parking structure location different from the one identified in the Recirculated Draft EIR is evaluated. All parking structure characteristics identified in the paragraph above are the same except for the location, number of parking spaces provided, and the entry/exit points. As described further in Chapter 2, this modified parking structure location consists of a corridor across Capitol Park between L Street and N Street, following the alignment of 12<sup>th</sup> Street if it were to cross Capitol Park. Both vehicle entry and exit would be available at L Street and N Street. This modified underground parking location is being considered, in part, because fewer trees would be adversely affected compared to the location south of the Historic Capitol evaluated in the Draft EIR and Recirculated Draft EIR. It is estimated that approximately 5-10 fewer trees would be permanently removed using the modified underground parking location, including several large redwoods along the south side of the existing Annex (see Master Response 5 below for further information on project effects on Capitol Park trees). The response below addresses both the underground parking location evaluated in the Draft EIR and Recirculated Draft EIR (south of the Historic Capitol location), and the modified parking location evaluated in Chapter 2 of this Final EIR (12<sup>th</sup> Street corridor location).

The project does not propose changing the use of Capitol Park; rather, as stated in Section 3.4.10 of the Draft EIR, after the underground parking is complete, the temporarily disturbed portions of Capitol Park would be restored to as close as possible to existing conditions. This is also true for the 12<sup>th</sup> Street corridor parking location, except for above ground components associated with the new Annex that would be above the parking facility. As a result of removal of the existing parking underneath the Annex, it is likely that the existing parking entrance on L Street, north of the Annex, would be abandoned and converted to additional park space. This is true for both the "south of the

Historic Capitol” and the “12<sup>th</sup> Street corridor” parking locations (although under modified Annex scenario evaluated in Chapter 2, a vehicle lane to provide access to a loading dock on the north side of the Annex may be needed). For example, a pedestrian path could be reestablished around the north side of the Historic Capitol and Annex in order to provide additional pathways and walking areas for visitors. For the 12<sup>th</sup> Street corridor parking location, the existing parking entrance at N Street could also potentially be abandoned and converted to additional park space. As explained in Master Response 5, the existing landscaping and lighting would be maintained and protected as much as possible during construction. Existing trees would be maintained and protected as feasible, and many trees disturbed by construction of the underground parking would be transplanted to nearby locations. See Master Response 5 below for detailed information on effects on trees from the project as a whole. Given the overlapping construction activity areas for the new Annex and the underground parking and the new Annex elements that would be placed above the underground parking (e.g., pathways, landscaping), it is difficult to identify tree effects (e.g., tree removal, tree relocation) that would be attributed solely to the underground parking versus effects attributable to the new Annex. Under any parking structure proposal, after project construction is complete, landscaping and memorials would be re-established as close as possible to current conditions. The trees that are currently located in the parking area footprint would not be replanted on top of the underground facilities, but rather would be replanted in an appropriate location in Capitol Park in accordance with the post construction landscaping plan. Despite project design and required mitigation measures, the park would not look exactly the same as current conditions (see Impact and Mitigation Measures 4.12 of the Recirculated Draft EIR); therefore, the impact to the historic characteristics of the State Capitol Complex (including Capitol Park) is disclosed to be significant and unavoidable. Please refer to Master Responses 5 and 6 for additional information regarding trees and impacts to landscape.

It was suggested that Legislature and executive branch officials could continue to use the parking spaces at the 10<sup>th</sup> and O Street building to meet the long-term operational parking needs once the new Annex is complete. The primary concern with long-term use of the proposed temporary vehicular parking at the 10<sup>th</sup> and O Street building is the security and movement of Legislature and executive branch officials between the Annex and 10<sup>th</sup> and O Street building. Implementation of traffic safety measures to address pedestrian flow between the buildings could result in disruption of vehicular traffic on N Street. Offsite parking would not be as secure as the proposed onsite parking garage and would reduce the accessibility, efficiency, and safety of State employees and elected officials.

Several comments suggested alternatives to the parking garage component, such as alternative sites, shuttle services, and allocating budget for local transit options. Within the downtown Capitol area, parking is not abundant and many state employees remain on waiting lists for parking spaces to become available within State-owned parking lots. Alternatives suggested for off-site parking and shuttling services would not meet the project objective to continue to provide secure parking for Legislature and executive branch officials. Further, shuttle services would result in additional vehicle road trips within the Capitol area. As previously stated, the intent of the new underground parking garage is to replace existing parking currently under the Annex. State employees within the downtown Capitol area account for a high percentage of transit users already. Therefore, suggestions received to allocate money for transit improvements in the downtown area and to serve the population of Annex employees, Legislature, and executive branch employees would result in minimal benefit to existing transportation infrastructure and uses.

It should also be noted that Section 7.3.3 of the Draft EIR discusses the consideration of a No Parking Garage Alternative. As explained therein, although construction impacts would be reduced, the long-term operation of this alternative would result in similar impacts as the proposed project, because the Annex would continue to serve the same number of occupants. However, this alternative could result in additional transportation impacts and safety concerns associated with the movement of elected officials and staff between the Annex and wherever parking is provided. Although this a feasible alternative to the proposed project, the provision of secure and accessible parking is an objective of the Capitol Annex Project. In addition, this alternative would reduce the accessibility, efficiency, and safety of the Capitol for State employees and elected officials. For these reasons, DGS and the JRC are not considering the No Parking Garage alternative.

### 3.6 MASTER RESPONSE 5: PROJECT IMPACTS ON CAPITOL PARK TREES, INCLUDING HISTORIC-ERA AND COMMEMORATIVE TREES

Multiple comments expressed concern about trees that would be removed from Capitol Park during construction of the Capitol Annex Project, including historic-era and commemorative trees. Comments also questioned the adequacy of the mitigation identified to address this impact, and possible construction-related damage to trees that would be retained during the construction process.

As described in Section 3.4.9, "Landscaping, Lighting, and Memorials," in both the Draft EIR and the Recirculated Draft EIR, as many existing trees as possible would be retained during project construction, including the mature deodar cedars in the vicinity of the visitor/welcome center. However, the Draft EIR and Recirculated Draft EIR estimated 20–30 trees would be removed to implement the project. This estimate was developed by the project team using the best project information available at the time. Some of the comments have provided an alternative estimate of more than 100 trees being removed or damaged during construction. Members of the project team have recently re-evaluated the estimated amount of tree removal based on a review of available updated project information and walking the project site, and updated estimates of tree effects are provided below. The EIR does not provide an estimate of trees that might be "damaged" as opposed to "removed." Tree protection measures are included in the EIR, as described below, with the intent that trees that are not removed would be sufficiently protected to support continued health and survival. Some protected trees may be pruned, or a portion of the root structure affected by excavation, but this disturbance (or "damage") would not be allowed to such an extent that it would cause mortality in a tree identified for protection.

As identified previously, since publication of the Recirculated Draft EIR, a modified approach to the Annex (the Double T) and the underground parking (the 12<sup>th</sup> Street Corridor location) have been developed. These modifications are described and evaluated in Chapter 2 of this Final EIR. The design of these approaches has progressed to a greater level of detail than the Annex and underground parking options evaluated in the Recirculated Draft EIR. Due to the further progress on project design, more detailed information on anticipated effects on individual trees is available. The combined Double T Annex configuration, 12<sup>th</sup> Street Corridor underground parking, and the visitor/welcome center as described in the Recirculated DEIR are anticipated to have the following effects on trees in Capitol Park. Also see Figure 2-8 in Chapter 2 of this final EIR. .

- ▶ Trees Protected In Place. There are 15 large dedicated and historic trees that are within the construction areas that are specifically identified to be preserved in place:
  - the grove of six (6) dedicated redwoods, including the moon tree, on the north side of the Annex
  - one (1) dedicated "largest specimen" tulip tree near the 12th Street walkway slightly north of the Annex
  - one (1) dedicated "largest specimen" Montezuma Cypress near the 12th Street walkway near the center of the park
  - one (1) 30-inch coast redwood near the 12th Street walkway slightly south of the Annex
  - one (1) 48-inch giant sequoia, dedicated by the citizens of Los Angeles, near the 12th Street walkway slightly south of the Annex
  - one (1) 48-inch cockspur coral, "largest specimen", near N Street and the proposed entrance to the parking garage
  - four (4) deodar cedars in the western end of Capitol Park between 10th Street and the Historic Capitol

It should be noted that there are additional trees within the overall project boundary in the west end of Capitol Park that are not within or directly adjacent to the construction boundaries. These trees would also be protected in place.

- ▶ Trees Anticipated to be Transplanted On Site. There are ten (10) historic or dedicated trees that are suitable for, and planned for, transplanting due to their size and health that occur within the New Annex and underground



parking garage construction boundary and would be transplanted to a new location within the construction area as part of the project landscaping.

- Two (2) historic trees
  - Eight (8) dedicated trees
- ▶ Additional Trees to be Considered for Transplanting within Capitol Park. In addition to the ten (10) historic or dedicated trees that are anticipated to be transplanted on the project site, there are an additional eighteen (18) trees that are considered potentially suitable for transplanting due to their size and health and could be placed in Capitol Park outside the project footprint.
- ▶ Trees to be Removed and Replaced within Capitol Park. There are a total of 56 trees located within the project site that are anticipated to be directly affected by construction activities and require removal of the tree. These trees would not be relocated due to their health/condition; rather, these trees would be replaced in-kind by new trees within Capitol Park.
- Twenty four (24) affected trees within the new Annex and underground parking construction boundaries.
  - Thirty two (32) affected trees within the visitor/welcome center footprint.
- \*Note that because a detailed landscape plan has not yet been prepared for the visitor/welcome center portion of the project site, that this evaluation has made a conservative assumption of removal and replacement of all trees affected by construction of this project element. However, some number of these trees are likely to be suitable for transplanting and will be identified for transplanting as landscape design for the visitor/welcome center advances.
- ▶ City of Sacramento Street Trees. Project construction would affect a total of 49 City of Sacramento street trees consisting entirely of palm trees that provide a perimeter around Capitol Park. It is anticipated that these 49 palm trees would be transplanted, either to the inside of the new sidewalk to move them out of the way of the new parking ramps, or to be placed in some existing open areas (i.e., gaps in the line of perimeter palms) around Capitol Park. There are 43 transplant sites identified for the project (Figure 2-8), primarily re-establishing the boundary palm trees along L Street and N Street after construction of the underground parking garage. Another six sites for transplant need to be identified for six (6) palms anticipated to be affected by the 10th Street bulb-out included with the visitor/welcome center. As identified above, because design of the visitor/welcome center has not advanced as much as for the Annex and underground parking, receiving sites for these six palms have not been specifically identified. However, there are sufficient gaps in the perimeter palms, either locations where trees are absent or locations where a different species of palm has been planted, to accommodate relocation of these six palms.
- Forty three (43) City of Sacramento palm trees at the boundary of Capitol Park along L Street and N Street affected by construction of the ramps for the underground parking.
  - Six (6) City of Sacramento palm trees at the boundary of Capitol Park along 10th Street affected by construction of the visitor/welcome center bulb-out.

Therefore, in total, the project would affect an estimated 133 trees; 10 trees to be transplanted on site, 18 trees potentially transplanted outside the construction area but within Capitol Park, 56 trees to be removed and replaced with new trees in Capitol Park (with some portion of these 56 trees anticipated to be identified for transplanting once visitor/welcome center design advances), and 49 City perimeter palm trees to be transplanted along the perimeter of Capitol Park. The new plantings and transplanted trees would be monitored for five years to ensure survivorship. If a new tree or relocated tree dies, it would be replaced in-kind.

Information to be able to distinguish between trees to be removed versus trees to be relocated/transplanted was not available at the time the Draft EIR and the Recirculated Draft EIR were prepared. The current estimate of 56 trees to be removed and replaced is not substantially different from the estimate of 20–30 trees identified for removal in the Draft EIR and Recirculated Draft EIR. Any difference between the estimates will become less in the future as many of these trees currently identified for removal would be affected by construction of the visitor/welcome center and many

of those trees are anticipated to be identified for transplanting once the visitor/welcome center design advances to incorporate a more detailed landscaping approach.

As discussed in both the Draft EIR and Recirculated Draft EIR, project construction would incorporate several approaches to minimize the effect on trees. First, California Department of Parks and Recreation (State Parks) tree protection guidelines would be implemented to protect trees retained in the construction activity area. These guidelines require temporary fencing to be installed around protected trees located in the construction zone. This fencing may be installed at the dripline or at the perimeter of the root health zone, whichever is further from the tree trunk. Construction activity will be excluded from these fenced areas where feasible, and otherwise, substantially limited. Other methods to protect the root zone, such as placement of thick layers of mulch where construction vehicles travel (including limited travel under the dripline of some trees), may also be implemented. Multiple comments requested that the American National Standards Institute (ANSI) A300 standards for protection of trees be used rather than the cited State Parks guidelines. DGS finds these ANSI standards comparable to the State Parks guidelines and equally effective in reducing adverse effects to trees from nearby construction activities. DGS will require, as a condition of approval, that the ANSI A300 standards be implemented during all phases of project construction for any project configuration that is adopted. These conditions of approval (also identified as Environmental Commitments) are included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project. The MMRP is provided as Appendix C in this Final EIR.

As discussed in Section 3.4.14, "Construction Methods and Equipment," in both the Draft EIR and Recirculated Draft EIR, staging area space used for construction would be limited as necessary to accommodate the protection of trees during construction. This would apply to any project configuration that is adopted.

Section 3.4.11, "Project Utilities," in both the Draft EIR and Recirculated Draft EIR, states that new water and sewer lines may follow the alignments of existing lines but that if existing lines pass under large trees intended for preservation during project construction, the lines would be abandoned in place, and the new lines would be routed to avoid damage to the trees. This would also apply to any project configuration that is adopted.

Several commenters expressed a desire to protect the palm trees around the perimeter of Capitol Park on City right-of-way. It has been the intent of DGS and the JRC to protect as many trees as possible during implementation of the Capitol Annex Project, including the perimeter palm trees. DGS will adopt, as a condition of approval, that as part of the design and construction of the Project that the disturbance of the perimeter palm trees be minimized to the extent possible (see the MMRP provided in Appendix C of this Final EIR). The palm trees that are part of the original planting of the perimeter palms have also been identified as contributors to the historic landscape of Capitol Park (see Master Response 6, "Historic Landscape Analysis" for further information on Capitol Park as a historic landscape). Therefore, this condition of approval would also minimize potential alterations to contributors to the historic landscape. As identified above, 49 perimeter palm trees are projected to be affected by project construction. 46 of these trees would be affected by Annex/underground parking construction, and locations for relocation of these trees have been identified around the perimeter of Capitol Park as shown in Figure 2-1 in this Final EIR. Six perimeter palms are estimated to be affected by construction of the visitor/welcome center. It is expected that these six palms would also be located elsewhere along the perimeter of Capitol Park, although because the visitor/welcome center design has not progressed sufficiently to provide a landscaping plan, specific locations for these six palms have not been identified. However, within the existing line of perimeter palms around Capitol Park, there is a sufficient number of gaps in the line and locations where palms of

different size or species are present to provide spaces for these six palms to be relocated to that would enhance the appearance and quality of the palms around Capitol Park. Note that palm trees respond well to transplanting and even large palm trees may be transplanted with a high degree of success. Large palm trees are regularly transplanted as a part of new landscaping for businesses, restaurants, and other developments.

Comments also pointed out the need to maintain landscape irrigation in Capitol Park even if construction results in removal or damage of portions of irrigation systems. Again, it has been the intent of DGS and JRC, as well as the Capitol Park grounds staff, to maintain plants not directly removed by construction in a healthy state. This would include maintaining irrigation regimes. To reinforce this commitment, DGS will adopt as a condition of approval that

during project construction, landscape irrigation is maintained in portions of Capitol Park to be retained in current condition, such that, there would be no risk of harm related to reduced watering during project construction (see the MMRP provided in Appendix C of this Final EIR).

Several comments were related to the salvage or re-use of wood from removed trees. It has been a policy at Capitol Park that trees in Park, and the wood they produce, belong to the people of the State of California, and should remain in the possession of the State of California. Therefore, salvageable wood from trees removed from Capitol Park is typically retained in State ownership. An example is one of the Civil War Memorial trees that had died and was removed from the Park. The wood from that tree has been milled and the lumber is currently drying. Once suitable for use, this lumber will be made available to State agencies. In addition, several doors and tables in the Capitol Complex were fabricated from wood from a Spanish redwood in Capitol Park that had died. DGS and JRC expect similar salvage and reuse practices to be applied to suitable trees removed as part of the proposed project.

For impacts to trees that have been dedicated to, recognize, or honor a particular individual or group, per Mitigation Measure 4.12-4d, "Develop and Implement a Plan for Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials in Capitol Park," (The title of this mitigation measure has been modified to "Develop and Implement a Landscape Treatment Report for Capitol Park including Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials" as described further Section 6.3 of this Final EIR, "Revisions to the Recirculate Draft EIR") the JRC would facilitate development of a plan that, among other things, (a) identifies which of the commemorative trees and other plantings located in Capitol Park would be removed or are located where they could be damaged by nearby construction activities and (b) establishes specifications for protecting, restoring, and/or replacing them in Capitol Park as close to their original location as feasible. Protection in place would be prioritized over removal. When removal is necessary, DGS or the JRC would consult with individuals or groups affiliated with the commemorative planting to identify a mutually agreeable treatment, which might include relocating the planting to a new location as close as possible to the original location after project construction is complete, relocating the original memorial to a new location in Capitol Park, completely removing the original planting and replacing it "in kind" with the same species, or completely removing the original planting and replacing it with a mutually acceptable new memorial. The State would complete the plan before construction activities begin and would fully implement it within 2 years after construction is completed, except where the plan identifies that longer timeframes are required.

New landscaping installed in the construction disturbance area after building construction is complete, including new trees, would be consistent in character with what is currently present at the Historic Capitol Building and the surrounding Capitol Park. In particular, as stated above, trees dedicated to a particular person, group, or event would be replaced with the same species. However, in any locations where landscaping may deviate from existing conditions, vegetation would favor drought-tolerant and California native plants.

DGS and JRC acknowledge that trees located within the footprint of the new underground visitor/welcome center or new underground parking garage would not be replanted above the underground facility. This is consistent with the assumptions used to prepare the EIR. However, Section 3.4.9, "Landscaping, Lighting, and Memorials" and Section 3.4.10, "Parking Garage," in both the Draft EIR and the Draft Recirculated Draft EIR, together identify that after the underground parking is complete, the temporarily disturbed portions of Capitol Park would be restored as close as possible to existing conditions and any modified landscaping surrounding the underground parking garage would generally be consistent with the existing character. If replacement trees cannot be planted in the same area they were removed from, replacement trees would be replanted in an appropriate location in Capitol Park in accordance with the post construction landscaping plan.

Despite required mitigation measures, Capitol Park, including the size and location of trees, would not look exactly the same as current conditions after the proposed project is complete. Physical changes to Capitol Park are properly disclosed and evaluated throughout the EIR. The Draft EIR and Recirculated Draft EIR address trees within Capitol Park as a resource in multiple sections, including as a biological resource (section 4.13), as a contributor to the value of Capitol Park as a park (Section 4.14), as a contributor to the historic values of Capitol Park Section 4.12), and as a contributor to the visual conditions at Capitol Park (Section 4.15). The Draft EIR and Recirculated Draft EIR properly identify the physical effects of anticipated tree removal relative to each of these environmental issue areas,

appropriately considers various commitments within the project description that would reduce physical effects on trees, determines impact significance using appropriate thresholds of significance, and identifies mitigation measures where significant impacts related to trees occur. No significant and unavoidable impacts resulting from removal of trees occurs related to any resource evaluated in the EIR other than historic resources. The comments do not provide evidence to counter these conclusions. In the case of historic resources, removal of trees is one of several contributors to adverse effects on the characteristics of the overall Capitol Complex (Historic Capitol, Annex, Capitol Park, and Insectary) (see the discussion of Impact and Mitigation Measures 4.12-4 of the Recirculated Draft EIR in the section addressing archaeological, historical, and tribal cultural resources). While many comments clearly identify opinions regarding the value and importance of trees, few address the content or analysis in the Draft and Recirculated Draft EIRs. Those that do address EIR content or analysis are responded to here or elsewhere in this Final EIR (e.g., Master Responses related to cultural resources and underground parking, responses to individual comment letters). Where comments have made further suggestions regarding protection of trees, DGS has committed to adopt many of these as conditions of approval. These conditions of approval are not required to mitigate a significant environmental effect, but primarily codify the implementation of best practices that DGS and JRC support.

Several comments address the issue of trees sequestering carbon dioxide (CO<sub>2</sub>) (a greenhouse gas [GHG]) and the potential nexus between the loss of this sequestration function as trees are removed and global climate change. Quantifying the carbon sequestration potential of trees is a complex endeavor. Different tree species sequester carbon at different rates as do different ages of trees within the same species (U.S. Department of Energy 1998). The largest, most mature trees, which in some situations generate the most interest among commenters, may have slower growth rates and lower annual carbon sequestration rates than less mature trees that typically have a much higher annual growth rate. An example of a detailed forest carbon sequestration calculation is provided in the Squaw Valley | Alpine Meadows Base-to-Base Gondola Project Final EIS/EIR (USFS and Placer County 2019). In this example, removal of 500 trees of different age classes in a mixed conifer forest was calculated to result in the loss of 100 metric tons (MT) of CO<sub>2</sub> equivalents (CO<sub>2</sub>e). This example is not intended to provide a direct correlation to tree removal associated with the Capitol Annex Project, but is intended to show that removal of a large number of trees (500) results in a modest amount of equivalent GHG emissions from loss of sequestration potential. To assist with a sense of scale, burning one gallon of gasoline results in emissions of approximately 8.9 kilograms (19.6 pounds) of CO<sub>2</sub>e (EPA 2014). Burning of 112 gallons of gasoline results in emissions of approximately 1 MT of CO<sub>2</sub>e.

As identified in the Capitol Annex Draft EIR, construction of the Capitol Annex project is estimated to result in average annual GHG emissions of 1,143 MTCO<sub>2</sub>e. Using the mixed-conifer tree removal modelling referenced above, over 5,000 trees would need to be removed for the lost sequestration potential to match GHG emissions from a level of construction activity relatively typical for an urban building. The 20-30 trees identified for removal in the Capitol Annex Draft EIR, and the estimate of 56 trees identified for removal for implementation of the visitor/welcome center and Double T Annex/12<sup>th</sup> Street Corridor Parking configuration, would not result in substantial GHG emissions from a loss in sequestration potential. Even though some of the trees that would be removed may be very large, they still would not overcome the sequestration potential of the 500 trees identified in the example above. In addition, trees removed in Capitol Park would be replaced. Therefore, any lost carbon sequestration potential would be replaced over time. Finally, as identified above, at least some of the wood from removed trees in Capitol Park would be reused as lumber. Depending on the nature of the re-use, the carbon within the re-used wood could be “locked up” and not released to the atmosphere for anywhere from decades to centuries.

Based on the information above, loss of carbon sequestration from removal of trees resulting from the proposed project would result in only a minimal change in project generated GHG emissions and would not change any conclusions in the EIR.

### 3.7 MASTER RESPONSE 6: HISTORIC LANDSCAPE ANALYSIS

Several comments raised the issue of the State Capitol Complex, and in particular, Capitol Park, as a historic landscape and called for evaluation of the historic landscape in the EIR. DGS and JRC retained professionally qualified staff who meet or exceed the Secretary of the Interior’s Professional Qualifications Standards in history and

architectural history (with specialized education and training in historic landscapes) to perform identification and evaluation of the historic landscapes associated with the State Capitol Complex. The West Lawn Landscape Study (ICF 2019) was prepared, which inventoried and analyzed character-defining features associated with the West Lawn of Capitol Park (West Lawn), which encompasses the two westernmost blocks of Capitol Park and is part of the larger California State Capitol Complex (comprised of the Historic Capitol, Annex, Capitol Park, and Insectary). Previous documentation of the Capitol Complex identified Capitol Park generally as a contributing element of the historic Complex but did not provide a full inventory of landscape features. In order to more clearly assess potential project impacts on the West Lawn resulting from the visitor/welcome center, the study used a cultural landscape methodology to document the existing landscape features on the project site, and identify those features that do, and do not contribute to the historic landscape. For example, the large deodar cedars planted in the 1860s do contribute to the historic landscape, whereas more modern elements such as water fountains and concrete planter boxes incorporated as security features do not. This information supported the evaluation of the modified visitor/welcome center design in the Recirculated Draft EIR, dated January 17, 2020. As identified in the Recirculated Draft EIR, the modified visitor/welcome center design precipitated preparation of the Recirculated Draft EIR, and the greater level of modification to Capitol Park associated with this design resulted in further study of the West Lawn historic landscape. This landscape study was not needed for the original Draft EIR given the more limited alteration to Capitol Park associated with the visitor/welcome center design considered at that time.

The Recirculated Draft EIR bolstered the description of the history and existing conditions of the landscape features of the project site, documenting the trees, vegetation, landscaping, and hardscape features that provide the setting for the Historic Capitol Building. Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources," of the Recirculated Draft EIR clarified that the term "historic resources" includes historic landscapes as well as extant architectural resources (e.g., buildings and structures, and subsurface historic-era features such as wells, privies, or foundations, as well as evidence of historic-era Native American occupation). The analysis in Impact 4.12-4, "Potential for Impacts on Historic Architectural Resources," determined that the Capitol Annex Project would include noticeable changes to the West Lawn's characteristic topography, pedestrian circulation, vegetation, and vistas of the west entrance to the Capitol building, as well as removal of or damage to memorials, and reconfiguration of pedestrian and vehicular circulation systems in the landscaping surrounding all elevations of the Capitol Building. The project was determined to result in a substantial adverse change per State CEQA Guidelines Section 15064.5(b)(2)(A), which would be a significant impact on the State Capitol Complex historical resource. This is the same impact conclusion that was provided in the Draft EIR, and the Recirculated Draft EIR further refines the impact analysis, but does not change the original conclusions.

Since publication of the Recirculated Draft EIR, a full cultural landscape evaluation of Capitol Park has been prepared to further identify and evaluate the historic landscape features within the entirety of Capitol Park (ICF 2020). This study was completed, in part, to be responsive to comments received on the Draft EIR and Recirculated Draft EIR. Like the West Lawn study, this comprehensive historic landscape study inventoried and analyzed character-defining features associated with Capitol Park, including a history and inventory of extant trees in the park. This broader study has been used to further refine, as well as confirm, the impact analysis provided in the Recirculated Draft EIR by identifying specific landscape features that do, or do not contribute to the historic landscape, and labelling those that do contribute to the historic landscape that are anticipated to be affected by the project. See Chapter 2 of this FEIR, "Project Modifications", where this comprehensive landscape study is used to help evaluate the effects of the Double T Annex configuration and confirm that effects on the historic landscape from this project modification do not trigger another recirculation of the Draft EIR. Although the results of the landscape study and the evaluation of the Double T Annex configuration do not result in any new significant impacts on the historic landscape, or substantially more severe impacts from those already identified, this additional information also does not alter the significant and unavoidable impact conclusion provided in the Recirculated Draft EIR, consideration of feasible alternatives, and appropriate mitigation measures. In fact, in large part, the availability of these landscape studies simply supports implementation of three mitigation measures in the Recirculated Draft EIR (Mitigation Measures 4.12-4b, 4.12-4c, and 4.12-4d).

As written in the Recirculated Draft EIR, Mitigation Measure 4.12-4b, "Conduct Architectural and Landscape Salvage," DGS and JRC will seek feasible means for salvaging character defining features of the historic landscape. The landscape studies identify the character defining features, providing a step forward in implementing this mitigation



measure. This additional information does not alter the effectiveness, feasibility, or outcomes of the mitigation measure, but is only a step that has been implemented prior to the Final EIR rather than after. This additional information also was not needed for interested parties to adequately evaluate the environmental effect (i.e., Impact 4.12-4, "Potential for Impacts on Historic Architectural Features"), assess the significance of the environmental effect prior to mitigation (significant), assess the significance of the environmental effect after mitigation (significant and unavoidable), and understand the process and outcomes related to implementing the suite of four mitigation measures applied to Impact 4.12-4. The Recirculated Draft EIR provides sufficient information to adequately complete all these steps in the CEQA environmental review process.

Mitigation Measure 4.12-4c, "Develop and Implement an Interpretive Program," identifies that the interpretive program would address Capitol Park and highlight the continued evolution of Capitol Park. The Historic Landscape studies assist in implementation of this mitigation measure by compiling information on the history and evolution of Capitol Park that could support development of the required interpretive program. However, as described above in the discussion of Mitigation Measure 4.12-4b, the assessment of Impact 4.12-4, and the content of Mitigation Measure 4.12-4c in the Recirculated Draft EIR, provide sufficient information to adequately complete all the steps in the CEQA environmental review process without the additional information provided by the landscape studies.

Mitigation Measure 4.12-4d requires the development and implementation of a plan for the protection, restoration, or replacement of commemorative trees, plantings, or other memorials in Capitol Park. This plan shall:

- a) identify which of the commemorative trees, plantings, or other types of memorials (collectively referred to as "memorial") located in Capitol Park require removal or that are close enough to be damaged by construction activities, and
- b) establish specifications for protecting, restoring, and/or replacing these memorials within Capitol Park as close to their original location as feasible.

As stated, DGS will prioritize protection in place over removal and any memorial that must be removed will involve consultation with those affiliated with the memorial to identify an agreeable treatment. The treatment plan will define compatible alterations and additions and establish a management philosophy and primary treatment actions for the Capitol Park landscape, including identification and retention, protection, maintenance, and repair of historically significant elements of the landscape. Again, the available landscape information will assist in guiding implementation of this mitigation measure, but is not necessary to provide an adequate CEQA impact analysis. For example, the landscape studies provide data that would assist in replacing trees, memorials, and other features in a manner and location that best matches important historic landscape features present prior to project disturbance. However, this extra information is not necessary to understand the outcomes that performance criteria provided in Mitigation Measure 4.12-4d would achieve.

Despite the required implementation of feasible mitigation measures, as disclosed in the Draft EIR and Recirculated Draft EIR, Capitol Park would be modified, to the point of potentially degrading its conveyance of its period of significance. The impact to the Capitol Complex, including historic landscape features, would be significant and unavoidable. Although additional study of the entire historic landscape of Capitol Park further informs the understanding of the issue, it does not alter the feasible mitigation nor the significant and unavoidable impact conclusion.

### 3.8 MASTER RESPONSE 7: HISTORIC FABRIC

Multiple comments on the Draft EIR express the opinion that a "historic fabric" [sic] study of the Annex is required as part of the DEIR to adequately inform consideration and evaluation of project impacts, mitigation measures, and feasible alternatives. The commenters suggest that such a study would also inform the decision to either demolish or rehabilitate the Annex. The Draft EIR only includes the term "historic fabric" in one sentence on page 4.12-30; "The CHBC is intended to allow continued, safe occupancy while protecting the historic fabric and character-defining features that give a property historic significance, thus promoting adherence to the SOIS." This sentence is within Mitigation Measure 4.12-4a and is retained, unchanged, in the Recirculated Draft EIR as part of the same Mitigation

Measure. The term "historic fabric" is only used to help describe the function of the CHBC. There is no text in the EIR calling for preparation of a historic fabric study or historic fabric report as identified in the comments. Given that Mitigation Measure 4.12-4a calls for preparation of a Historic Structures Report (HSR), it may be that the comments intended to refer to the HSR.

Regardless of the specific report referenced in the comments, in general, the comments express an opinion that DGS did not prepare sufficient technical studies to properly determine impacts to historical resources. The comments reference that documentation called for in Mitigation Measure 4.12-4a should be completed prior to the EIR being certified and the results included in the EIR. .

CEQA Guidelines section 15064.5(b) et. seq. establishes that significant impacts to historical resources are determined by examining whether the qualities that qualify the resource for listing in qualified historic registers would be materially impaired by the project. CEQA does not require exhaustive preparation of detailed inventories of every physical feature of the resource; the impacts of a project can be determined based on an understanding of the justification for the registration status and character-defining features of the resource. Existing documentation provided in the Draft EIR and Recirculated DEIR pertaining to the registration status of the State Capitol Complex – which includes the NRHP evaluation and Historic Structure Report of the State Capitol Building with identified character-defining features, and a comprehensive landscape evaluation of Capitol Park – is sufficient to support the development of feasible alternatives, impact determinations, and appropriate mitigation measures. Additional documentation would not change alternatives, impact conclusions, and mitigation measures in the Draft and RDEIR.

Also, when considering the historic resources at the project site, it is not appropriate to consider only the Annex. As described on pages 4.12-19 and 4.12-20 of the Recirculated Draft EIR, the designated historic resource is the State Capitol Complex, consisting of the Historic Capitol, the Capitol Annex, Capitol Park, and the Insectary. Effects on all components of the Capitol Complex must be considered to assess the impact under CEQA, which is the approach taken in the EIR. It is through this comprehensive examination of the entire Capitol Complex that issues such as alternatives that potentially reduce effects on the Annex by retaining the structure (see Master Responses 1, 2, and 3 above) result in increased adverse effect on Capitol Park, come to light. Collecting further data on the Annex, above and beyond what was already used to support the EIR analysis, would not influence the evaluation of effects on the Capitol Complex or alter the significant and unavoidable impact conclusion.

Finally, as described in Chapter 2 of this Final EIR, "Project Modifications", since publication of the Recirculated Draft EIR, further work has been completed on the general massing and design of a new Annex. This additional information has allowed further examination of how the new Annex may integrate with, and affect, the other components of the Capitol Complex. As described in Chapter 2, the proposed Double T scenario and Annex surface design do not alter the conclusions provided in the Recirculated Draft EIR. The Double T scenario and other Annex design elements do not result in any new significant impacts related to the Capitol Complex, do not result in substantially more severe adverse effects on the Capitol Complex, and overall project impacts on the Capitol Complex remain significant and unavoidable.

## 4 RESPONSES TO COMMENTS ON THE DRAFT EIR

This chapter contains comment letters received during the public review period for the Draft EIR, which concluded on October 24, 2019. Two comments were received during the October 15, 2019 public hearing. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses have been prepared addressing comments on environmental issues received from reviewers of the Recirculated Draft EIR.

### 4.1 LIST OF COMMENTERS ON THE DRAFT EIR

Table 4-1 presents the list of commenters, including a numerical designation for each comment letter received (A1, A2, A3, etc.), the author of the comment letter, and the date of the comment letter.

**Table 4-1 List of Commenters**

Letter No.	Commenter	Date
<b>Agencies</b>		
A1	Wilton Rancheria	September 23, 2019
A2	Historic State Capitol Commission	October 15, 2019
A3	City of Sacramento	October 16, 2019
A4	Historic State Capitol Commission	October 21, 2019
A5	Sacramento Municipal Utility District	October 23, 2019
A6	United Auburn Indian Community	October 24, 2019
A7	Historic State Capitol Commission	October 24, 2019
A8	Sacramento Metropolitan Air Quality Management District	October 24, 2019
A9	City of Sacramento, Department of Public Works, Urban Forestry	October 24, 2019
A10	Shingle Springs Band of Miwok Indians	October 28, 2019
<b>Organizations</b>		
O1	Sacramento Modern (SacMod)	October 24, 2019
<b>Public Hearing</b>		
PH1-PH2	Matthew Moore, United Auburn Indian Community	October 24, 2019
PH3-PH20	Roberta Deering, Historic State Capitol Commission	October 24, 2019

#### 4.1.1 Comments and Responses

The written comments received on the Draft EIR and the responses to those comments are provided below. Each individual comment within the letters (Comment A2-1, Comment A2-2, etc.) is reproduced in its entirety and is followed by the response (Response A2-1, Response A2-2, etc.), other than those comments and responses placed into a confidential appendix as explained below.

## AGENCIES

### Letter A1 Wilton Rancheria

September 23, 2019

*At the request of the Native American Tribes participating in consultation with the California Department of General Services (DGS) pursuant to Assembly Bill (AB) 52, all Tribal correspondence, including comments on the Environmental Impact Report (EIR), are considered confidential. This approach is consistent with the guidance on confidentiality during Tribal consultation provided in Public Resources Code (PRC) Section 21082.3(c). Consistent with PRC 21082.3(c), comment letters from consulting Native American Tribes and responses to those comments are included in a confidential appendix to this Final EIR (Appendix D). Requests for access to this confidential appendix by qualified reviewers can be directed to Stephanie Coleman, Department of General Services, Environmental Services Unit Section; Email: [environmental@dgs.ca.gov](mailto:environmental@dgs.ca.gov); Mailing Address: P.O. Box 989052, West Sacramento, CA 95798; Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605. DGS will then lead coordination with the consulting Tribes regarding the request for access to the confidential appendix.*

### Letter A2 California Historic State Capitol Commission

Richard Cowan, PE, Chair

October 15, 2019

#### Comment A2-1

- 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.

#### Response A2-1

Please see Master Responses 1 through 3 in Chapter 3 of this Final EIR.

#### Comment A2-2

- 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.

#### Response A2-2

The Recirculated Draft EIR clearly describes the proposed project: its location, characteristics, scale, and construction activities, including excavation, demolition, and surface disruption in Capitol Park and surrounding areas. It is fully disclosed that the project footprint areas, including those for the underground parking and visitor/welcome center, would be excavated to the necessary depth to support the proposed facility and characterizes the above ground features over the facility once it is complete. As shown in the Recirculated Draft EIR, Figure 3-3 illustrates the

footprint, or area of potential disturbance, of the three primary project components: the underground visitor/welcome center on the west side of the Historic Capitol between the Capitol Building and 10th Street, the Annex replacement on the east side of the Historic Capitol, and new underground parking on the south side of the Historic Capitol between the Capitol Building and N Street. As stated in Section 3.3, "Project Location" and illustrated on Figure 3-2, the project site encompasses portions of the western half of Capitol Park. Figure 3-2 clearly identifies the western end of Capitol Park, from 12th Street on the east to 10th Street on the west, and L Street on the north to N Street on the south, as the area that may be affected during project construction, including ground disturbance, construction staging, and utility connections or improvements, which is evaluated throughout the EIR. Section 3.4.14 of the Recirculated Draft EIR more specifically describes the construction areas for the different phases of the project. Chapter 2 of this Final EIR, "Project Modification" describes and analyzes a modified configuration for the Capitol Annex and underground parking. The proposal for the visitor/welcome center has not changed since publication of the Recirculated Draft EIR. As shown in Chapter 2, the area potentially affected by project implementation continues to be an area consisting of the western end of Capitol Park bounded by 10<sup>th</sup> Street, L Street, N Street, and generally the 12th Street corridor if 12th Street were to continue across Capitol Park. However, as shown in Figure 2-1, the affected area has been expanded to accommodate extensions west of 12th Street for underground parking entry/exit ramps and minor landscaping modifications at the Annex entry. Construction and excavation details and anticipated future uses over the underground parking are also clearly disclosed in Chapter 2.

The EIR evaluated excavation depths for the visitor/welcome center and underground parking of approximately 25 feet below grade, with an additional 10 feet of depth in limited areas, such as for elevator pits. Excavation would involve initial removal of surface features and vegetation, including lawn area, concrete walkways, trees, and other features within the footprints of the visitor center and parking garage. Excavation would occur using heavy equipment, removing earth material and transferring it to trucks for off haul. Construction associated with new utility infrastructure would occur within the planned construction footprint and it is evaluated as part of the project throughout the EIR. No additional new or expanded infrastructure beyond the construction area identified for the project would be required. Although the proposed configuration for the Annex and underground parking have been modified since publication of the Recirculated Draft EIR, the general details regarding excavation methods and depths have not changed. See Chapter 2 of this Final EIR more information on land disturbance, construction methods, and conditions in temporarily disturbed areas after construction is complete.

#### **Comment A2-3**

- 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.

#### **Response A2-3**

Please see Master Response 4 in Chapter 3 of this Final EIR.

#### **Comment A2-4**

- 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.

#### **Response A2-4**

Please see Master Response 4.

#### **Comment A2-5**

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

#### **Response A2-5**

The comment takes issue with construction in Capitol Park. The objective of the project is to address the identified deficiencies of the Capitol Annex, which necessitates construction at its location, which is within Capitol Park. As



discussed throughout the Draft and Recirculated Draft EIRs, the project includes an upgraded visitor/welcome center and replacement underground parking in addition to the updated Annex building. DGS recognizes Capitol Park as a component of the NRHP listed State Capitol Complex. This is presented in the Recirculated Draft EIR, beginning on page 4.12-19. The project's impacts on Capitol Park are evaluated and mitigated, as necessary. The project does not propose changing the use of Capitol Park, existing landscaping and lighting would be maintained as much as possible during construction and, after construction, the park would be restored to as close as possible to existing pre-project conditions. Please also see Master Responses 4, 5, and 6.

#### **Comment A2-6**

- 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.

#### **Response A2-6**

Please see Master Response 7.

#### **Comment A2-7**

- 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.

#### **Response A2-7**

As required by CEQA, DGS and the JRC prepared and circulated the Draft EIR and Recirculated Draft EIR, which describe the proposed Capitol Annex Project, evaluate the potential physical environmental impacts associated with construction and operation of the project, provide substantiation for impact determinations, mitigate for significant environmental impacts, and evaluate alternatives to the project and cumulative impacts. The documents were circulated for public review and comment in fall 2019 and winter 2020, allowing the public and stakeholders to review and comment on the environmental impacts of the project. The DGS and the JRC will consider the whole of the EIR, including comments and responses, prior to rendering a decision on the project. Please also see Master Responses 1, 2, and 3 regarding the consideration of alternatives that rehabilitate the existing Annex and Master Response regarding the timing of impact analysis relative to suggestions for further study.

#### **Comment A2-8**

- 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.

#### **Response A2-8**

Please see Master Responses 1, 2, 3, and 7.

#### **Comment A2-9**

- 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.

#### **Response A2-9**

Please see Master Responses 5 and 6. Also see Chapter 2, "Project Modifications," of this Final EIR for updated information on effects on trees as a result of the project modifications developed since publication of the Recirculated Draft EIR.

#### **Comment A2-10**

- 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.

#### **Response A2-10**

Page 3-11 of the Draft EIR states that the new Annex would align the floors of the Annex with the West Wing to improve wayfinding and circulation. Also stated on page 3-11, the height of the new Annex would be no taller than the parapet of the historic Capitol and/or the base of the existing Capitol dome. The anticipated height would be approximately 125 feet, which is lower than the current colonnade level and well below the base of the dome. The new Annex would be approximately the length of the Historic Capitol and would extend east toward the existing 12th Street walkway. There would be a below grade level for public meeting spaces. This design and configuration has not changed from the proposed project analyzed in the Draft EIR. The proposed design described and evaluated in Chapter 2 of this Final EIR also remains within these parameters.

As with the current Annex, the Historic Capitol floor spacing presents a challenge for floor alignment to any Capitol Annex Project alternative that maintains full connection between the two buildings. This includes maintaining the existing Annex building and renovating it or demolishing and constructing a new Annex in its place. Any connected building will be restricted to a building height no taller than parapet of the historic capitol and/or the base of the existing Capitol dome, which means that building space for a connected Annex would need to be gained by a larger footprint and/or a deeper or more extensive basement. Furthermore, a new or rehabilitated Annex needs to address life safety/building code deficiencies, ADA compliance, insufficient public and working space, and inadequate building infrastructure. Meeting these project requirements within height limitations and minimizing impacts to Capitol Park poses challenges to aligning floors in the Annex to the Historic Capitol's floorplates.

The Draft EIR discussed a fully detached/partially detached Annex building alternative, which would avoid floor alignment issues. However, the physical separation of the Annex from the Historic Capitol is undesirable as it disrupts the connectivity between the buildings and affects the ability to meet project objectives. A detached Annex building would reduce the accessibility, efficiency, and safety of the Capitol for State employees, elected officials, and the public they serve. A detached or partially detached building has been removed from further consideration. Architectural designs for the proposed project, as described in Chapter 2 of this Final EIR, address the floor alignment between the Annex and Historic Capitol, and these architectural details do not alter the scope of the project evaluated in the EIR. The Draft and Recirculated Draft EIR, and the analysis in Chapter 2 of this Final EIR, properly evaluate the full project footprint, construction, and operation and discloses impacts, imposes mitigation measures, and evaluate a reasonable range of project alternatives.

Please also see Master Response 1, 2, and 3 regarding Annex alternatives and the issue of addressing misaligned floors.

#### **Comment A2-11**

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.

#### **Response A2-11**

The design of the visitor/welcome center has been revised as presented in Chapter 3, "Project Description," of the Recirculated Draft EIR. As revised and shown in Figure 3-4 of the Recirculated Draft EIR, the entrance to the visitor welcome center would face 10th Street and would consist of a gentle and universally accessible (ADA compliant) walkway/ramp leading down to doorways below ground level. Two curving walkway/ramps would begin near 10th Street, one to the north and one to the south. These two, curving walkway/ramps would "loop" 180 degrees and lead to the wider central walkway/ramp. The walkways/ramps would be "open air" and would be part of a lower plaza (Figure 3-4) integrating the walkways/ramps with the surrounding landscape. In addition to these ramps, the lower plaza would have stairs, as well as stair step seating areas incorporated into the landscape. At the east end of the central walkway/ramp would be doors leading to the below grade enclosed portion of the visitor/welcome center. At

this location visitors would move through a security checkpoint before moving further into the visitor/welcome center. The east end of the visitor/welcome center would connect to the basement of the Historic Capitol allowing visitors to move directly from the visitor/welcome center into the Historic Capitol building.

The revised design of the visitor/welcome center presented and evaluated in the Recirculated Draft EIR removed the proposed above-ground elevator stations and added ramps down from street level, as noted in the comment. This design has not been altered since publication of the Recirculated Draft EIR. As revised, the design of the visitor/welcome center, including the lower plaza and associated landscape modifications, the below grade visitor/welcome center, and the upper plaza and associated landscape modifications, would be designed to be deferential to the Historic Capitol, and would maintain the west façade of the Historic Capitol as a focal point of Capitol Mall. The top of the visitor center roof (ground-level) would be located even with, or just below, the base of the west portico steps and would provide full visibility to the Historic Capitol. The only visitor/welcome center elements that would extend above the base of the west portico steps would be the safety railing along the west edge of the upper plaza, the railing around the skylight, the planters with trees on the north and south sides of the upper plaza, and the fencing around the emergency exits by the planters. These are the only project elements that would obscure views of the Historic Capitol when viewed from the west at street level. Only the safety railing and railing around the skylight would obstruct views of the portico, and only the steps and small portion of the portico just above the base of the steps would be affected. As evaluated in Impact 4.15-1 of the Recirculated Draft EIR, because the new above ground features of the visitor/welcome center would either have a relatively low profile and would only obstruct views of a portion of the portico steps, would be constructed of transparent materials (i.e., glass skylight), or would be located to approximate current visual conditions (i.e., upper plaza planters), they would not substantially alter the long-distance views of the Historic Capitol from Capitol Mall and the overall visual integrity of the Historic Capitol's primary façade would be retained.

#### **Comment A2-12**

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.

#### **Response A2-12**

Please see Master Responses 6 and 7.

#### **Comment A2-13**

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.

#### **Response A2-13**

Please see Master Responses 1, 2 and 3.

**Comment A2-14**

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.

**Response A2-14**

Please see Master Responses 1 and 6.

**Letter A3 City of Sacramento**

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

**Comment A3-1**

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.

**Response A3-1**

DGS appreciates review by City Parks Planning and Development Services. No further response is necessary.

**Letter A4 Historic State Capitol Commission**

October 21, 2019

**Comment A4-1**

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.

**Response A4-1**

DGS appreciates review by the Historic State Capitol Commission and responded to the comments, below.

**Comment A4-2**

**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, on alternative that patently 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.

**Response A4-2**

Please see Master Responses 1, 2 and 3 in Chapter 3 of this Final EIR.

**Comment A4-3**

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.

**Response A4-3**

Please see Master Response 3.



**Comment A4-4**

**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.

**Response A4-4**

Please see Master Response 4.

**Comment A4-5**

**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/add 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.

**Response A4-5**

Please see Master Responses 1, 2, 3, and 7.

**Comment A4-6**

**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.

**Response A4-6**

Please see Master Responses 5 and 6.

**Comment A4-7**

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.

**Response A4-7**

Please see Master Response 5.

**Comment A4-8**

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.

**Response A4-8**

Please see Master Response 6.

**Comment A4-9**

**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.

**Response A4-9**

Please see Response A2-10.

**Comment A4-10**

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.

**Response A4-10**

Please see Response A2-10.

**Comment A4-11**

**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.

**Response A4-11**

Please refer to Response A2-11.

**Letter A5 Sacramento Municipal Utility District**

Nicole Goi, Regional & Local Government Affairs

October 23, 2019

**Comment A5-1**

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.

**Response A5-1**

DGS appreciates SMUD's review of the Capitol Annex Project Draft EIR.

**Comment A5-2**

It is our desire that the Project EIR will acknowledge Project impacts related to the following:

- ▶ 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>

**Response A5-2**

The Capitol Annex Project Draft EIR describes SMUD's electrical service to the Capitol Building in Section 3.4.11, under "Energy Use," of the Recirculated Draft EIR. SMUD service is further described in Section 4.4, "Utilities and Service

Systems," under "Energy" on page 4.4-10. The potential for project activities to effect existing physical utility infrastructure within utility easements is evaluated in the discussion of Impact 4.4-1, "New or Expanded Utility Infrastructure." Construction associated with new or replacement utility infrastructure, including connections or localized realignments would occur within the planned construction footprint. The potential environmental effects of construction activities within the identified project footprint are evaluated throughout the EIR as part of the proposed project. Any impacts to existing utility service are considered less than significant because coordination between the State, utility providers, and the City of Sacramento during the project design and construction process would ensure minimal disruption of utility service and minimal inconvenience to existing utility customers. The State and its contractors have been coordinating with SMUD during the project design process, and will continue to do so, including regarding any encroachments onto existing overhead and underground transmission and distribution line easements, and the potential establishment of new easements where needed.

#### **Comment A5-3**

- ▶ Utility line routing

#### **Response A5-3**

Please see Response A5-2.

#### **Comment A5-4**

- ▶ Electrical load needs/requirements

#### **Response A5-4**

The project-related operational electrical consumption is estimated in Table 4.7-1 and evaluated in Impact 4.7-1, of the Draft EIR. While the new Capitol Annex would have a larger building footprint than the existing Annex, the project would implement energy efficiency measures to meet LEED v4 Silver certification and exceed the 2019 California Energy Code by 15 percent, thereby providing a relatively energy-efficient development. The project would be powered with 100-percent renewable electricity from SMUD. This is in comparison to the existing Annex that was built in the 1950s before energy reduction goals were in place and many current energy saving technologies were available. In addition, the project would not directly or indirectly use natural gas. The project modifications described and evaluated in Chapter 2 of this Final EIR would not alter these conditions. DGS and the JRC have been coordinating with SMUD, and will continue to do so, regarding electrical loads and electrical utility infrastructure for all elements of the Capitol Annex project.

#### **Comment A5-5**

- ▶ Energy Efficiency

#### **Response A5-5**

As stated under "Energy Use" on page 3-14 of the Recirculated Draft EIR, electricity to the new Annex building, visitor/welcome center, and underground parking garage would be provided through the State contract with SMUD for 100 percent renewable sources. The project would be designed to meet modern building standards, including the 2019 Building Energy Efficiency Standards. The project would also achieve a minimum LEED v4 Silver certification. Energy Star office equipment, energy efficient computer monitors, and LED (light-emitting diode) lighting would need to be used throughout the building to achieve the energy goals. Electrical metering and control systems would be installed to monitor and balance electrical loads on a per system basis (e.g., lighting, mechanical) and on a per floor basis. Natural gas would not be used directly, but it is assumed for this analysis that heating would continue to be provided by steam from State's Central Plant, which uses natural gas for the boilers that generate the steam.

The project-related energy efficiency measures are evaluated in Impact 4.7-2 of the Draft EIR. In addition to the energy conservation measures identified above, the project would exceed the 2019 California Energy Code by 15 percent pursuant to Executive Order B-18-12. The conservation of transportation fuel use would be encouraged through limited on-site parking (for elected officials and senior staff) and proximity to multiple modes of transportation in the downtown area. The project would directly support *Energy Action Plan* goals and strategies, which focus on energy efficiency; demand response; renewable energy; the supply and reliability of electricity, natural

gas, and transportation fuels; and achieving GHG reduction targets (CEC and CPUC 2008). The project modifications described and evaluated in Chapter 2 of this Final EIR would not alter the project characteristics and conclusions described above.

#### **Comment A5-6**

- ▶ Climate Change

#### **Response A5-6**

Project-related greenhouse gas (GHG) emissions, both for construction and operation of the project, are disclosed in Section 4.6, "Greenhouse Gas Emissions and Climate Change," of the Draft EIR. Impact 4.6-1 discloses that project construction is estimated to generate 5,713 MTCO<sub>2</sub>e. Operation of the project would result in GHG emissions associated with water consumption and wastewater and solid waste generation. Operation of the project would generate approximately 217 MTCO<sub>2</sub>e/year. However, both construction and operation of the project would include GHG efficiency measures consistent with all applicable State and local plans, policies, and regulations adopted for the purpose of reducing GHG emissions and enabling achievement of the statewide GHG reduction target of SB 32 of 2016. The project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. The project modifications described and evaluated in Chapter 2 of this Final EIR would not alter these conclusions.

#### **Comment A5-7**

- ▶ Cumulative impacts related to the need for increased electrical delivery

#### **Response A5-7**

Cumulative impacts related to electrical demand and delivery are addressed in Chapter 5, "Cumulative Impacts," of the Draft EIR, in Sections 5.3.3, "Utilities and Infrastructure," and 5.3.6, "Energy." Although cumulative development would increase the demand for electrical service, cumulative impacts are determined to be less than significant, and the Capitol Annex Project would be designed with features that increase energy efficiency as compared to the existing Annex building. The project modifications described and evaluated in Chapter 2 of this Final EIR would not alter these conclusions.

#### **Comment A5-8**

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.

#### **Response A5-8**

The text under "Energy Use" on page 3-14 of the Recirculated Draft EIR provides the following revision to clarify that SMUD service to the project is provide from N Street as indicated:

Electrical service to the new Annex would be similar to the existing service provided to the existing Annex and West Wing by SMUD. Electrical service currently enters the site from N Street with transformers serving both buildings on State property adjacent to the existing Annex. A new SMUD vault would be constructed underground in the area northeast of the Historic Capitol to add additional power for the new visitor/welcome center and parking garage. The existing transformers adjacent to the Annex would be replaced with new transformers on the project site.

Consistent with this, the text on page 4.4-10 of the Recirculated Draft EIR also states:

The Capitol Building (Historic Capitol and Annex) is served by SMUD for electric services. Electrical service currently enters the site from N Street with transformers located adjacent to the existing Annex serving both buildings.

As discussed in Impact 4.4-1, "New or Expanded Utility Infrastructure," the construction associated with new or replacement utility infrastructure, including connections and localized realignments, would occur within the planned construction footprint. This includes the manholes in N Street identified in the comment letter, which are within the north side of N Street that would be closed-off for project construction. The potential environmental effects of construction activities within the identified project footprint are evaluated throughout the EIR as part of the proposed project. The project modifications described and evaluated in Chapter 2 of this Final EIR do not alter these elements of the Recirculated Draft EIR.

#### **Comment A5-9**

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.

#### **Response A5-9**

The text under "Energy Use" on page 3-14 of the Recirculated Draft EIR Project Description provided the following clarification on electrical service facilities for the project:

Electrical service to the new Annex would be similar to the existing service provided to the existing Annex and West Wing by SMUD. Electrical service currently enters the site from N Street with transformers serving both buildings on State property adjacent to the existing Annex. The existing transformers adjacent to the Annex would be replaced with new transformers on the project site. Additional electrical service equipment may also be placed in the new mechanical equipment vault described below.

...

### **NEW MECHANICAL EQUIPMENT VAULT**

During construction of the visitor/welcome center a new underground mechanical equipment vault would be constructed near the northwest corner of the Historic Capitol building. This roughly 8,600 square foot room would house various utility and other equipment to increase the efficiency of operation of the Historic Capitol and support operation of the new Annex and visitor/welcome center. Excavation for the new vault is estimated to reach a depth of approximately 20 feet. The vault would be connected to the basement of the Historic Capitol to allow personnel and equipment to move between the two buildings. After construction is complete, the disturbed area would be restored to match pre-project conditions.

The project modifications described and evaluated in Chapter 2 of this Final EIR would not alter these elements of the Recirculated Draft EIR. As stated above, DGS and the JRC have been coordinating with SMUD, and will continue to do so, regarding electrical loads and electrical utility infrastructure for all elements of the Capitol Annex project.

#### **Comment A5-10**

- ▶ Additional underground circuits within the project area contingent upon the location and scope of the additional transformer space, should it be needed.

**Response A5-10**

As stated on page 4.4-13 of the Recirculated Draft EIR, construction associated with new or replacement utility infrastructure, including connections or localized realignments would occur within the planned construction footprint. The potential environmental effects of construction activities within the identified project footprint are evaluated throughout the EIR as part of the proposed project. The project modifications described and evaluated in Chapter 2 of this Final EIR would not alter these conditions.

**Comment A5-11**

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.

**Response A5-11**

DGS appreciates SMUD's input. DGS, the JRC and the project planners and engineers will continue to coordinate with SMUD regarding connection to the SMUD system, electrical infrastructure, and any necessary utility easements for SMUD related to electrical infrastructure.

**Letter A6 United Auburn Indian Community**

Matthew Moore, UAIC Tribal Historic Preservation Officer

October 24, 2019

*At the request of the Native American Tribes participating in consultation with DGS pursuant to AB 52, all Tribal correspondence, including comments on the EIR, are considered confidential. This approach is consistent with the guidance on confidentiality during Tribal consultation provided in PRC 21082.3(c). Consistent with PRC 21082.3(c), comment letters from consulting Native American Tribes and responses to those comments are included in a confidential appendix to this Final EIR (Appendix D). Requests for access to this confidential appendix by qualified reviewers can be directed to Stephanie Coleman, Department of General Services, Environmental Services Unit Section; Email: environmental@dgs.ca.gov; Mailing Address: P.O. Box 989052, West Sacramento, CA 95798; Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605. DGS will then lead coordination with the consulting Tribes regarding the request for access to the confidential appendix.*

**Letter A7 Historic State Capitol Commission**

Richard Cowan, Chair

October 24, 2019

**Comment A7-1**

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.

#### Response A7-1

DGS appreciates the Committee's input on the Capitol Annex Project. The comment provides a summary list of topics addressed in detailed comments later in the letter. Please see responses to the detailed comments below.

#### Comment A7-2

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;

#### Response A7-2

The Capitol Annex Project EIR is a project EIR. As explained on Section 1.2, "Purpose and Intended Uses of this Draft EIR," the visitor/welcome center generally is designed to a greater level of detail than the new Annex and underground parking garage. This is primarily because, at the time of writing of the Draft EIR and Recirculated Draft EIR, the visitor/welcome center was the project component proposed to be constructed first, and it was thought at the time that it must be completed before demolition of the existing Annex is initiated (see Chapter 3, "Project Description" for more information on project sequencing). The visitor/welcome center has been designed and planned to a level of detail sufficient to support all necessary permits and approvals. If this EIR is certified and the project is approved, no further CEQA analysis is anticipated before construction of the visitor/welcome center. For this reason, this EIR's analysis of the visitor/welcome center has been prepared to meet the requirements of a project EIR as defined by Section 15161 of the State CEQA Guidelines. A project EIR focuses on the changes in the physical environment that would result from the implementation of a project, including its planning, construction, and operation. The State's intention in identifying the EIR's analysis of the visitor/welcome center as a project EIR is that no further environmental analysis would be required for additional regulatory approvals following approval of the project, absent conditions requiring a subsequent EIR, a supplement to the EIR, or an addendum. (See State CEQA Guidelines Sections 15162–15164.)

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 the Draft EIR and Recirculated Draft EIR, information about these elements and their characteristics (e.g., square footage, utility demands, number of occupants, types of internal facilities) was generally sufficient to permit analysis that meets the requirements of a project EIR as defined in Section 15161 of the State CEQA Guidelines. However, as identified in Chapter 2 of this Final EIR, "Project Modifications," since publication of the Recirculated Draft EIR, a modified approach to the Annex (the Double T) and the underground parking (the 12th Street Corridor location) have been developed. The design of these approaches has progressed to a greater level of detail than the Annex and underground parking options evaluated in the Recirculated Draft EIR. Due to the further progress on project design, more specific information on these project elements is now available and the level of project description detail is more consistent with that provided for the visitor/welcome center in the Recirculated Draft EIR. Therefore, like for the visitor/welcome center, the State is now identifying the analysis of the Annex and underground parking as a Project EIR level of analysis. It is the State's intention in identifying the EIR's analysis of the Annex and underground parking as a project EIR that no further environmental analysis would be required for additional regulatory approvals following approval of the project, absent conditions requiring a subsequent EIR, a supplement to the EIR, or an addendum. (See State CEQA Guidelines Sections 15162–15164.)

**Comment A7-3**

- ▶ **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;

**Response A7-3**

Please see Section 4.12 of the Draft EIR, which evaluates archaeological, historical, and tribal cultural resources. Please see Master Responses 6 and 7.

**Comment A7-4**

- ▶ **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;

**Response A7-4**

Please see Master Responses 1, 2, and 3.

**Comment A7-5**

- ▶ **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;

**Response A7-5**

Please see Response A2-11.

**Comment A7-6**

- ▶ **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,

**Response A7-6**

Please see Master Response 4.

**Comment A7-7**

- ▶ **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.

**Response A7-7**

Please see Master Responses 5 and 6.

**Comment A7-8**

*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.

#### **Response A7-8**

Use of the term "reconstruction," in the context of this paragraph and in the Draft EIR generally, is intended to describe the proposed project for the lay reader and is not intended to adhere to specific regulatory definitions. This use of the term "reconstruction" is also consistent with use in the authorizing legislation for the project as expressed in PRC Section 21189.5(a).

#### **Comment A7-9**

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."*

#### **Response A7-9**

Please see Response A7-2.

#### **Comment A7-10**

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.

#### **Response A7-10**

Please see Response A7-2.

#### **Comment A7-11**

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.

**Response A7-11**

Please see Master Responses 5 and 6. Also see the description of the Annex and underground parking proposal and evaluation of environmental effects from those project elements provided in Chapter 2 of this Final EIR.

**Comment A7-12**

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.

**Response A7-12**

Please see Master Responses 1, 2, 3, and 6.

**Comment A7-13**

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.

**Response A7-13**

Please see the analysis of the revised visitor/welcome center in the Recirculated Draft EIR. Please also see Master Responses 6 and 7. In addition, various actions to prevent adverse effects on Native American resources, beyond those identified in the Recirculated Draft EIR, have been identified through the AB 52 process. However, the consulting Tribes have requested that actions not identified in the EIR remain confidential.

**Comment A7-14**

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.

**Response A7-14**

Please see Response A2-11.

**Comment A7-15**

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.

**Response A7-15**

Please see Master Response 6, and Response A7-46 below.

**Comment A7-16**

"... 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.

**Response A7-16**

Use of the term "historic architectural resources," in the context of this paragraph in the Draft EIR is correct. However, DGS hereby revises the term "historic architectural resources" to "historical resources" throughout the Final EIR.

Please see Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources," of the Draft EIR and Recirculated Draft EIR, which discusses the terms for cultural resources as well as the regulatory framework for such resources. As stated therein, cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include prehistoric resources, historic-era resources, cultural landscapes, and "tribal cultural resources" (the latter as defined by AB 52, Statutes of 2014, in PRC Section 21074). Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historic era-built environment (architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts). A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources were added as a resource subject to review under CEQA, effective January 1, 2015, under AB 52 and include sites, features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe.

**Comment A7-17****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.

**Response A7-17**

As stated in Section 1.4.1, "Lead Agency," of the Draft EIR, DGS is the lead agency under CEQA responsible for ensuring that the requirements of CEQA have been met. After the EIR public-review process is complete, the Director of DGS will determine whether to certify the EIR (see State CEQA Guidelines Sections 15090) and approve the project. The JRC is the entity implementing the project. As stated in Mitigation Measure 4.12-4d, "Develop and Implement a Plan for Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials in Capitol

Park,” (Note: As indicated in Chapter 6 of this Final EIR, and shown in Response A7-50 below, the title of this mitigation measure has been changed to “Develop and Implement a Landscape Treatment Report for Capitol Park including Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials.” However, for this chapter of the Final EIR, the Mitigation Measure 4.12-4d title used in the Draft and Recirculated Draft EIRs will continue to be used) DGS and the JRC would facilitate development of a report that, among other things, (a) identifies which of the commemorative trees and other plantings located in Capitol Park would be removed or are located within 50 feet of construction activities and (b) establishes specifications for protecting, restoring, and/or replacing them in Capitol Park as close to their original location as feasible. The term “biological resources” is broad, encompassing plants, wildlife, wetlands, vegetation communities, etc. Different agencies have jurisdiction over different elements of biological resources. As identified in the regulatory setting discussion of Section 4.13, “Biological Resources” in the Draft EIR, if a species protected by the California Endangered Species Act were to occur in Capitol Park, then the California Department of Fish and Wildlife could be a responsible agency relative to protection of that species. If a wetland were to occur in Capitol Park, the State Water Resources Control Board could be a responsible agency relative to effects on that biological resource. The trees and landscaping at Capitol Park are under the jurisdiction of a variety of agencies depending on the activity being undertaken (e.g., DGS, the legislature, California Department of Parks and Recreation). As identified in Section 4.13 of the Draft EIR, the City of Sacramento is the responsible agency for the perimeter palm trees around Capitol Park that are located on City property.

#### **Comment A7-18**

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

#### **Response A7-18**

Please see Section 4.12, “Archaeological, Historical, and Tribal Cultural Resources,” Section 4.12.1, “Regulatory Setting.” PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The treatment of Native American burials falls within the jurisdiction of the Native American Heritage Commission.

#### **Comment A7-19**

##### *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.”**

#### **Response A7-19**

DGS hereby revises the term “historic architectural resources” to “historical resources” throughout the Final EIR. Note that Section 1.4.3 of the Draft EIR identifies permits and other approval actions “likely” to be required and does not identify that the listed permits and approvals must be obtained. The PRC 5024/5024.5 process occurs entirely independent of the CEQA process. The PRC 5024/5024.5 process occurs exclusively between a state agency that alters or implements an action that causes an adverse effect on a significant or listed historical resource and the SHPO. Agencies and entities that are not state agencies are not subject to 5024/5024.5 requirements. Unlike CEQA, results of PRC 5024/5024.5 consultation with the SHPO are not disclosed to the public for review and comment.

#### **Comment A7-20**

##### *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.

#### Response A7-20

The comment identifies a typographical error. The text of Section 2.2.2, Background and Need for the Project," is hereby revised as follows:

... 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~~ east side of the Historic Capitol, resulting in the appearance of a single continuous building."

#### Comment A7-21

"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.

#### Response A7-21

Please see Master Responses 1, 2, and 3.

#### Comment A7-22

##### 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.

#### **Response A7-22**

Constitutionally the State must protect the Historic Capitol as well as comply with the requirements of CEQA for protection of historical resources. The temporary modifications necessary for project implementation would protect the historic values of the Capitol and the characteristics that contribute to its status as a cultural resource. Although use of some rooms would be changed, in many cases the interior of these rooms would stay completely intact. The statement that "no historic elements, corridors, or hallways would be altered" is meant to make a distinction between more "modern" elements of the building versus structural, ornamental, or other elements that are clearly associated with the historic building. For example, a wall installed in the modern area to separate a room into two workspaces could be removed, whereas a wall that was part of the original building construction could not be altered. Because the design has not progressed sufficiently to know the specific alterations needed, descriptive criteria distinguishing between what would be protected, and what would not, is provided in the EIR. For non-structure and easily movable items, such as historic furniture or paintings, if these must be moved, they would be properly stored during construction and reestablished in appropriate rooms after the project is operational. DGS will place a condition of approval on the Design Build Team to minimize impacts to the historic elements of the West Wing during the temporary uses while the Capitol Annex project is constructed and to restore moved historic elements in appropriate rooms of the Historic Capitol after project construction is complete.

#### **Comment A7-23**

*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?



### **Response A7-23**

The Recirculated Draft EIR evaluates a modified design for the visitor/welcome center relative to the approach evaluated in the Draft EIR and shown in this comment. The modified visitor/welcome center configuration more clearly aligns with the text identified in the comment, although the Draft EIR does provide a thorough and accurate description of the visitor/welcome center. Regarding the portion of the comment addressing impacts to Capitol Park, please see Master Response 6 as well as the modified text in Section 4.12 of the Recirculated Draft EIR addressing this issue.

### **Comment A7-24**

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.”

### **Response A7-24**

Please see Response A2-11 and Master Response 6. Also see the analysis of Impacts 4.15-1 and 4.15-2 in the Recirculated Draft EIR.

### **Comment A7-25**

#### *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.

### **Response A7-25**

Please see Master Responses 1, 2, and 3.

**Comment A7-26***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.

**Response A7-26**

Please see Master Response 5 as well as the analysis of the description and analysis of the modified Annex configuration provided in Chapter 2 of this Final EIR.

**Comment A7-27**

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.

**Response A7-27**

Please see Master Response 5.

**Comment A7-28**

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).

**Response A7-28**

Please see Master Responses 5 and 6. Also, as identified in the discussion of Impact 4.10-2 in the Draft EIR, the project would result in only small changes in the overall amount and location of impervious surface. Therefore, there would be little change in stormwater drainage and infiltration, and therefore little to no change in groundwater conditions below the project site due to "groundwater interruption." In addition, as identified in Master Response 5, DGS will adopt as a condition of approval that during project construction, landscape irrigation is maintained in portions of Capitol Park to be retained in current condition, such that, there would be no risk of harm related to reduced watering during project construction.

**Comment A7-29**

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.

**Response A7-29**

Please see Master Response 5.

**Comment A7-30**

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.

**Response A7-30**

Please also see Master Response 5.

**Comment A7-31**

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.

**Response A7-31**

Please see Master Responses 5 and 6, Please also see Mitigation Measure 4.12-4d, “Develop and Implement a Plan for Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials in Capitol Park,” which requires a report that: (a) identifies which of the commemorative trees, plantings, or other types of memorials (collectively referred to as “memorial”) located in Capitol Park require removal or that are located within 50 feet of construction activities, and (b) establishes specifications for protecting, restoring, and/or replacing these memorials within Capitol Park as close to their original location as feasible. In developing the report, DGS will direct that it prioritize protection in place over removal of each memorial planting or object.

**Comment A7-32*****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.

**Response A7-32**

Please see Master Response 4.

**Comment A7-33**

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.

**Response A7-33**

Please see Master Response 5. Also see Chapter 2 of this Final EIR where a modified underground parking location, with different entry/exit ramp locations on L Street and N Street, is described and evaluated. The design of these entry/exit ramps incorporates tree avoidance, and methods to replace/relocate perimeter palms that cannot be avoided are described.

**Comment A7-34**

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.

**Response A7-34**

See Chapter 2 of this Final EIR where a modified configuration for the underground entry/exit points is described, including security checkpoint features, and the environmental effects of this configuration are evaluated, including visual impacts and impacts on the historic landscape.

**Comment A7-35**

*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.

**Response A7-35**

Please see Master Responses 1, 2, 3, and 6.

**Comment A7-36**

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”

**Response A7-36**

Please see Master Response 2.

**Comment A7-37**

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.

**Response A7-37**

Please see Master Response 3.

**Comment A7-38**

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.

**Response A7-38**

Please see Master Responses 1, 2, and 3.

**Comment A7-39**

**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.

**Response A7-39**

The comment suggests a deficiency in the EIR cumulative impact analysis, but then suggests an evaluation of the historical landscape without identifying a nexus to the cumulative impact analysis. No specific deficiency in the cumulative impact analysis is identified that can be responded to. However, please see Master Response 6 regarding the issue of a historic landscape and Capitol Park.

**Comment A7-40**

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.

**Response A7-40**

Please see Master Response 4 as well as Response A2-11 in this chapter of the Final EIR.

**Comment A7-41**

*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.

**Response A7-41**

Please see Master Responses 1, 2, and 3.

**Comment A7-42**

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.

**Response A7-42**

Please see Master Response 1.

**Comment A7-43**

*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.

**Response A7-43**

Please see Response A2-11 in this chapter of Final EIR.

**Comment A7-44**

*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.

**Response A7-44**

The Draft EIR and Recirculated Draft EIR evaluate the impact of the project against baseline conditions, which are the physical environmental conditions of the site (the environmental setting) at the time of the Notice of Preparation (NOP) of the Draft EIR. The NOP was published on April 11, 2019. The Annex building and associated existing underground parking and visitor/welcome center were in place and operational at the time of the NOP. Impact 4.7-1 evaluates the project's energy consumption, including demolition, construction, and operation activities relative to baseline conditions. As stated therein, according to Appendix F of the State CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. All the electricity consumed during project operation would be provided by renewable energy sources managed by SMUD. The project would implement energy efficiency measures to meet LEED v4 Silver certification and exceed the 2019 California Energy Code by 15 percent, thereby providing a relatively energy-efficient development. For these reasons, the project would not result in a wasteful, inefficient, or unnecessary consumption of energy. Furthermore, CEQA statute does not require analysis of "lifecycle" emissions, that is, evaluating the energy inputs and outputs and associated emissions of every element of a project from fabrication, through life of use, to eventual disposal. Such an analysis, particularly for a multi-story office building, would involve a great deal of speculation. Finally, the rehabilitation alternatives considered would require virtually a complete reconstruction of the interior of the building to achieve project objectives. Embodied energy within the shell of the existing Annex is relatively small compared to the overall energy usage of a complete interior renovation, or demolition of the building and construction of a new building.

Also, please see Master Responses 1, 2, and 3.

**Comment A7-45**

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.

**Response A7-45**

As discussed in Impact 4.9-1 in the Draft EIR, construction of the proposed facilities would conform to the current CBC, which contains specifications to minimize adverse effects on structures caused by ground shaking from earthquakes and to minimize secondary seismic hazards (i.e., ground lurching, liquefaction). Through conformance with the CBC and implementation of site-specific engineering measures developed in compliance with these codes, development of the project would not result in exposure of people or structures (including the new structures connections with the Historic Capitol) to substantial adverse effects related to seismic hazards, nor would the project have the potential to exacerbate these hazards. As identified in Chapter 2 of this Final EIR, the modified Annex and underground parking configurations described and analyzed in that chapter do not result in a change to this impact conclusion.

**Comment A7-46**

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.

#### **Response A7-46**

Since publication of the Draft EIR, preconstruction testing for subsurface cultural resources has been conducted. This testing has included surveys by forensic canines, use of ground penetrating radar (GPR), and examination of soil cores extracted as part of geotechnical testing for project design. These testing efforts do not indicate the presence of subsurface cultural resources. These testing efforts were conducted as an outcome of consultation with four Native American Tribes as prescribed by Assembly Bill (AB) 52. The consulting Tribes have requested confidentiality regarding the AB 52 consultation; therefore, further details regarding the referenced testing is not provided here.

#### **Comment A7-47**

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

Again, leave out the word "Architectural".

#### **Response A7-47**

DGS hereby revises the term "historic architectural resources" to "historical resources" throughout the Final EIR.

#### **Comment A7-48**

*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.

#### **Response A7-48**

Mitigation Measure 4.12-4a has been updated in the Recirculated Draft EIR and addresses the topics and issues identified in the comment. Since publication of the Recirculated Draft EIR, Mitigation Measure 4.12-4a has been updated further to clarify details on implementation of the measure. The text of the updated Mitigation Measure is provided in Response A7-49 below and is the version of the measure that will be included in the Mitigation Monitoring and Reporting Program (MMRP).

#### **Comment A7-49**

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.

#### **Response A7-49**

The updated version of Mitigation Measure 4.12-4a identified in Response A7-48 is provided below. The purpose and use of the updated HSR is clarified in this version of the Mitigation Measure. Mitigation Measure 4.12-4e is referenced

in the text of Mitigation Measure 4.12-4a. Mitigation Measure 4.12-4e is titled "Develop and Implement a Plan for Protection, Monitoring, and Repairs for Inadvertent Damage to the Historic Capitol Building" and the most up to date version of this measure can also be found in Chapter 6 of this Final EIR. Please also see Master Responses 6 and 7.

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

The JRC will have historic preservation planners under contract including at least one of each of the following specialists: historical architect, materials conservation specialist, and architectural historian. The role of the historic preservation planners is to prepare an updated historic structure report (HSR) for the Historic Capitol and Annex, to provide baseline information for protection measures outlined in Mitigation Measure 4.12-4e, and to inform development of compatible new design for the Annex. The HSR shall be updated in accordance with NPS Preservation Brief 43 (The Preparation and Use of Historic Structure Reports) and include treatment measures that follow the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic Properties and the California State Historic Building Code (CHBC) as applicable. The HSR shall provide documentary and graphic information about the history and existing conditions of the Historic Capitol and Annex and identify historic preservation treatment objectives and requirements for the use of the buildings. The HSR shall record the buildings prior to initiation of any demolition, repairs, modifications, and/or renovations to ensure that the historical significance and condition of the buildings are considered in the development of proposed project. The HSR shall include an updated conditions assessment of the buildings to document current conditions of the character-defining features. The HSR shall also outline maintenance guidelines for the building.

DGS and the JRC will ensure that preservation treatment objectives for the buildings seek to meet all SOIS for character-defining features designated in the HSR. In instances when DGS and the JRC must address human safety issues not compatible with the SOIS, DGS and the JRC will utilize the CHBC to the extent feasible. The CHBC is defined in Sections 18950–18961 of Division 13, Part 2.7 of Health and Safety Code. The CHBC is a mechanism that provides alternative building regulations for permitting repairs, alterations, and additions to historic buildings and structures. These standards and regulations are intended to facilitate the rehabilitation and preservation of historic buildings. The CHBC proposes reasonable alternatives so that a property's fire protection, means of egress, accessibility, structural requirements, and methods of construction would not need to be modernized in a manner that compromises historic integrity. The CHBC is intended to allow continued, safe occupancy while protecting the historic fabric and character-defining features that give a property historic significance, thus promoting adherence to the SOIS. The CHBC recognizes that efforts to preserve the historic materials, features, and overall character of a historic property, at times, may be in conflict with the requirements of regular buildings codes. The Office of the State Fire Marshall has ultimate authority over building health and safety measures and may require use of the standard building code, rather than allowances provided by the CHBC, in some instances.

DGS and the JRC shall review and approve the HSR prior to the completion of schematic design and will use the HSR to guide the design of the Annex and ensure that the HSR's historic preservation objectives and treatment requirements for the Historic Capitol are incorporated into the design. DGS and the JRC may consult with staff preservation architects within the Architectural Review and Environmental Compliance Unit of the State Office of Historic Preservation for additional guidance as needed.

**Comment A7-50**

*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.

### **Response A7-50**

Please see Master Responses 5 and 6. In addition, the most up to date version of Mitigation Measure 4.12-4d is provided below. This is the same version included in Chapter 6 of this Final EIR. The text in this updated version is responsive to the issues identified in the comment. Mitigation Measure 4.12-4b is referenced in the text of Mitigation Measure 4.12-4d. Mitigation Measure 4.12-4b is titled "Conduct Architectural and Landscape Salvage" and the most up to date version of this measure can also be found in Chapter 6 of this Final EIR.

#### **Mitigation Measure 4.12-4d: Develop and Implement a Landscape Treatment Report for Capitol Park including Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials**

As part of the project, DGS and the JRC shall facilitate the development of a landscape treatment report that: (a) identifies which of the contributing landscape features located in Capitol Park require removal or that are located within the zone of potential damage from construction activities, (b) establishes specifications for protecting, restoring, replacing and/or relocating contributing landscape features within Capitol Park, consistent with the salvage plan identified in Mitigation Measure 4.12-4b, as close to their original location as feasible or to a compatible location within the park, (c) establishes guidelines for the protection of contributing landscape features, including detailed guidance for the treatment of contributing memorials and trees to ensure that construction, grading, and vibration does not cause damage to features within the zone of potential damage from construction activities, and (d) identifies the distance threshold at which construction activities have the potential to damage contributing landscape features, noting that this threshold may differ by feature type (i.e. trees vs. memorials).

The JRC shall bring at least one of each of the following specialists under contract as part of the Architect's team: landscape historian, arborist, and landscape architect with experience in cultural landscape treatment. The role of the landscape historian, arborist and landscape architect are to prepare a landscape treatment report for Capitol Park in accordance with Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. The landscape treatment report shall provide an existing conditions analysis of Capitol Park to establish baseline conditions of trees, plantings, memorials, and contributing landscape features prior to the commencement of any demolition or construction of the proposed project. The report shall also outline preservation objectives and treatment guidelines for the protection, rehabilitation, restoration, relocation and/or replacement of contributing features of Capitol Park. The landscape treatment report is not equivalent to a master plan and will not specify future design.

In developing the report, DGS and the JRC will prioritize protection in place over removal of contributing landscape features. Where protection, preservation, or in-kind replacement of contributing landscape features is not feasible, guidelines for compatible design options that comply with the Secretary of the Interior's Standards for Rehabilitation will be included. For each memorial (including commemorative trees, plantings, statues, or other types of memorials) where removal is necessary, DGS or the JRC will consult with individuals or groups who are affiliated with that memorial (such as the original sponsoring organization or the individual or group that is the subject of the memorial) to identify a mutually agreeable treatment for the memorial. Treatments may include relocation of the memorial to a new location as close as possible to the original location after project construction is complete, relocation of the original memorial to a new location within Capitol Park, complete removal of the original memorial and replacement "in-kind" with the same type/species or materials, or complete removal of the original memorial and replacement with a



mutually acceptable new memorial. DGS and the JRC shall review and approve the draft landscape treatment report prior to the completion of schematic design for the first project component to be implemented. DGS and the JRC shall review and approve the final landscape treatment report prior to the completion of the 50% design development phase. DGS, the JRC, and the design team will use the report to ensure that the landscape treatment report's historic preservation objectives and treatment recommendations are incorporated into the design for the Annex and Capitol Park.

**Comment A7-51**

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.

**Response A7-51**

Please see Master Responses 5 and 6.

**Comment A7-52**

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.

**Response A7-52**

Please see Master Responses 5 and 6.

**Comment A7-53**

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- foot 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?

**Response A7-53**

Please see Response A2-11 as well as the description of the visitor/welcome center provided in Chapter 3 of the Recirculated Draft EIR. Although now a moot point with the modified design of the visitor/welcome center described and evaluated in the Recirculated Draft EIR, the comment provides no evidence to support the opinion that Mitigation Measure 4.14-1 is insufficient to reduce Impact 4.14-1 to a less than significant level.

**Comment A7-54**

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.

**Response A7-54**

Please see Response A2-11. Also see Master Response 6 regarding the topic of a Historic Landscape Report

**Comment A7-55**

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.

**Response A7-55**

The comment requests consideration of other comments provided elsewhere in this letter. Responses have been provided to all comments in this letter. No further response is necessary here.

**Comment A7-56**

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.

**Response A7-56**

The comment identifies a typographical error. The text on page 3-1 of the Recirculated Draft EIR, under Section 3.1, "Project Background and Need," is hereby revised as follows:

The historical portion of the Capitol Building, referred to as the "Capitol" or "Historic Capitol" began construction in 1860 and was completed in 1874, originally housing all branches of government: executive (Governor and other elected State officers), legislative (Senate and Assembly), and judicial (California Supreme Court), as well as the state library and archives. 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~~ east side of the Historic Capitol, resulting in the appearance of a single continuous building.

**Comment A7-57**

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.

**Response A7-57**

Please see Master Responses 1, 2, and 3.

**Comment A7-58**

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?

**Response A7-58**

As stated in Section 3.4.4 of the Recirculated Draft EIR, and also as described in Chapter 2 of this Final EIR, "Project Modifications," before closure of the existing Annex in preparation for its demolition, the existing north and south entrances of the Historic Capitol would be established as temporary entrances/exits. Temporary ramps would be constructed at the steps to provide ADA access and portable security screening equipment may be placed near the

doorways. After the construction of the new Annex is complete, the temporary modifications to the north and south entrances would be removed.

DGS will place a condition of approval on the Design Build Team to remove and temporarily store the historic doors of the north and south entrances of the Historic Capitol to protect them from damage due to overuse during the Capitol Annex Project construction period. The condition of approval will specify that the historic doors shall be replaced on the north and south entrances of the Historic Capitol after project construction is complete and those doors are no longer in primary use.

**Comment A7-59**

*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?

**Response A7-59**

See Response A7-52 above. DGS will place a condition of approval on the Design Build Team to minimize impacts to the historic elements of the West Wing during the temporary uses while the Capitol Annex project is constructed and to restore historic furniture in appropriate rooms of the Historic Capitol after project construction is complete. Also see Chapter of this Final EIR for further information on activities in the Historic Capitol and an assessment of potential environmental effects.

**Comment A7-60**

*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?

**Response A7-60**

Please see pages 3-9 and 3-10 of the Recirculated Draft EIR, which states:

... The upper plaza would also include a large glass skylight providing light to the underground portion of the visitor/welcome center and allowing individuals in the visitor/welcome center to have a clear view of the Historic Capitol dome as they move through the center. The skylight glass on the upper plaza would extend above ground level and would be constructed to prevent individuals from walking on the skylight surface, including the potential for a railing surrounding the skylight. A safety railing would also be located on the west edge of the upper plaza to prevent individuals from falling from the upper plaza down to the lower plaza. ...

Please see Section 4.15 of the Recirculated Draft EIR, Impacts 4.15-1 and 4.15-2, which discuss the modified visitor/welcome center design. As discussed therein, the modified visitor/welcome center would not have a significant adverse effect on views of the Historic Capitol, an identified scenic vista, and would not conflict with applicable zoning or other regulations governing scenic quality, including the Capitol View Protection Act and the CAP, because it would not detract from the visual prominence of the Historic Capitol.

**Comment A7-61**

*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?

**Response A7-61**

Please see Master Response 5.

**Comment A7-62**

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.

**Response A7-62**

Please see Master Responses 5 and 6 regarding trees and the historic landscape. Please see Master Responses 1, 2, and 3 regarding consideration of additional alternatives.

**Comment A7-63**

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.

**Response A7-63**

See Master Responses 4 and 5.

**Comment A7-64**

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

**Response A7-64**

Please see Master Response 5. Also see Chapter 2 of this Final EIR where a modified underground parking location, with different entry/exit ramp locations on L Street and N Street, and security checkpoint features, is described and evaluated. The environmental effects evaluated in Chapter 2 include visual impacts and impacts on the historic landscape. The design of these entry/exit ramps incorporates tree avoidance and methods to replace/relocate perimeter palms that cannot be avoided.

**Comment A7-65**

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?

**Response A7-65**

The text of Section 3.4.12 was revised in the Recirculated Draft EIR, as follows:

Implementation of Capitol Annex Project would require minor modifications to the Historic Capitol (beyond any modifications to connect the new Annex to the Historic Capitol). For example, the foundation would be "penetrated" to allow the visitor/welcome center, the underground parking garage, and the new mechanical equipment vault to connect to the Historic Capitol basement. There is currently a basement connection between the existing Annex and the Historic Capitol and a similar basement connection would be provided for the new Annex. Some existing facilities in the basement, such as the gift shop and interpretive features, would be moved or enhanced to better integrate with the visitor/welcome center displays and educational functions. As excavations and construction in and around the Historic Capitol foundation are undertaken, the opportunity to implement seismic retrofits or other actions to reinforce the Historic Capitol foundation may be completed. Other activities at the Historic Capitol could include minor repairs, cleaning, adjustments to mechanical functions such as heating/cooling/ventilation systems and elevators.

**Comment A7-66***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.

**Response A7-66**

Figure 4.2-1 has been updated and a new version is provided in Chapter 6 of this Final EIR.

**Comment A7-67**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?

**Response A7-67**

Please see Section 4.12 of the Recirculated Draft EIR. Please also see Master Response 6.

**Comment A7-68**

- ▶ 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.

**Response A7-68**

Please see Response A2-11.

**Comment A7-69**

*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.

**Response A7-69**

Please see Master Responses 4 and 5.

**Comment A7-70**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.

**Response A7-70**

Section 4.2 of the EIR is focuses on Land Use and Section 4.2.2 describes land uses at and surrounding the project site. The intent of this section is not to identify the historic significance of any particular building or facility. Please see Section 4.12 of the Draft EIR for discussion of historic resources.

**Comment A7-71**

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.

**Response A7-71**

Please see Response A2-11.

**Comment A7-72**

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.

**Response A7-72**

Please see Master Response 5.

**Comment A7-73**

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.

**Response A7-73**

DGS recognizes that the CHBC addresses seismic safety and structural design matters relative to historical buildings and sites. However, this issue is not relevant to the assessment of seismic safety of the proposed project. Seismic safety is also not an issue that affects alternatives that include retention of the existing Annex building (see Sections 7.4.2 and 7.4.3 of the Recirculated Draft EIR). Seismic risk for the alternatives is identified as being the same as for the proposed project.

**Comment A7-74**

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.

**Response A7-74**

Please see Response A7-46 and Master Responses 6 and 7.

**Comment A7-75**

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.

**Response A7-75**

DGS hereby revises the term "historic architectural resources" to "historical resources" throughout the Final EIR.

Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources (Revised)," includes evaluation of potential impacts to cultural landscape, which is defined as a geographic area (including both cultural and natural resources and the wildlife therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Please see revised Impact 4.12-4, "Potential for Impacts on ~~Historic Architectural~~ Resources."

Please also see Master Responses 6 and 7.

**Comment A7-76**

*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.

**Response A7-76**

There is not a federal nexus initiating the Section 106 process. However, the technical studies that, in part, inform the CEQA analysis operate under the NHPA regulatory framework. In addition, Section 106 provides context for historical resources in the study area that have registration status at the federal level (NRHP), such as the State Capitol Complex, the Capitol Extension Group, and the California State Government Building District. The reference to Section 106 in Section 4.12 of the Draft EIR is appropriate because the project affects historic resources listed in the NRHP, which must be evaluated under CEQA. The Draft EIR and Recirculated Draft EIR both provide the information requested in the comment. Each of the resources listed in Table 4.12-1 is described further in text following the table, including the listing status in the NRHP and whether the resource qualifies as a CEQA historical resource.

**Comment A7-77**

*California **State** Historical Building Code*

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



**Response A7-77**

The text on page 4.12-5 of the Recirculated Draft EIR is hereby revised as follows:

California ~~State~~ Historical Building Code

**Comment A7-78**

*HISTORIC ARCHITECTURAL RESOURCES STUDY AREA*

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

**Response A7-78**

DGS hereby revises the term "historic architectural resources" to "historical resources" throughout the Final EIR.

**Comment A7-79**

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.

**Response A7-79**

Please see the text on page 4.12-16 of the Recirculated Draft EIR, which reads as follows:

## **HISTORIC ARCHITECTURAL RESOURCES STUDY AREA AND METHODOLOGY**

The study area for the historic architecture evaluation (Figure 4.12-2) encompasses one built-environment resource consisting of the State Capitol Complex (Historic Capitol, Annex, Capitol Park, and the Insectary) and one historic district, the California State Government Building District (CSGBD) (Table 4.12-1). The study area was drawn to account for potential direct and indirect impacts resulting from the proposed project. ICF architectural historians exceeding the Secretary of the Interior's Professional Qualification Standards in the areas of history and architectural history conducted analysis and survey. The methodology for conducting the analysis of the resources in the study area included field observation conducted on July 2, July 10, December 2, and December 3, 2019. These field visits included photodocumentation and notation of alterations. Additional research included conversations with DGS staff and review of primary and secondary sources at the California History Room of the California State Library, the Government Publications Unit of the California State Library, the California State Archives, and the California Historical Society. Additionally, online and digital archival materials accessed through the Online Archive of California, the Center for Sacramento History, Library of Congress, Internet Archive, Sacramento Public Library, newspaper archives, digital Sanborn Maps, and historic aerial images provided additional context on the data gathered from reviewing the physical collections.

**Comment A7-80**

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?

**Response A7-80**

The California State Government Building Historic District (referenced in the comment as "Art Deco District") and a portion of Capitol Mall are both included on the Master List of State-owned properties and eligible for listing in the NRHP. Both resources are included in the Study Area depicted on Figure 4.12-2 of the Draft EIR and in the Recirculated Draft and are evaluated in both documents. The methods for selecting the boundary of the study area are described in the Draft EIR, and further elaborated on in the Recirculated Draft EIR. As indicated in these documents "The study area was drawn to account for potential direct and indirect impacts resulting the proposed project."

**Comment A7-81**

*HISTORICAL RESOURCES*

### *State Capitol Complex*

Note the first paragraph, 2nd sentence, specifically mentions the National Register of Historic Places listing including its *"...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.

#### **Response A7-81**

Please see Master Response 6 and the additional landscape analysis provided in Section 4.12 of the Recirculated Draft EIR.

#### **Comment A7-82**

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.

#### **Response A7-82**

Please see Response A2-10.

#### **Comment A7-83**

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

#### **Response A7-83**

Mitigation Measure 4.12-4a calls for such an evaluation of interior spaces in the form of an updated HSR. See the most up to date text for Mitigation Measure 4.12-4a in Chapter 6 of this Final EIR, "Revisions to the Draft EIR and Recirculated Draft EIR." Please see Master Response 7 regarding issues of timing of data collection and adequacy of CEQA impact analyses.

#### **Comment A7-84**

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."*

#### **Response A7-84**

The Recirculated Draft EIR included revisions to Section 4.12, which removed the term "evolving landscape." Impact 4.12-4 of the Recirculated Draft EIR addressed the project's potential to alter historic landscape features of the West Lawn of Capitol Park and as stated in Master Response 6, qualified practitioners have prepared a comprehensive historic landscape evaluation of Capitol Park that has been considered in preparation of the EIR.

**Comment A7-85**

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

**Response A7-85**

The comment provides no evidence as to why the impact analysis in the EIR is insufficient without the suggested information. The EIR evaluates the direct and indirect effects of the proposed project on the Capitol Extension Group in the Section 4.12. As indicated in the discussion of Impact 4.12-4 in the Recirculated Draft EIR, and as supplemented by the evaluation of project modifications provided in Chapter 2 of this Final EIR, the proposed project would have a less than significant impact on the Capitol Extension Group. With no direct effects on the Capitol Extension group resulting from the proposed project, there would be no alterations to any landscape or site design features of the Capitol Extension Group. Further environmental setting information on the Capitol Extension Group beyond what is already provided in the EIR is not needed to provide an adequate analysis of impacts on this resource.

**Comment A7-86**

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.

**Response A7-86**

Please see Master Responses 5 and 6 and Response A7-85 above. In addition, cumulative impacts on the State Capitol Complex, including Capitol Park, are addressed in Section 5.3.11 of the Draft EIR. The revised analysis of cumulative impacts to the State Capitol Complex as a result of the modified visitor/welcome center are included in Chapter 5 of the Recirculated Draft EIR.

**Comment A7-87***Mitigation Measures*

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

**Response A7-87**

Please see Response A7-46 above regarding testing.

**Comment A7-88**

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.

**Response A7-88**

DGS hereby revises the term "historic architectural resources" to "historical resources" throughout the Final EIR.

Please see Master Response 6.

**Comment A7-89**

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.

**Response A7-89**

Cumulative impacts on the State Capitol Complex, including Capitol Park, are addressed in Section 5.3.11 of the Draft EIR. Revised analysis of cumulative impacts to the State Capitol Complex as a result of the modified visitor/welcome center are also included in Chapter 5 of the Recirculated Draft EIR.

**Comment A7-90**

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?

**Response A7-90**

There is an existing Historic Structure Report (HSR) (Dreyfuss & Blackford Architects and Page & Turnbull 2006) previously prepared as part of the 2006 State Capitol Infrastructure Study. This HSR provides a thorough conditions assessment and treatment recommendations, which inform the project design and serve to minimize impact to the resource. Much of the environmental setting and evaluation pertaining to historical resources in Section 4.12 of the Draft EIR comes from supporting technical documents, including the 2006 State Capitol Infrastructure Study and associated HSR.

Also see Responses A7-48 and A7-49 above and Master Responses 6 and 7.

**Comment A7-91**

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.

**Response A7-91**

Please see Master Responses 4, 5, and 6.

**Comment A7-92**

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?

**Response A7-92**

See Master Responses 4 and 5.

**Comment A7-93**

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.

**Response A7-93**

Please see Response A2-11 in this Chapter of the Final EIR.

**Comment A7-94**

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.

**Response A7-94**

Please see Response A2-11 in this Chapter of the Final EIR.

**Comment A7-95**

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.

**Response A7-95**

Please see the discussion of Impact 4.15-2 as revised in the Recirculated Draft EIR, which addresses the modified visitor/welcome center design. Please also see Master Responses 4 and 5.

**Comment A7-96**

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.

**Response A7-96**

Please see Master Response 5 and 6 as well as the updated cumulative impact analysis provided in Chapter 5 of the Recirculated Draft EIR.

**Comment A7-97**

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

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

**Response A7-97**

DGS hereby revises the term "historic architectural resources" to "historical resources" throughout the Final EIR.

**Comment A7-98**

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.

**Response A7-98**

Please see Master Responses 1, 2 and 3.

**Comment A7-99**

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.

**Response A7-99**

Please see Master Responses 2 and 3.

**Comment A7-100**

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.

**Response A7-100**

Please see Response A2-11.

**Comment A7-101**

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:

**Response A7-101**

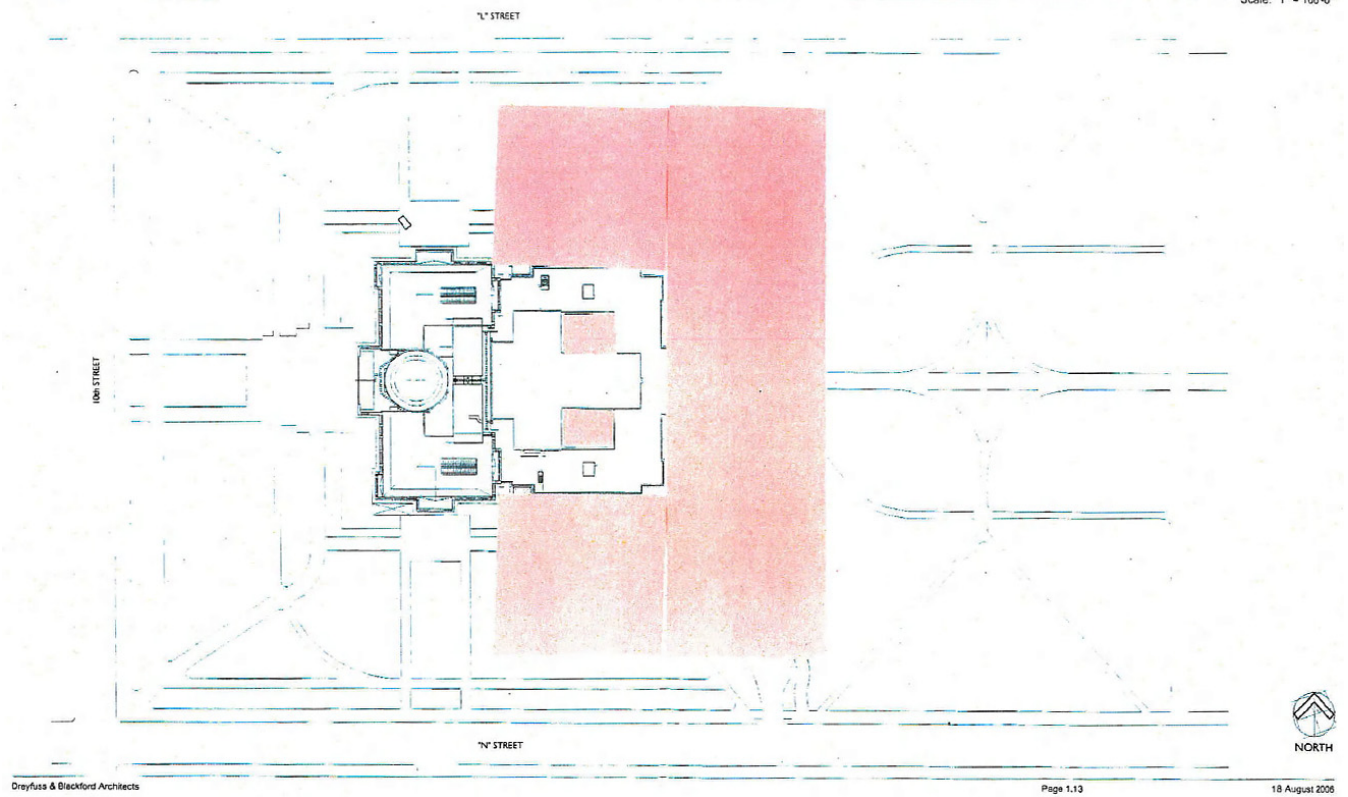
Please see Master Responses 1, 2, and 3. Also see the description and analysis of modified, and more detailed, designs for the Annex and underground parking provided in Chapter 2 of this Final EIR,

**Comment A7-102**

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

1.5 BUILDING PLANS

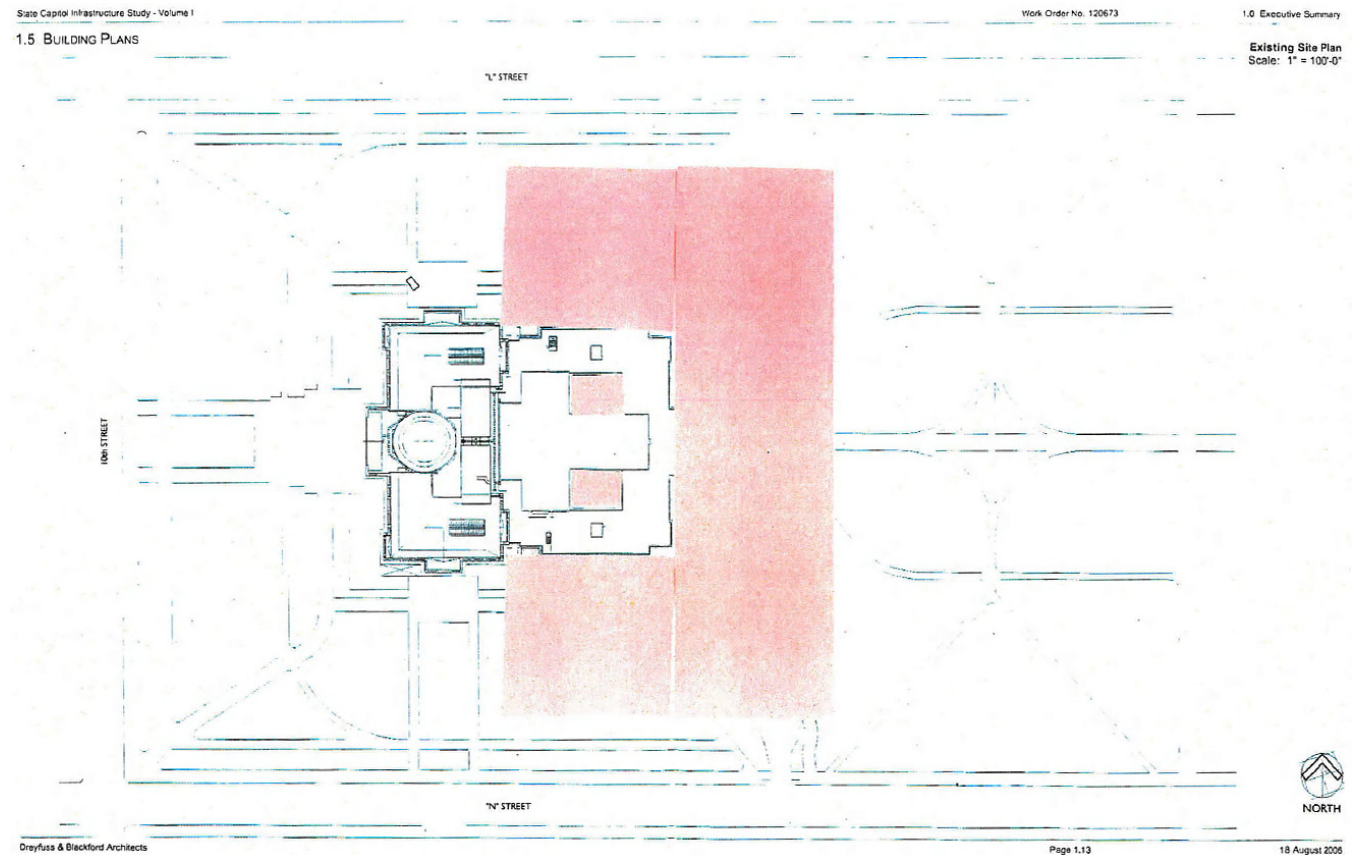
Existing Site Plan  
Scale: 1" = 100'-0"



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.



## 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.

**Response A7-102**

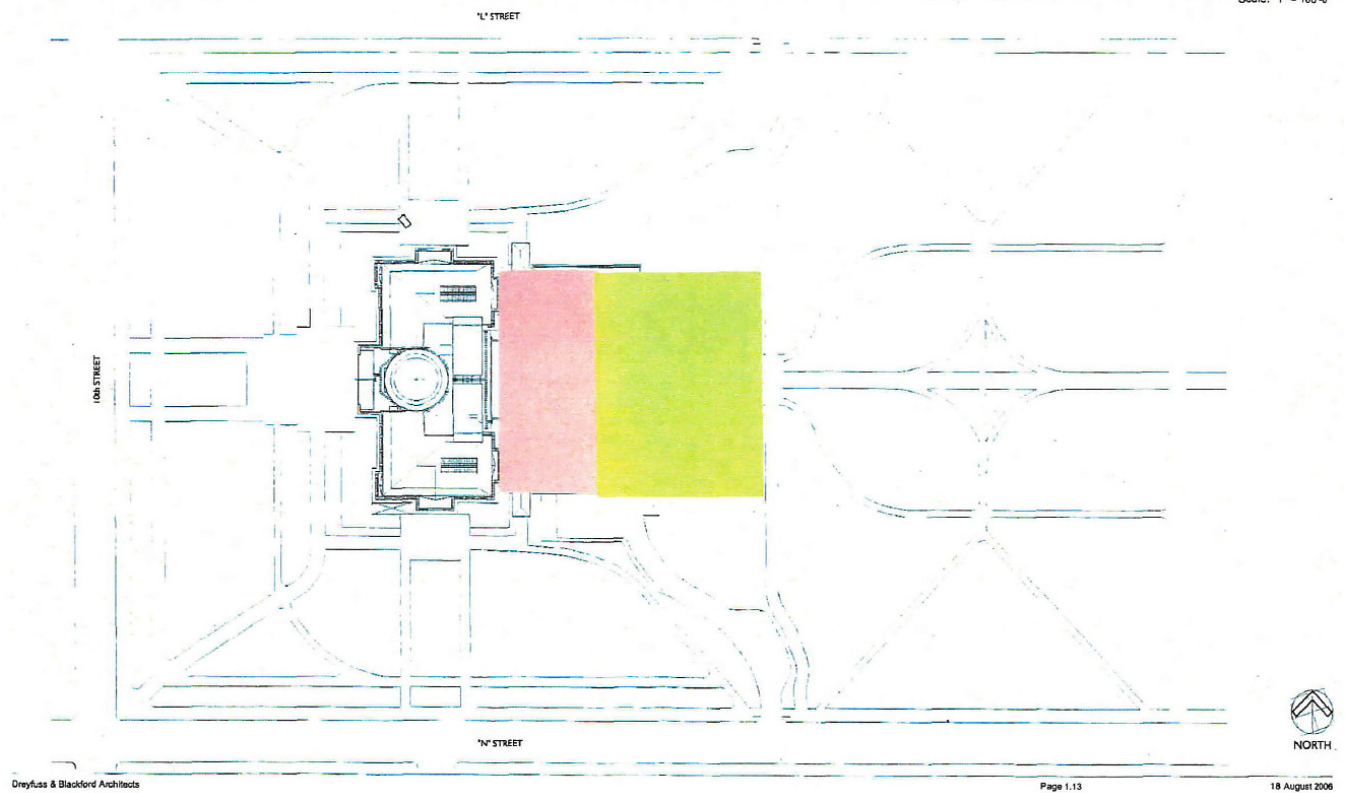
Please see Master Response 2.

**Comment A7-103**

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

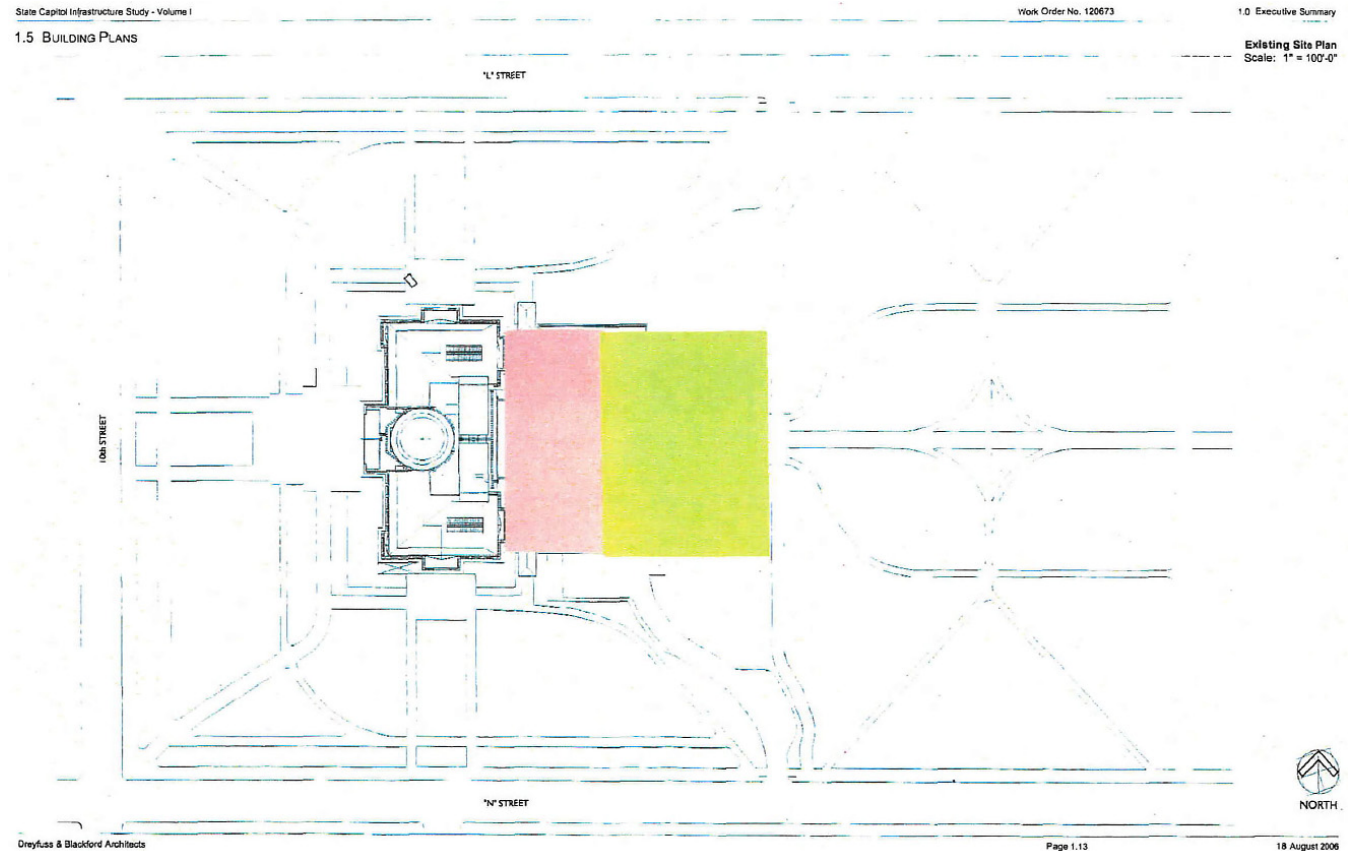
1.5 BUILDING PLANS

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.

**Response A7-103**

Please see Master Response 3.

**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

**Comment A8-1**

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.

**Response A8-1**

DGS appreciates Sac Metro's review and input. Please see Responses A8-2 through A8-7, below.

**Comment A8-2**

*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 NO<sub>x</sub>, 80 lb/day or 14.6 tons/year for PM<sub>10</sub>, and 82 lb/day or 15 tons/year for PM<sub>2.5</sub>.

Due to the nonattainment status of the Sacramento air basin with respect to ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, the Sac Metro Air District recommends that all projects with construction activities implement a set of Basic Construction Emission Control Practices 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 PM<sub>10</sub> and PM<sub>2.5</sub> 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.

**Response A8-2**

As disclosed in Impact 4.5-1 in the Draft EIR, construction activities would not result in emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> that would exceed SMAQMD-recommended thresholds. The project modifications related to the visitor/welcome center evaluated in the Recirculated Draft EIR do not alter these conclusions (see Section 2.3 "Air Quality" in Appendix B of the Recirculated Draft EIR). The project modifications described and evaluated in Chapter 2 of this Final EIR also do not alter these air quality impact conclusions (see Section 2.2, "Evaluation of Project Modifications"). Therefore, construction-generated emissions of criteria air pollutants or precursors would not contribute substantially to the nonattainment status of the SVAB for ozone with respect to the CAAQS and NAAQS, PM<sub>10</sub> with respect to the CAAQS, and PM<sub>2.5</sub> with respect to the NAAQS. Nonetheless, DGS will establish conditions of approval for the project that require implementation of SMAQMD's basic construction emission control practices throughout the construction period for the Capitol Annex Project, as follows:

- ▶ Control of fugitive dust (required by District Rule 403 and enforced by District staff).
- ▶ Water all exposed surfaces two times daily minimum, or as required due to site conditions. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- ▶ Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- ▶ Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- ▶ Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- ▶ All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

DGS recognizes that California regulations limit idling from both on-road and off-road diesel-powered equipment. The California Air Resources Board (CARB) enforces idling limitations and compliance with diesel fleet regulations. Therefore, the following exhaust emission controls from diesel powered fleets working at the construction site would also be made conditions of approval for the project:

- ▶ Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- ▶ Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1].

Additionally, although not required by local or state regulation, DGS would require the construction contractors to:

- ▶ Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

### Comment A8-3

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

### Response A8-3

The comment correctly summarizes information from the Draft EIR. As stated in Response A8-2, project modifications described and evaluated in the Recirculated Draft EIR and this Final EIR do not alter this conclusion.

### Comment A8-4

**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.

### Response A8-4

As stated on page 3-16 and discussed in Impact 4.4-5, "Construction-Related Impacts," of the Recirculated Draft EIR, in accordance with Section 12.20.20 of the Sacramento City Code, DGS and the JRC or their selected contractors would prepare a construction traffic management plan, which is subject to approval by the City of Sacramento Traffic Engineer and subject to review by all affected agencies, including California Highway Patrol and City of Sacramento Fire and Police Departments. The plan would be designed to ensure acceptable operating conditions on local roadways, pedestrian and bicycle facilities, and transit studied as a part of this EIR and affected by construction traffic. At a minimum, the plan shall include a:

- ▶ description of the proposed work area and phases of traffic control;
- ▶ description of trucks, including number and size of trucks per day, expected arrival and departure times, and truck circulation patterns;
- ▶ description of right-of-way (vehicular, bicycle, and pedestrian facility) closures, including duration, advance warning and posted signage, detour routes, safe and efficient access routes for emergency vehicles, and use of manual traffic control; and
- ▶ description of a driveway access plan, including provisions for safe vehicular, pedestrian, and bicycle travel; minimum distance from any open trench; special signage; and private vehicle accesses.

A copy of the construction traffic management plan shall be submitted to local emergency response agencies and transit providers, and these agencies shall be notified at least 30 days before the commencement of construction that would partially or fully obstruct roadways. The project site is located within the downtown street grid; therefore, various alternative vehicle, pedestrian, and bicycle routes are available to access the project area and nearby locations in response to temporary access disruptions during construction. There are no transit stops that would be affected by anticipated travel lane and sidewalk closures. There is a bus stop on L Street near the project site; however, the stop is on the north side of L Street, on the opposite side of L Street from where a sidewalk closure may occur. The project modifications evaluated in Chapter 2 of this Final EIR do not alter this response.

### Comment A8-5

District staff notes that the project includes a planned closure of N street to motor-vehicle traffic during the daytime from approximately the first quarter of 2022 to the third quarter of 2025, 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.

**Response A8-5**

Please see Response A8-4, above. Also, as described in in the EIR, much of the north side of N St., including vehicle lanes, parking, sidewalks, and the Capitol Park perimeter pathway will be closed during portions of project construction. As identified in the comment, there are anticipated to also be periods during the day when remaining vehicle lanes will also be closed. This is a security measure and all vehicles that would normally use a car travel lane will be prohibited during these street closure periods. However, existing opportunities for all authorized modes of travel to use the south sidewalk will continue.

**Comment A8-6***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.

**Response A8-6**

The State will consider Sac Metro's design recommendations for the Capitol Annex Project and convey these recommendations to the design teams as desirable amenities for each phase of the project. However, some recommendations may conflict with other obligations to retain, or return, Capitol Park as close as possible to existing conditions to minimize effects on historic resources. In these circumstances, preservation of historic resources will likely take priority. It should be noted that electric vehicle charging stations would be available in the new underground parking garage in numbers that meet or exceed minimum building code standards. Also, the parking garage is not intended for general employee use, but would replace underground parking for the Legislature, executive branch, and selected staff currently provided under the existing Annex.

**Comment A8-7**

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](http://www.airquality.org) or by calling 916-874-4800.

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

**Response A8-7**

DGS appreciates Sac Metro Air District's input. The State and the project planners and engineers will work with the District to ensure current rules are complied with and that any necessary permitting is obtained for the project.

## Letter A9 City of Sacramento

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

### Comment A9-1

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.

### Response A9-1

Please see Master Responses 5 and 6 in Chapter 3 of this Final EIR, "Master Responses to Comments On the Draft EIR and Recirculated Draft EIR."

### Comment A9-2

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 archaeological 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.

### Response A9-2

Please see Master Responses 5 and 6 in Chapter 3.

## Letter A10 Shingle Springs Band of Miwok Indians

Chairwoman Regina Cuellar  
October 28, 2019

*At the request of the Native American Tribes participating in consultation with the California Department of General Services (DGS) pursuant to Assembly Bill (AB) 52, all Tribal correspondence, including comments on the Environmental Impact Report (EIR), are considered confidential. This approach is consistent with the guidance on confidentiality during Tribal consultation provided in Public Resources Code (PRC) Section 21082.3(c). Consistent with PRC 21082.3(c), comment letters from consulting Native American Tribes and responses to those comments are included in a confidential appendix to this Final EIR (Appendix D). Requests for access to this confidential appendix by qualified reviewers can be directed to Stephanie Coleman, Department of General Services, Environmental Services Unit Section; Email: [environmental@dgs.ca.gov](mailto:environmental@dgs.ca.gov); Mailing Address: P.O. Box 989052, West Sacramento, CA 95798; Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605. DGS will then lead coordination with the consulting Tribes regarding the request for access to the confidential appendix.*



## ORGANIZATIONS

### Letter O1 Sacramento Modern (SacMod)

Gretchen Steinberg, President

October 24, 2019

#### Comment O1-1

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.

#### Response O1-1

DGS appreciates SacMod's input on the Capitol Annex Project. The comment provides an introductory statement, and no further response is necessary.

#### Comment O1-2

##### 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.

#### Response O1-2

As stated on page 4.12-30 of the Recirculated Draft EIR, DGS acknowledges and discloses that although it was built later than the original 1874 Historic Capitol building, the NRHP-listed historical resource recognizes the significant contribution of the Annex to the State Capitol Complex. The State Capitol Complex consists of the Historic Capitol Building, the Annex, Capitol Park, and the Insectary, and the Annex contributes to the significance of the Complex.

#### Comment O1-3

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.

#### **Response O1-3**

DGS appreciates SacMod’s input on the history and attributes of the Annex. The comment does not address the analysis or conclusions in the EIR. No further response is necessary.

#### **Comment O1-4**

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.

#### **Response O1-4**

Please see Impact 4.12-4 of the Recirculated Draft EIR and Mitigation Measures 4.12-4a through 4.12-4e, which would help to reduce impacts and compensate for those impacts that cannot be avoided by ensuring preservation treatments, preparing an updated Historic Structures Report for the Annex, preparing and implementing a detailed salvage plan, development of an interpretive program, and ensuring protection of the Capitol Complex. However, even after application of these mitigation measures, this impact would remain significant and unavoidable because the Capitol Annex, which represents a component of the NRHP-listed Capitol Complex, would be removed. Also see Master Response 7 in Chapter 3 of this Final EIR.

#### **Comment O1-5**

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.

#### **Response O1-5**

DGS appreciates SacMod’s input on the history and attributes of the Annex. The comment does not address the analysis or conclusions in the EIR. No further response is necessary.

#### **Comment O1-6**

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).

#### **Response O1-6**

Please see Responses to California Historic State Capitol Commission comments in letters A2, A4, and A7 and Public Hearing Comments PH3 through PH20.

**Comment O1-7**

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."

**Response O1-7**

DGS appreciates SacMod's input on the history and attributes of the Annex. The comment does not address the analysis or conclusions in the EIR. No further response is necessary.

**Comment O1-8****Capitol Park is Also a Significant Historic and Cultural Resource****Response O1-8**

As stated in Response O1-2, the State Capitol Complex consists of the Historic Capitol Building, the Annex, Capitol Park, and the Insectary. Therefore, Capitol Park contributes to the significance of the Complex. Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources (Revised)," includes evaluation of potential impacts to the cultural landscape, which is defined as a geographic area (including both cultural and natural resources and the wildlife therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Capitol Park is a key component of the cultural landscape in the project area. Please see revised Impact 4.12-4, "Potential for Impacts on Historic Architectural Resources," which addresses impacts to the historic integrity of Capitol Park. Please also see Master Response 6.

**Comment O1-9**

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 plant life. 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 plant life native to their homeland. Capitol Park stands as one of the finest collections of plant life 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 plant life 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 plant life, 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.

### **Response O1-9**

DGS appreciates SacMod’s input on the history and attributes of Capitol Park. The comment does not address the analysis or conclusions in the EIR. No further response is necessary.

**Comment O1-10****Sustainability, Adaptive Reuse, and Rehabilitation Alternatives Exist and Should Be Fully Considered****Response O1-10**

Please see Master Responses 1 through 3.

**Comment O1-11**

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.

**Response O1-11**

Please see Impact 4.12-4 of the Recirculated Draft EIR and Mitigation Measures 4.12-4a through 4.12-4e. These mitigation measures would reduce impacts and compensate for those impacts that cannot be avoided by ensuring preservation treatments, preparing and implementing a detailed salvage plan, development of an interpretive program, and ensuring protection of Capitol Park resources and the Historic Capitol. In particular, Mitigation Measure 4.12-4b, "Conduct Architectural and Landscape Salvage," states:

Because a major component of the Capitol Annex Project is the demolition of a historical resource, the Annex, DGS and the JRC will seek feasible means for salvaging the building's character-defining architectural features. Additionally, because the construction of the visitor/welcome center would demolish a portion of the West Lawn, a historical resource, DGS and JRC will seek feasible means for salvaging character-defining features, including but not limited to the granite pillars and acorn-style light standards. The architectural and landscape salvage shall be incorporated into either the design of the new project proposed at the site or the interpretive program that would be developed under Mitigation Measure 4.12-4c. DGS and the JRC will determine which elements should be salvaged. If reuse of salvaged elements in either the design of the new building or in an interpretive program proves infeasible or otherwise undesirable, as determined by DGS and the JRC, DGS and the JRC will attempt to donate the elements to an appropriate historical or arts organization. DGS and the JRC, or consultants that meet the SOIS professional qualifications standards (SOIS-qualified consultants), shall ensure that a detailed salvage plan is provided before any demolition, site, or construction permit is issued for the project.

Regarding the concept of retaining portions of exterior Annex walls in their current location, see Master Responses 1, 2, and 3.

**Comment O1-12**

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.

**Response O1-12**

Please see Chapter 7, "Alternatives," in the Draft EIR and Master Responses 1, 2, 3, and 6.

**Comment O1-13**

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.

**Response O1-13**

Please see Chapter 7, "Alternatives," in the Draft EIR and Master Responses 1, 2, and 3.

**Comment O1-14**

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.

**Response O1-14**

Please see Chapter 7, "Alternatives," in the Draft EIR and Master Responses 1, 2, and 3.

**Comment O1-15**

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.

**Response O1-15**

Please see Master Responses 5 and 6 and Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources (Revised)," in the Recirculated Draft EIR, particularly Impact 4.12-4 and Mitigation Measures 4.12-4a through 4.12-4e. Specifically, Mitigation Measure 4.12-4d requires the development and implementation of a report that directs the protection, restoration, or replacement of commemorative trees, plantings, or other memorials in Capitol Park. Potential impacts to archaeological sites from project implementation are fully analyzed in Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources (Revised)", in the Recirculated Draft EIR.

**Comment O1-16**

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.).

**Response O1-16**

The items listed in the comment are addressed in the EIR, in Section 4.12, specifically in Impact 4.12-4 and Mitigation Measures 4.12-4a through 4.12-4e. As stated in Mitigation Measure 4.12-4a, DGS will have historic preservation planners under contract as part of the Progressive Design Build Team. The preservation planners' role is to prepare a historic structure report (HSR) for the Capitol historical resource (the Historic Capitol, Annex, and Capitol Park) in accordance with NPS Preservation Brief 43 (The Preparation and Use of Historic Structure Reports) and include mitigation measures in conformance with the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic

Properties or the California State Historic Building Code (CHBC). Specific case-by-case plans for specific elements/features are not available at this time; however, preservation, salvage, and treatment requirements shall be required to follow the CEQA mitigation measures as presented in Section 4.12 of the Recirculated Draft EIR. Note that the text of Mitigation Measures 4.12-4a through 4.12-4e has been modified since publication of the Recirculated Draft EIR to better clarify the actions to be taken. The effectiveness and final outcomes for the Mitigation Measures have not changed. The edits to these Mitigation Measures are shown in Chapter 6 of this Final EIR, "Revisions to the Draft EIR and Recirculated Draft EIR" and will also be reflected in the Mitigation Monitoring and Reporting Program (MMRP).

Please also see Master Responses 5 and 6.

**Comment O1-17**

1b) What are DGS' clear and specific plans for the proper removal/storage/re-introduction of the items listed above?

**Response O1-17**

Please see Response O1-16.

**Comment O1-18**

2) How will DGS minimize and mitigate for the loss of historic and cultural resources from the Annex and Capitol Park?

**Response O1-18**

Please see Master Responses 5 and 6 and Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources (Revised)," in the Recirculated Draft EIR, particularly Impact 4.12-4 and Mitigation Measures 4.12-4a through 4.12-4e.

**Comment O1-19**

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?

**Response O1-19**

Planned historic and cultural resources preservation, adaptive reuse, and salvage activities are expressed in Mitigation Measures 4.12-4a through 4.12-4e. As the term "cultural resources" may also include archaeological resources and Tribal Cultural Resources, also see Mitigation Measures 4.12-1 through 4.12-3.

**Comment O1-20**

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.

**Response O1-20**

DGS appreciates SacMod's input on the Capitol Annex Project. The comment does not address the analysis or conclusions in the EIR or the adequacy of the document. No further response is necessary.

**Comment O1-21**

► Public Art Tribute: California State Capitol Annex, A self-guided tour



**Response O1-21**

DGS appreciates SacMod's input on the public art at the Capitol Annex. The "comment" is an informational attachment, and no further response is necessary.

**Comment O1-22**

- ▶ California Historic State Capitol Commission's 5/13/19 NOP Memorandum

**Response O1-22**

The "comment" is an informational attachment consisting of the California Historic State Capitol Commission's 5/13/19 NOP Memorandum. This response to the NOP is already included in the CEQA record and is included in Appendix A of the Draft EIR. The Draft EIR and Recirculated Draft EIR address the relevant issues identified in the letter. No further response is necessary.

## PUBLIC HEARING

### PH1-PH2 United Auburn Indian Community

Matthew Moore  
October 24, 2019

As identified above for comment letters A1, A6, and A10, comment letters from Native American Tribes consulting under AB 52, and responses to those comment letters, are retained in a confidential appendix to this Final EIR. However, the following comments from UAIC were provided in a public hearing. With these comments being provided in a public setting, the comments and responses are provided here.

**Comment PH-1**

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 --

**Response PH-1**

DGS welcomes UAIC's comments on the Draft EIR for consideration. The commenter's opinion regarding the project will be provided in the record for consideration by decision makers.

**Comment PH-2**

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.

**Response PH-2**

DGS requests that the commenter please refer to the confidential responses to UAIC's comment letter on the Draft EIR (letter A6) and in particular, Response A6-3. Those confidential responses have been provided to UAIC. However, as the Draft EIR is a public document, it is pointed out that Native American consultation that occurred in preparation of the Draft EIR is described on pages 4.12-20 and 4.12-21 of that document. The status of consultation at the point of publication of the Recirculated Draft EIR in January 2020 is described on pages 4.12-22 and 4-12-23 of that

document. Consultation continued after publication of the Recirculated Draft EIR into the winter of 2020/2021. Pursuant to Section 21080.3.2 of the Public Resources Code, AB 52 consultation shall be considered concluded when either of the following occurs:

- ▶ The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.
- ▶ A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

At the time of publication of this Final EIR, consultation efforts with UAIC were completed, with consultation concluded on July 30, 2021.

## **PH3-PH20 Historic State Capitol Commission**

Roberta Deering  
October 24, 2019

### **Comment PH-3**

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.

### **Response PH-3**

As described on page 4.12-16 of the Recirculated Draft EIR, the State Capitol Complex is considered a CEQA historical resource. The State Capitol Complex consists of the Historic Capitol, the Capitol Annex, Capitol Park, and the Insectary. Therefore, the assessment of historic resources in the EIR is consistent with the opinion expressed in the comment.

### **Comment PH-4**

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.

### **Response PH-4**

Please see Master Responses 1 and 2 in Chapter 3 of this Final EIR.

### **Comment PH-5**

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.

### **Response PH-5**

Please see Master Response 3 in Chapter 3 of this Final EIR.

**Comment PH-6**

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.

**Response PH-6**

Please see Master Responses 1, 2, and 3.

**Comment PH-7**

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.

**Response PH-7**

Please refer to Response A2-3 and A2-4 in this Chapter of the Final EIR.

As described in Chapter 3, "Project Description," of the Draft EIR and Recirculated Draft EIR, the proposed parking garage would serve as replacement parking for legislative staff once parking is removed from its current location, beneath the Annex building. The underground parking garage would include one level, with excavations up to approximately 25 feet deep, with an additional 10 feet of depth in limited areas, such as for elevator pits. The EIR evaluates full excavation of this area from the ground surface to the bottom of the excavation and does not propose or imply a "tunnel bore" or similar method to avoid trenching. After construction the underground parking garage is complete, the temporarily disturbed portions of Capitol Park would be restored to as close as possible to existing conditions.

Since publication of the Recirculated Draft EIR, an alternative location for the underground parking has been developed and is described and evaluated in Chapter 2 of this Final EIR, "Project Modifications." At this alternative location the same construction methods would be used as described in the Draft EIR and Recirculated Draft EIR, and no new significant impacts or substantially more severe impacts result.

Archaeological resources and Tribal Cultural Resources are fully described and evaluated in Section 4.12 of Draft EIR and Recirculated Draft EIR. Pages 4.12-25 through 4.12-26 of the Draft EIR and Pages 4.12-27 through 4.12-28 of the Recirculated Draft EIR includes Mitigation Measure 4.12-2 which would reduce impacts to prehistoric archaeological and tribal cultural resources to a less-than-significant level by requiring construction monitoring and, in the case of a discovery, preservation options (including capping, data recovery, mapping, or avoidance) and proper care if significant artifacts are recovered.

**Comment PH-8**

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.

**Response PH-8**

The comment does not address the content or analysis in the EIR. However, since publication of the Draft EIR, preconstruction testing for subsurface cultural resources has been conducted. This testing has included surveys by forensic canines, use of ground penetrating radar (GPR) and examination of soil cores extracted as part of geotechnical testing for project design. These testing efforts do not indicate the presence of subsurface cultural resources.

**Comment PH-9**

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.

**Response PH-9**

Please refer to Response PH-8.

**Comment PH-10**

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.

**Response PH-10**

Please see Master Response 4.

**Comment PH-11**

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.

**Response PH-11**

Please see Master Responses 7.

**Comment PH-12**

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.

**Response PH-12**

Please see Master Responses 6 and 7.

**Comment PH-13**

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

**Response PH-13**

Please see Master Responses 1, 2, and 3.

**Comment PH-14**

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.

**Response PH-14**

Please see Master Response 7.

**Comment PH-15**

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.

**Response PH-15**

Please see Master Responses 5 and 6.

**Comment PH-16**

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.

**Response PH-16**

Please refer to Master Responses 5 and 6.

**Comment PH-17**

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.

**Response PH-17**

Please see Master Responses 2 and 3 which both address the issue of misaligned floors.

**Comment PH-18**

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.

**Response PH-18**

Please see Master Responses 2 and 3.

**Comment PH-19**

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.

**Response PH-19**

Please see Master Response 3.

**Comment PH-20**

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.

**Response PH-20**

Please see Master Responses 1, 2, 3, and 7.

## 5 RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

This chapter contains comment letters received during the public review period for the Recirculated Draft EIR, which concluded on March 2, 2020. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses have been prepared addressing comments on environmental issues received from reviewers of the Recirculated Draft EIR.

### 5.1 LIST OF COMMENTERS ON THE RECIRCULATED DRAFT EIR

Table 5-1 presents the list of commenters, including a numerical designation for each comment letter received (A1, A2, A3, etc.), the author of the comment letter, and the date of the comment letter.

**Table 5-1 List of Commenters**

Letter No.	Commenter	Date
<b>Agencies</b>		
A1	City of Sacramento Fire Department, King Tunson	February 6, 2020
A2	City of Sacramento, Department of Public Works, Urban Forestry, Kevin A. Hocker	February 28, 2020
A3	Historic State Capitol Commission	February 28, 2020
A4	City of Sacramento, Community Development Department, Carson Anderson	March 2, 2020
A5	City of Sacramento, Department of Public Works, Traffic Engineering, Pelle Clark	March 2, 2020
A6	Sacramento Municipal Utilities District, Nicole Goi	March 2, 2020
A7	United Auburn Indian Community, Matthew Moore, THPO	March 2, 2020
A8	Wilton Rancheria, Raymond Hitchcock, Chairman	March 2, 2020
<b>Organizations</b>		
O1	Sacramento Modern (SacMod), Gretchen Steinberg	February 15, 2020
O2	Boulevard Park Neighborhood Association	February 17, 2020
O3	Trees for Sacramento	March 1, 2020
O4	350 Sacramento, Laurie Litman	March 2, 2020
O5	Sacramento Tree Foundation, Ray Tretheway	March 2, 2020
O6	Preservation Sacramento, William Burg	March 2, 2020
O7	Save Our Capitol!	March 2, 2020
<b>Individuals</b>		
I1	Greg McPherson	February 14, 2020
I2	Eric Steinman	February 14, 2020
I3	Ilonka Zlatař	February 14, 2020
I4	Julie Durette	February 16, 2020
I5	Rosie Yacoub	February 16, 2020
I6	Joan Benson	February 17, 2020
I7	Carolyn Connolly	February 17, 2020
I8	Lori Jablonski	February 17, 2020



Letter No.	Commenter	Date
I9	Robin Kubris	February 17, 2020
I10	Judy Mc	February 17, 2020
I11	Dena McKittrick	February 17, 2020
I12	Danielle Best	February 18, 2020
I13	Daniel Block	February 18, 2020
I14	Maya Caldwell	February 18, 2020
I15	Kristen DesJarlais	February 18, 2020
I16	Jamie Dettmer	February 17, 2020
I17	Will Green	February 18, 2020
I18	Robin Grubel	February 18, 2020
I19	Dean Haakenson	February 18, 2020
I20	Sandra Jennings-Jones	February 18, 2020
I21	Barbara Kristoff	February 18, 2020
I22	Dylan Musgrove	February 18, 2020
I23	Lynn Palmer	February 18, 2020
I24	Erik Parker	February 18, 2020
I25	Angela Perez	February 18, 2020
I26	Jeff Schmelter	February 18, 2020
I27	Laura Wong	February 18, 2020
I28	Robin Young	February 18, 2020
I20	Karla Campbell	February 19, 2020
I30	Deborah Falero	February 19, 2020
I31	Elizabeth Hines	February 19, 2020
I32	Candace Keefauver	February 19, 2020
I33	Janet Mercurio	February 19, 2020
I34	Bethany Scribner	February 19, 2020
I35	Justin Thompson	February 19, 2020
I36	Laurie Vann	February 19, 2020
I37	Earl Lagomarsino	February 20, 2020
I38	Jeff Bodde	February 21, 2020
I39	Ezra Roati	February 21, 2020
I40	Barbara McNurlin	February 22, 2020
I41	Angela Stathos	February 22, 2020
I42	Elise Fandrich	February 23, 2020
I43	Bill Leddy	February 23, 2020
I44	Debra van Hulsteyn	February 23, 2020
I45	Maureen Burness	February 24, 2020
I46	Julie Kanoff	February 24, 2020
I47	Mary Ann Robinson	February 24, 2020

Letter No.	Commenter	Date
148	Muriel Strand	February 24, 2020
149	Will Brieger	February 25, 2020
150	Whitney Leeman	February 26, 2020
151	James Adams	February 28, 2020
152	Shirley Leeman	February 28, 2020
153	Ally Bartz	February 29, 2020
154	Karen Jacques	February 29, 2020
155	Janet Koster	February 29, 2020
156	Nancy Marsh	February 29, 2020
157	Lori Ward	February 29, 2020
158	Marion Millin	March 1, 2020
159	Marion Millin	March 1, 2020
160	Francesca Reitano	March 1, 2020
161	Amelia Ross	March 1, 2020
162	Shannon Ross	March 1, 2020
163	JoAnn Solov	March 1, 2020
164	Catherine Cunningham	March 2, 2020
165	Tova Fleming	March 2, 2020
166	Maria Kelly	March 2, 2020
167	Kathy Les	March 2, 2020
168	Marion Millin	March 2, 2020
169	Marion Millin	March 2, 2020
170	Martin Palomar	March 2, 2020
171	Daniel Pskowski	March 2, 2020
172	Michael Silver and Christine Ratekin	March 2, 2020
173	Jude Lamare and Kate Riley	March 2, 2020
174	Eric Steinman	March 2, 2020
<b>Public Hearing</b>		
PH-1 – PH-3	Matthew Moore, THPO, United Auburn Indian Community	February 26, 2020
PH-4 – PH-6	Karen Jacques, Trees for Sacramento	February 26, 2020
PH-7 – PH-8	Robert Hertzberg, California Senate	February 26, 2020
PH-9 – PH-11	Marion Millin	February 26, 2020
PH-12 – PH-15	Elise Fandrich, Trees for Sacramento	February 26, 2020
PH-16 – PH-18	Kate Riley, Trees for Sacramento	February 26, 2020
PH-19	Shannon Ross	February 26, 2020
PH-20 – PH-23	Roxanne Miller	February 26, 2020
PH-24 – PH-30	Dick Cowan, Chairman, Historic State Capitol Commission	February 26, 2020
PH-31 – PH-35	Maria Kelly	February 26, 2020
PH-36 – PH-38	Eric Steinman	February 26, 2020

## 5.1.1 Comments and Responses

The written comments received on the Recirculated Draft EIR and the responses to those comments are provided below. Each individual comment within the letters (Comment A1-1, Comment A1-2, etc.) is reproduced in its entirety and is followed by the response (Response A1-1, Response A1-2, etc.), other than those comments and responses placed into a confidential appendix as explained for letters A7 and A8 below.

### AGENCIES

#### **Letter A1 City of Sacramento Fire Department**

King Tunson  
February 6, 2020

##### Comment A1-1

I have reviewed the above-referenced document and I don't have any comments.

##### Response A1-1

DGS appreciates review by the Sacramento Fire Department. The comment does not address the analysis or conclusions in the EIR. No further response is required.

#### **Letter A2 City of Sacramento, Department of Public Works, Urban Forestry**

Kevin A. Hocker  
February 28, 2020

##### Comment A2-1

In response to your request for written comment regarding the Capitol Annex Project recirculated draft environmental report, I share the following concerns about the report as it is currently written. The Urban Forestry Section of the Public Works Department of the City of Sacramento has familiarity with the standard of care that the public generally expects from the government agencies that they have trusted to care for their tree assets. Within the City of Sacramento it is generally expected that the impacts to each individual tree on public property be evaluated by a tree care expert, and the impacts to the individual trees be explicitly disclosed to the public prior to a public project being approved. It is generally expected that decision making bodies are provided with enough information to make an informed decision and provide affirmative consent when trees are being removed. The draft environmental impact report in its current form is overly general in its treatment of potential impacts to trees and does not provide enough detail regarding expected tree removal and tree impacts for the public or a decision maker to understand which individual trees would be impacted and the significance of the expected impacts. Urban Forestry section of the Public Works Department of the City of Sacramento would like to reiterate our previous comments made on October 24, 2019 regarding the existence of several unique and irreplaceable trees entrusted to the care of the State of California on the site of the State Capitol that have scientific, historic, and social value, and our recommendation that the State of California address the impacts to these trees in the final environmental impact report with a comprehensive plan to preserve the trees where possible, and mitigate the damage to these trees to the extent that it is feasible to do so. These trees include but are not limited to the Moon Tree, all trees listed on the California Register of Big Trees, and all trees whose documented age exceeds 100 years. The Urban Forestry section of the Public Works Department of the City of Sacramento further recommends that the State of California adhere to nationally recognized standards of tree care for urban environments to the extent that it is feasible to do so. The national standard for tree preservation during construction is the American National Standards Institute (ANSI) A300 part 5 standard for Management of Trees and Shrubs During Site Planning, Site Development and Construction. Other relevant parts of the ANSI A300 standard for Tree, shrub, and Other Woody Plant Maintenance-Standard Practices are part 1 which deals with pruning, part 2 which deals with soil management, part 6 which deals with planting and transplanting, part 8 which deals with root management, and part 9 which deals with tree risk assessment. The International Society of Arboriculture publishes Best Management Practices that are intended to be

companion publications to the ANSI A300 standards. Best Management Practices exist under the following titles; "Managing Trees During Construction," "Tree Inventories," "Tree Risk Assessment," "Root Management," "Soil Management for Urban Trees," and "Tree Pruning." Having an ISA Certified Arborist who is familiar with construction projects develop and oversee the implementation of a tree protection plan that is consistent with the ANSI A300 standards and recognized Best Management Practices for tree care activities will greatly reduce the likelihood of unnecessary tree removal or damage to trees on the site.

### **Response A2-1**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. For further information related to impacts on trees and methods to address those effects, please refer to Master Response 5 in Chapter 3 of this Final EIR.

In addition, as identified on in Section 4.2, "Land Use" of the Draft EIR, page 4.2-4, the JRC and DGS, as State agencies, are not subject to local land use regulations. Therefore, City-adopted land use plans, policies, and regulations not applicable to project activities on State lands. Subsequently, City regulations, policies, or typically used processes related to tree removal are not applicable to tree removal on State land in Capitol Park. In addition, DGS and JRC believe that sufficient information is available in the Draft EIR and Recirculated Draft EIR on tree removal resulting from the project to satisfy the requirements of CEQA and adequately inform the decision makers. The additional information in the Final EIR clarifies and enhances the impact analysis, but is not necessary to adequately support the impact conclusions in the Draft EIR and Recirculated Draft EIR. The level of information "generally expected" in the City of Sacramento regarding removal of individual trees is not required to complete an adequate CEQA analysis. The Draft EIR and Recirculated Draft EIR address the effects of the removal of trees in the context of historic resources (Section 4.12), biological resources (Section 4.13), recreation (Section 4.14), and aesthetics (Section 4.15). This Final EIR adds further information on effects related to greenhouse gas emissions (see Master Response 5). Further information is not required to provide a legally adequate impact analysis under CEQA (although further information which has become available since release of the Recirculated Draft EIR is disclosed in this Final EIR).

The discussion of Impact 4.13-3 in the Draft EIR does acknowledge that the project could result in effects on trees under the jurisdiction of the City of Sacramento (i.e., perimeter palm trees). Mitigation Measure 4.13-3 requires that any effects on "City trees" be conducted consistent with the City of Sacramento Tree Preservation Ordinance. Therefore, for these specific trees, off of State land and under the legal jurisdiction of the City of Sacramento, the State will comply with local regulations. However, identifying in the Recirculated Draft EIR the specific "City trees" that would be affected is not necessary to complete an adequate CEQA review of impacts, determine the significance of impacts, and provide sufficient feasible mitigation. That being said, since publication of the Recirculated Draft EIR, more is known regarding effects on trees, including the perimeter palms within City jurisdiction. As indicated above, please see Chapter 2 of this Final EIR and Master Response 5 for the most current available information on project effects on trees and methods to reduce potential adverse effects.

Regarding the ANSI A300 standards, as indicated in Master Response 5 in Chapter 3 of this Final EIR, DGS finds these ANSI standards comparable to the State Parks guidelines identified in the Draft EIR and equally effective in reducing adverse effects to trees from nearby construction activities. DGS will require, as a condition of approval, that the ANSI A300 standards be implemented during all phases of project construction for any project configuration that is adopted.

The October 24, 2019 e-mail/comment letter on the Draft EIR attached to this letter is labelled as Draft EIR Comment Letter A9 in this Final EIR and is responded to in Chapter 4 of this Final EIR.

## **Letter A3 Historic State Capitol Commission**

February 28, 2020

### **Comment A3-1**

Attached are the Historic State Capitol Commission's comments on the East Annex Project Recirculated Draft Environmental Impact Report (RDEIR). This letter summarizes some of our views.

**Response A3-1**

The comment is an introductory statement. DGS appreciates the Commission's review and input on the Capitol Annex Project and EIR. Please see Responses A3-2 through A3-22, below.

**Comment A3-2****CAPITOL PARK TREES**

Our overlay on the 2014 aerial tree inventory map of the RDEIR project areas for the Visitor/Welcome Center, East Annex, and parking garage indicates that as many as 106 trees would be removed, or lifted and relocated, a number much larger than the 20 to 30 trees discussed in the RDEIR. We offer additional specific professional guidelines for tree protection and restoration than the RDEIR has so far relied upon. We ask that the RDEIR address either protection or removal of the city-owned palm trees at the south of the parking garage or west of the Visitor/Welcome Center, since utility work and visitor entrance may occur along the sidewalk.

To preserve the truly world-class tree collection in Capitol Park we recommend as a mitigation measure the development, by a qualified Historical Landscape Architect employing Certified Arborists, a Project Tree Plan early in the project to be shared with the public.

**Response A3-2**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. For further information related to impacts on trees and to the historic landscape, please refer to Master Responses 5 and 6 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." In addition, Mitigation Measure 4.12-4d has been updated since publication of the Recirculated Draft EIR. This mitigation measure, now titled "Develop and Implement a Landscape Treatment Report for Capitol Park including Protection, Restoration, or Replacement of Commemorative Trees, Plantings, and Other Memorials" calls for the participation of a landscape historian, arborist, and a landscape architect with experience in cultural landscape treatment to prepare the landscape treatment report. Please see Chapter 6 of this Final EIR, "Revisions to the Draft EIR and Recirculated Draft EIR" for the most current text of Mitigation Measure 4.12-4d. The Landscape Treatment Report called for in Mitigation Measure 4.12-4d will ultimately be a public document and be available for review once completed. Additional public involvement is not necessary to maintain the effectiveness of mitigation measure.

**Comment A3-3****WEST SIDE AND VIEW PROTECTION**

The RDEIR has committed to returning the "landscaping back to original" after project excavation and construction are complete. Huell Howser called the area between the Capitol and 10th Street "California's front porch ." It is the place where political voices are heard, and celebrations of events and history occur. After the creation of the Visitor /Welcome Center, where will the front porch be? It appears the RDEIR does not address this question. Can the terracing, which affords the current excellent view from the west, be put back to original? We suggest that restoration of historically used plants and trees should take priority over "drought tolerant" plants even if they originate from out of state.

We recommend as a mitigation measure the creation now of an early "schematic" landscape design for the Visitor/Welcome Center and equipment vault area on the west side. Instead of advancing the architectural plan until it is so developed it would be difficult to change, and THEN starting the landscape design after the fact, why not reverse that sequence to address public concerns?

**Response A3-3**

The Draft EIR and Recirculated Draft EIR commits to returning temporarily disturbed areas to existing conditions or very similar. For example, see Recirculated Draft EIR Page 3-10, last paragraph of the description of the visitor/welcome center. It would be impossible to return all "landscaping back to original" given the changes to the project site that would result from project implementation and the EIR does not convey such a commitment. The potential effects of the overall Capitol Annex project on public events, which would include political events, is

addressed in the Draft EIR in the discussion of Impact 4.14-4, "Increased Demand for Recreational Activities." The impact was found to be less than significant. Section 2.11 of Appendix A of the Recirculated Draft EIR addresses how the modifications to the visitor/welcome center evaluated in the Recirculated Draft EIR do not alter this "less-than-significant" conclusion. The upper and lower plazas of the visitor/welcome center, described in Section 3.4.5 of the Recirculated Draft EIR, would be where events occurring on the "West Steps" today would occur if the visitor/welcome center is constructed.

Regarding trees and landscaping, please see Master Responses 5 and 6 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." Also see Chapter 2 of this Final EIR regarding the shift of sequencing in project implementation, with the Annex and underground parking now being implemented first and the visitor/welcome center being constructed after these two project components are complete. Because of the phasing of project implementation, one Landscape Treatment Report, as called for in Mitigation Measure 4.12-4d (see Response A3-2 above), will be prepared for the Annex and underground parking portion of the project, and a separate Landscape Treatment Report will be prepared for the visitor/welcome center at an appropriate time during implementation of that project element. It should be noted that landscape design issues are incorporated into project design throughout the process. For example, the commitment to retain the deodor cedars near the visitor/welcome center identified in the Recirculated Draft EIR. The interaction between landscape design and architectural planning called for in the comment already occurs. Codifying, within a mitigation measure, a particular time for delivery of a "schematic landscape design" would not assist in mitigating any significant adverse effects, especially since a "schematic" design implies that it is conceptual and the general information provided in it need not be followed at a later date.

**Comment A3-4**  
**PARKING GARAGE**

We request that the RDEIR analyze alternatives to a Capitol Park location for legislative parking. There are asphalt parking lots within a block or two of the Capitol on which a legislative garage could be built. Perhaps the parking solution, which will be used as the Legislature occupies its swing space building, could be kept in operation after the Capitol project is complete.

It is highly unlikely that large, mature trees can be relocated on top of the planned parking garage, so the commitment to restoring landscape to the current will unlikely be kept.

**Response A3-4**

Please see Master Response 4 and Master Response 5 in Chapter 3 of this Final EIR, regarding parking and trees, respectively.

**Comment A3-5**  
**DEMOLISH THE EAST ANNEX?**

The RDEIR has not yet analyzed the significant new information and substantial modification of the project component, which has been briefed by the East Annex team of aligning the new East Annex floors with the current West Wing floors. This change from 6 to 4 floors in the new East Annex, while maintaining the commitment to not expand in height above the barrel of the dome, not expand in width any wider than the West Wing portico, and not expand in length past 12th street and the Civil War Grove, means that the only place for the planned East Annex space is a larger "super basement."

The expanded basement was the Commission's suggestion to preserve the historic East Annex and use the basement to add the needed square footage. The Commission also suggested moving the current Annex to the East and inserting a transition space between the two existing structures.

We again recommend a thorough analysis of East Annex options that both preserve the historic Annex and satisfy the Legislature's space needs.

**Response A3-5**

The “briefing” identified in the comment was an informal presentation where various concepts for a new Annex were shown as part of the presentation. The concepts and ideas included in the presentation, such as potential mechanisms to align floors, have been part of the ongoing Annex design process. Please see Master Responses 2 and 3 in Chapter 3 of this Final EIR which address the issue of floor alignment and evaluate the Commission’s suggested alternatives. Please see Master Response 1 regarding the adequacy of the alternatives analysis in the EIR. Please see Response A2-10 in Chapter 4 of this Final EIR, “Responses to Comments on the Draft EIR,” for further information on the floor alignment issue.

As described in Chapter 2, “Project Modifications,” of this Final EIR, and as presented to the Joint Rules Committee on September 9, 2020, the Double-T configuration of the new Annex building would continue to align the floors of the Annex with the West Wing to improve wayfinding and circulation (see Figure 2-7). Also stated in Chapter 2 of this Final EIR, the height of the new Annex continues to be planned as no taller than the parapet of the historic capitol and/or the base of the existing Capitol dome. The anticipated height would be approximately 125 feet, which is lower than the current colonnade level and well below the base of the dome.

**Comment A3-6**

Page 3-5

*Fig.3-3: Project Components Revised*

COMMENT: The map is missing areas of work potentially impacting city street trees & public rights-of-way for the proposed Visitor/Welcome Center and the proposed “underground” parking, and is missing areas of work potentially impacting existing north access to existing parking under existing Annex building, that (which?) includes proposed project impacts (potentially good impacts) on Capitol Park and city street trees & rights-of-way.

The map boundary for the proposed Visitor/Welcome Center project components does not extend into the public rights-of-way to the west, nor the portion of the map boundary for the proposed “underground” parking to the south, nor the portion of the map boundary for the proposed annex project to the north, but it appears that the proposed projects may actually include proposed impacts in those areas, including removal of city street trees and driveway/loading/sidewalk/curb alterations...?

**Response A3-6**

As shown in the Recirculated Draft EIR, Figure 3-3 illustrates the generalized facility envelope of the three primary project components, the underground visitor/welcome center on the west side of the Historic Capitol between the Capitol Building and 10th Street, the Annex replacement on the east side of the Historic Capitol, and new underground parking on the south side of the Historic Capitol between the Capitol Building and N Street. Figure 3-2 shows the larger “project site” and text within Chapter 3 of the Recirculated Draft EIR identifies impacts that may occur within the project site that are outside the generalized facility envelopes show in Figure 3-3. For example, on page 3-10, in the description of the visitor/welcome center, it is stated:

“As part of the modified visitor/welcome center design, the sidewalk on 10th Street in front of the Historic Capitol Building would be extended into the existing parking lane on 10th Street (also known as a bulb-out). The intent of the bulb-out is to provide greater separation between the pedestrians congregating near the visitor/welcome center and vehicles on 10th Street...”

In Section 3.4.14, “Construction Methods and Equipment” in the Recirculated Draft EIR, it is identified in multiple locations that the construction area extends beyond the facility envelopes and various activities will occur outside the facility envelopes, but within the larger project site. The whole project “Site Location” shown in Figure 3-2 will not be disturbed by project activities; however, the Site Location provides an envelope in which all project ground disturbance will be contained. The combined figures and text in the Draft EIR and Recirculated Draft EIR adequately describe the proposed project, and all components of the project identified in the figures and text are evaluated for their environmental effects.

As identified previously, since publication of the Recirculated Draft EIR, design development for the Annex and underground parking has proceeded and a modified approach to project phasing and Annex and underground parking implementation are described and evaluated in Chapter 2 of this Final EIR. Updated figures showing the project site location and project component footprints are provided as Figures 2-1 and 2-8 in this Final EIR. Like the Recirculated Draft EIR, the combined figures and text in Chapter 2 of this Final EIR adequately describe the proposed project, and all components of the project identified in the figures and text are evaluated for their environmental effects.

#### **Comment A3-7**

If the project proposes removing the existing north (from "L" Street) access to the existing under-Annex parking, opportunity exists to reclaim this area for Capitol Park, and also to replace the city street trees, and remove the driveway and curb cut in this section of the public rights-of-way.

#### **Response A3-7**

As described in Chapter 2 of this Final EIR, "Project Modifications," the modified configuration for the underground parking, now aligned under the 12<sup>th</sup> Street walkway would maintain entry/exits on both L Street and N Street. This modified underground parking location is being considered, in part, because fewer trees would be adversely affected compared to the location south of the Historic Capitol evaluated in the Draft EIR and Recirculated Draft EIR. For further information on the parking garage, please see Master Response 5 in Chapter 3 of this Final EIR. In locations where existing non-park facilities are no longer needed due to project implementation, such as portions of the existing ramps leading to the current Annex underground parking, these non-park facilities would be removed and park uses "reclaimed" as suggested in the comment, following the landscaping and vegetation guidelines for restoration temporarily disturbed areas found in the EIR.

#### **Comment A3-8**

Page 3-6

##### *3.4.2 Project Phasing*

*2. ...Additionally, a publicly accessible entry on the north side of the Historic Capitol is proposed to facilitate entry during Annex construction. Legislators and staff moving between the Historic Capitol and the 10th and O Street Office Building may use the south entrance to the Historic Capitol once the Annex is vacated. Both entries will have temporary ramps installed over the existing stairs to provide ADA compliant access.*

##### *3.4.4 Temporary Adjustments to Historic Capitol Operations*

*In addition, before closure of the existing Annex in preparation for its demolition, the existing north and south entrances of the Historic Capitol will be established as temporary entrances/exits. Temporary ramps will be constructed at the steps to provide ADA access and portable security screening equipment may be placed near the doorways. These entrances would be intended primarily for use by elected officials, their staff, and those conducting business at the Capitol, and for emergency exits if needed. The visitor/welcome center would be the primary entrance for visitors to the Capitol. After the construction of the new Annex is complete, the temporary modifications to the north and south entrances would be removed.*

COMMENT: The project needs to consider and avoid impacts to the historic doors when this temporary ADA compliant access and security is provided at these entry areas. Discussion is needed in the EIR relative to ensuring that there will be NO permanent impacts to the historic doors in these entries during this phase. We recommend as a mitigation measure removing the historic doors during this phase and using temporary accessible doors, then returning the historic doors when this phase is completed. This way, potential modification to the historic door hardware can be avoided and the doors can be protected throughout the process of construction.

#### **Response A3-8**

Please see Responses A7-58 and A7-59 in Chapter 4 of this Final EIR.



**Comment A3-9**

Page 3-7

*3.4.5 Visitor/Welcome Center**Figure 3-4 Visitor/Welcome Center Conceptual Sketches (Revised)*

COMMENT: This revised proposal eliminates the possibility of significant negative impacts from the originally proposed elevator structures in the west front of the Capitol.

But it is not clear, from either the plan view or the section view, whether any of the street trees – the palms – along 10th Street could be impacted from the proposal. If there is a possibility that the proposed project will impact the public rights-of-way relative to the historic palms surrounding Capitol Park, project description should include this and mitigation measures should also be included, such as moving any palms to other areas, such as at the current “L” Street curb cut/driveway currently providing access to parking under the Annex building, which are proposed to be closed off. The palms could be saved and placed in the parking strip along “L” Street after that driveway/curb cut is eliminated as part of this proposed project.

**Response A3-9**

Please see Master Response 5 in Chapter 3 of this Final EIR. Also see Chapter 2 of this Final EIR where a modified underground parking location, with different entry/exit ramp locations on L Street and N Street, is described and evaluated. Because the design process for the new Annex and underground parking has moved beyond that for the visitor/welcome center the design of these entry/exit ramps has been confirmed to incorporate tree avoidance, and methods to replace/relocate perimeter palms that cannot be avoided are described. Although a similar level of landscaping planning has not been conducted for the visitor/welcome center, for the purposes of the CEQA analysis, it was assumed that six palms along 10<sup>th</sup> Street would be affected by construction of the visitor/welcome center and that these six trees would be re-located to other locations along the perimeter of Capitol Park (see Section 2.2.4 in this Final EIR).

**Comment A3-10**

Pages 3-9 &amp; 3-10

*The only visitor/welcome center elements that would extend above the base of the west portico steps would be the safety railing along the west edge of the upper plaza, the railing around the skylight, the planters with trees on the north and south sides of the upper plaza, and the fencing around the emergency exits by the planters. These are the only project elements that would obscure views of the Historic Capitol when viewed from the west at street level. Only the safety railing and railing around the skylight would obstruct views of the portico, and only the steps and small portion of the portico just above the base of the steps would be affected.*

COMMENT: Last sentence indicates some “...small portion of the portico just above the base of the steps would be affected.” What would this actually entail?

It is unclear if this refers to the new installation of planters for trees. How does this fit with restoring the park to “landscaping back to original”?

**Response A3-10**

The “affect” indicated in the referenced sentence relates purely to the obscuring of views. Where the safety railing and railing around the skylight would obscure the view of the portico, only the view of the “steps and small portion of the portico just above the base of the steps” would be obscured. The safety railing and railing around the skylight would not obscure views of any other portions of the portico. The anticipated location of the planters and trees would be to the north and south of the portico and would not obscure views of that feature from the west. Please also see Master Response 5 in Chapter 3. The Draft EIR and Recirculated Draft EIR do not commit to restoring the park landscaping back to the original, other than in temporarily disturbed areas, but rather discusses protecting, restoring, and/or replacing landscaping, trees, and memorials as close to their original location as feasible.

**Comment A3-11**

Page 3-10

*As part of the modified visitor/welcome center design, the sidewalk on 10th Street in front of the Historic Capitol would be extended into the existing parking lane on 10th Street (also known as a bulb-out). The intent of the bulb-out is to provide greater separation between pedestrians congregating near the visitor/welcome center and vehicles on 10th Street and to maintain unobstructed views of the Historic Capitol, which are often blocked, albeit temporarily, by buses and vehicles parking directly in front of the Capitol on 10th Street. The sidewalk bulb-out would result in the loss of approximately five to seven existing parking spaces but would not affect the dedicated bicycle lane or vehicle travel lanes on 10th Street.*

COMMENT: As part of this sidewalk bulb-out into 10th Street, please explain if any of the city street trees – the historically-significant perimeter Palms that surround Capitol Park – would be impacted, and describe any mitigation measures to ensure their re-use in other areas, such as the “L” Street driveway/curb cut area proposed to be eliminated as part of this project.

**Response A3-11**

Please see Master Response 5 in Chapter 3 of this Final EIR and Response A3-9, above.

**Comment A3-12**

*Upon completion of the visitor/welcome center, any temporarily disturbed portions of Capitol Park not part of the new lower plaza and upper plaza and associated landscaping would be restored to existing or very similar conditions.*

COMMENT: Please note the need to ensure historic landscape features and design needs to be analyzed by a qualified Historical Landscape Architect employing Certified Arborists prior to determining replacement features and elements.

**Response A3-12**

Please see Master Response 6 in Chapter 3 of this Final EIR.

**Comment A3-13**

Page 3-11

**3.4.9 Landscaping, Lighting, and Memorials**

*Landscaping surrounding the new Annex and underground parking garage would generally be consistent with existing character. However, the visitor/welcome center would include recontouring of the existing slopes to accommodate the walkways/ramps and development of the lower and upper plazas, which deviates from the existing three level plaza with two sets of stairs between sidewalk level and the west portico steps. In any locations where landscaping may deviate from existing conditions, vegetation would favor drought tolerant and California native plants.*

COMMENT: Please indicate:

- 1) whether the three levels will be maintained in areas outside the proposed Visitor/Welcome Center project area, and how the transition would be handled between the two areas, at both the north and south sides of the proposed Visitor/Welcome Center project area: and,
- 2) how the drought-tolerant and California native plants will be appropriate to the historic landscape features and characteristics of Capitol Park.
- 3) Again, this seems to conflict with “landscaping back to original”.
- 4) The earlier DEIR Option 2 for the Visitor/Welcome Center in the POS would greatly reduce the impact to the landscape and Historic Capitol while also reducing costs.

**Response A3-13**

Please see Master Response 1, Master Response 5, and Master Response 6 in Chapter 3 of this Final EIR. The proposed project does not include modifications to ground contours outside the visitor/welcome center, Annex, and

underground parking areas described in Chapter 2 of this Final EIR. The figures and text describing the visitor/welcome center in the Recirculated Draft EIR and Chapter of this Final EIR indicate how the upper and lower plazas of the visitor/welcome center would either match, or integrate into the surrounding grades/ground surfaces.

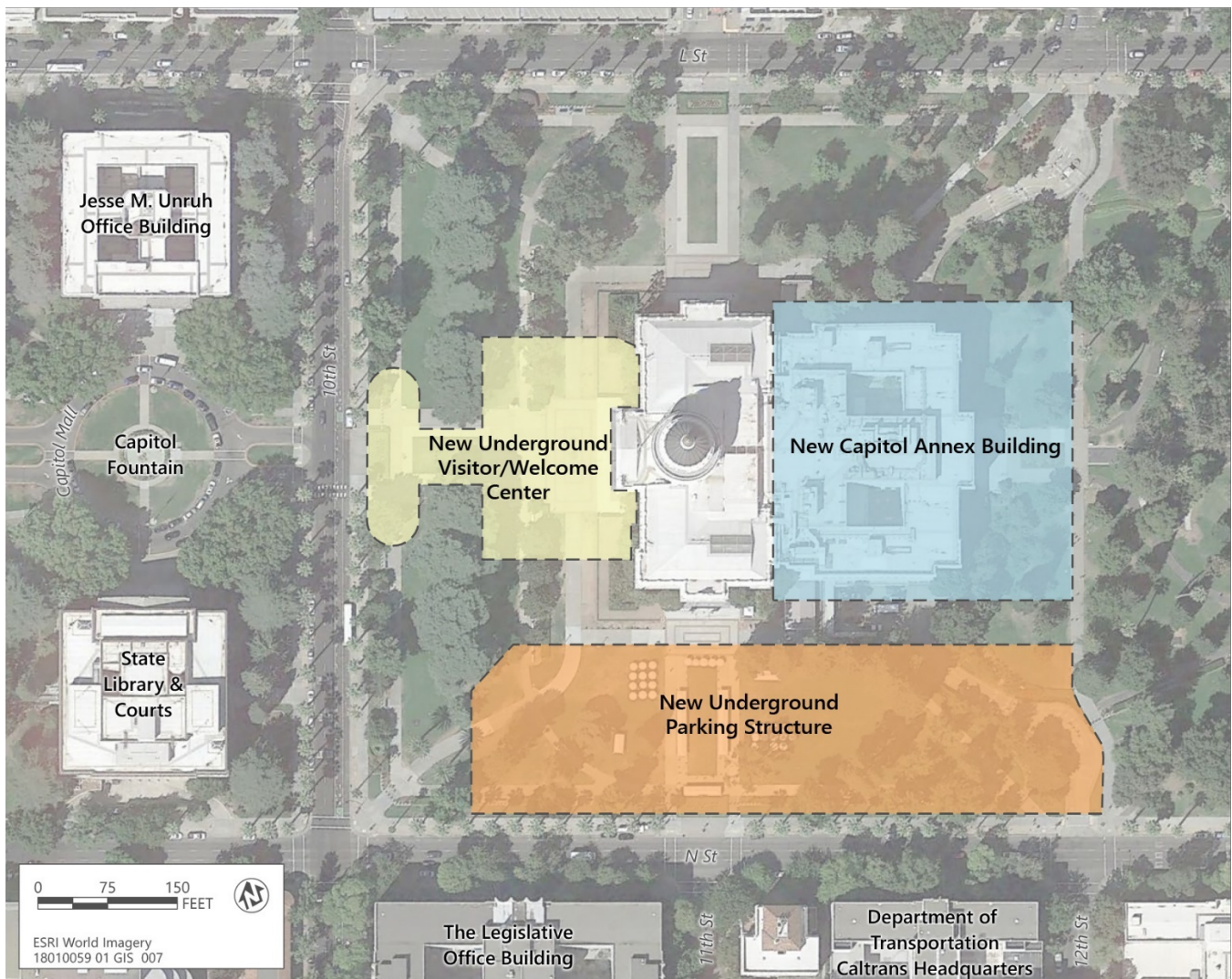
#### **Comment A3-14**

Page 4-12.29

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

*The Capitol Annex Project would cause physical changes within two historic districts and introduce changes to the setting of those districts, a third NRHP-eligible historic district, and four individually NRHP-eligible historic buildings. These changes would result in a substantial adverse change to the characteristics that qualify the State Capitol Complex for listing in the NRHP. This impact would be significant. The physical changes within the California State Government Building District would impact one part of one contributor to the district, but overall the project, as currently known, would not impair the district's ability to convey its historical significance. The impact to this district would be less than significant. The changes to the Capitol Extension Group present a change in setting, but the impact on the district would be less than significant. The four individually eligible buildings would not experience any alteration of their physical elements, and the proposed project would not impair the ability of those resources to convey their historical significance. These resources would have no impact.*

As shown in Figure 3-3 of the Recirculated Draft EIR below, the revised locations of the Visitor/Welcome Center and underground parking structure have potential for damaging five of the historic Deodar cedars, as well as causing removal of multiple other trees. There are 34 trees within the outline of the Visitor/Welcome Center project below. An additional 39 are within the outline of the underground parking structure. Thirty-three more are within the new Annex outline, for a total of 106 trees to be removed or relocated. This represents over 1/10th of all trees in the park. This count does not include those trees within 50 ft of project outlines as mentioned in the original DEIR as part of a protection zone.



The DEIR Section 3.4.9 states "California Department of Parks and Recreation tree protection guidelines would be implemented to protect trees that are retained within the construction activity area." This is an outdated document, the majority of which does not apply to trees growing in developed urban parks.

The guidelines that should be adhered to are the *ANSI A300 (Part5)-2012, 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)* and its companion publication *Best Management Practices: Managing Trees during Construction*.

For four of the cedars, Figure 3-3 shows that the Visitor/Welcome Center construction will occur well inside the dripline of these trees and on both the east and west sides.

At a MINIMUM, these old historic trees must be protected and monitored at their driplines. Even with that we will see some damage given that more than 60 percent of the nutrient- and water-absorbing roots can grow beyond the drip line or edge of the tree canopy.

In Figure 3-4, as is usual with architectural drawings, tree locations and trees themselves are misrepresented, shown smaller and insignificant. The existing tree crowns extend beyond new construction, indicating potential damage and possible destruction of these historic trees.

There are over 100 trees affected by this construction as well as other landscape plants, with 20-30 trees to be removed by new construction, and many more to be "relocated." The Certified Arborists with knowledge of tree root

systems of mature trees should be involved in pre-planning for construction, monitoring during all phases of construction, and determining all remediation methods per the ANSI A300 Standards:

**50.3.3.1. The arborist should be involved in the initial planning stages and be familiar with the community's development and tree protection ordinances and processes.**

**50.3.4 Monitoring of the construction process by an arborist should be specified to ensure compliance with plan requirements; to monitor health and condition of the tree(s); to check for symptoms of stress or signs of damage; and, to initiate remedial action as needed.**

**50.3.4.1 Monitoring specifications should address scheduling of inspections before and during critical phases, including but not limited to, the following activities:**

**Demolition.**

**Grading.**

**Building construction.**

**Walkway and path construction.**

**Excavation.**

**Trenching and boring.**

**Drainage system installation; and**

**Landscaping.**

Removal of the mature redwoods, cockspur coral, bunya-bunya, magnolias, and deodars represent a decrease in the thousands of pounds of carbon storage trees in Capitol Park provide, as well as large decreases in energy savings, air quality improvement and rainfall interception (reducing runoff).

To preserve the truly world-class tree collection in Capitol Park, we recommend the development by a qualified Historical Landscape Architect, employing Certified Arborists, as a mitigation measure, a Project Tree Plan early in the project to be shared with the public.

## **HISTORIC STRUCTURES AND LANDSCAPES**

*Mitigation Measure 4.12-4d requires the protection, restoration, and replacement of commemorative trees, plantings, and memorials at Capitol Park, which would reduce some of the effects on the Capitol Park historic landscape.*

*Mitigation Measure 4.4-14e requires the protection of the Historic Capitol from damage during nearby construction, and repair of any damage that does occur. This would prevent inadvertent harm to the Historic Capitol building during construction. Although the project implementation of Mitigation Measures 4.12-4a through 4.12-4e would help protect and preserve historic architectural and landscape features of the project site, the demolition of the Annex and project site disturbance would remain significant and unavoidable and the project would make a cumulatively considerable incremental contribution to the significant cumulative impact of the loss and degradation of historic structures and landscapes.*

Again, this RDEIR calls for the protection, restoration, and replacement of commemorative trees, plantings, and memorials that would reduce SOME of the effects on the Capitol Park historic landscape. There are many more trees that are not memorial nor commemorative. Please include those in a landscape plan available to the public prior to the start of any construction.

### **Response A3-14**

Impact 4.11-3 of the Draft EIR discloses that the project requires removal of trees on the project site, including on State-owned property and City of Sacramento street trees. Mitigation Measure 4.11-3 requires a tree removal plan by a certified arborist. DGS will ensure implementation of the tree removal, protection, replanting, and replacement plan during project construction and operation. Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. For further information related to impacts on trees and to the historic landscape, please refer to Master Responses 5 and 6 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

Furthermore, as described in Chapter 2 of this Final EIR, "Project Modifications," the modified configuration for the underground parking, now aligned under the 12th Street walkway, is being considered, in part, because fewer trees would be adversely affected compared to the location south of the Historic Capitol evaluated in the Draft EIR and Recirculated Draft EIR.

### **Comment A3-15**

Page 4-12.30

#### *New Visitor/Welcome Center.*

*The new hardscape also has the potential to displace or damage current tree plantings that contribute to the West Lawn's significance, including the important monocultural rows of southern magnolias and deodar cedars. The visual and functional intrusion on the historic West Lawn has the potential to create a physical interruption that would change the character-defining vista up and down Capitol Mall toward the Capitol Building.*

*Once constructed, the new visitor/welcome center entrance and interior subterranean space would create the most substantial change to the western entrance of the Capitol Building and the western blocks of Capitol Park since the building's completion in 1874. Construction of the new visitor/welcome center would alter historic features of the West Lawn landscape by interrupting the stepped terracing of the West Lawn, the north/side aligned tree rows, and pedestrian circulation paths; altering the spatial organization of the West Lawn and related ratio of softscape and hardscape elements; and removing portions of the perimeter pathways and palm trees.*

COMMENT: Please explain this statement about "...physical interruption..." of the vista toward the Capitol Building. It is not clear what that would entail, specifically. A detailed evaluation of the "...character-defining vista up and down Capitol Mall toward the Capitol Building" needs to be considered and factored into the evaluation about possible "interruption".

### **Response A3-15**

The referenced text is from Section 4.12, "Archeological, Historical, and Tribal Cultural Resources" in the Recirculated Draft EIR. The text is part of a broader discussion of the effects of the whole project (visitor/welcome center, Annex, and underground parking) on the State Capitol Complex. As stated on Page 4.12-29 of the Recirculated Draft EIR, the State Capitol Complex includes the Historic Capitol, Annex, Capitol Park, and Insectary. As described in Page 4.12-20 of the Recirculated Draft EIR, the West Lawn area was evaluated as part of the Capitol Park historic landscape and the "...West Lawn provides a defining vista, with long, linear views down Capitol Mall." The text identified in the comment accurately describes that the visitor/welcome center, as a modification to the West Lawn area, would alter the east/west view between the Capitol Mall and the Historic Capitol. The alteration to views resulting from the visitor/welcome center can be adequately envisioned based on information provided in Chapter 2, "Project Description (Revised)" in the Recirculated Draft EIR. The change in conditions and effects on the Capitol Complex from the visitor/welcome center is incorporated into the summary of the overall Project effects on the Capitol Complex provided on page 4.12-31 of the Recirculated Draft EIR. The Recirculated Draft EIR provides sufficient information on the effects of each component of the Project; visitor/welcome center, Annex, underground parking; on each component of the Capitol Complex; Historic Capitol, Annex, Capitol Park, Insectary; to support the impact analysis and conclusions for Impact 4.12-4, "Potential for Impacts on Historical Architectural Resources." No further information or evaluation is required to adequately assess Project effects on Historical Architectural Resources.

The Recirculated Draft EIR does include additional analysis on project effects on aesthetic resources, including the east/west view between the Capitol Mall and the Historic Capitol. Please see Section 4.15 of the Recirculated Draft EIR, Impacts 4.15-1 and 4.15-2, which discuss the modified visitor/welcome center design. As discussed therein, the modified visitor/welcome center would not adversely affect views of the Historic Capitol, an identified scenic vista, and would not conflict with applicable zoning or other regulations governing scenic quality, including the Capitol View Protection Act and the Capitol Area Plan (CAP), because it would not detract from the visual prominence of the Historic Capitol.

**Comment A3-16**

Also, could design alternatives be considered that would allow for the retention of most of the “terracing” features of the west area of Capitol Park within the proposed Visitor/Welcome Center project area? Perhaps re-analyzing the Option 2 Visitor location as listed in the POS is appropriate.

**Response A3-16**

Please see Master Response 1 in Chapter 3 of this Final EIR. In addition, a visitor/welcome center alternative that retained the current terracing would preclude the ramped entry provided in the current alternative. Retaining the current terracing would not allow the grade modifications needed to provide a ramped entry. Without a ramped entry, elevators and stairs would be required to enter the visitor/welcome center, resulting in the above ground elevator bays the commenter has sought to avoid in past comments.

**Comment A3-17**

Possible mitigation measures could be developed that would not require loss of significant trees and other landscape features. Please consider measures/design alternatives that would retain and/or reference these significant landscape elements.

We recommend as a mitigation measure the creation now of an early “schematic” landscape design for the Visitor/Welcome Center and equipment vault area on the west side. Instead of advancing the architectural plan until it is so developed it would be difficult to change, and THEN starting the landscape design after the fact, why not reverse that sequence?

**Response A3-17**

Please see Master Responses 5, 6, and 7 in Chapter 3 of this Final EIR.

**Comment A3-18**

Page 4.12-31

*Summary. The combination of the complete physical demolition of the Capitol Annex, the changes to the historical integrity of setting and association caused by the introduction of the new visitor/welcome center, the potential for vibration damage during construction activities, the introduction of a new modern building, and physical changes to Capitol Park including introduction of the visitor/welcome center, which would include noticeable changes to the West Lawn’s characteristic topography, pedestrian circulation, vegetation, and vistas of the west entrance to the Capitol building, as well as removal of or damage to memorials, and reconfiguration of pedestrian and vehicular circulation systems in the landscaping surrounding all elevations of the Capitol Building, together would result in a substantial adverse change per State CEQA Guidelines Section 15064.5(b)(2)(A) because they would materially impair physical characteristics of the State Capitol Complex that help convey its historical significance and qualify it for listing in the NRHP. Therefore, the project would result in a significant impact on the State Capitol Complex historical resource.*

COMMENT: Reinforcing the statement about the significant – but avoidable – impacts from all the excavation required for these proposals. The proposed demolition of the East Annex can be eliminated with its’ rehabilitation, with additions, and the proposed new underground parking eliminated by keeping legislators’ parking off-site and reconsidering the entire Visitor/Welcome Center complex proposal. We recommend analysis of Option 2 as shown in the POS as the smart, less damaging and expensive option.

**Response A3-18**

Please see Master Responses 1–4 in Chapter 3 of this Final EIR, regarding the evaluation of project alternatives and the underground parking. In addition, as described in Chapter 2 of this Final EIR, “Project Modifications,” the modified configuration for the underground parking, now aligned under the 12th Street walkway, is being considered, in part, because fewer trees would be adversely affected compared to the location south of the Historic Capitol evaluated in the Draft EIR and Recirculated Draft EIR.



**Comment A3-19**

Page 4.12-32

*California State Government Building District*

*Similar to effects of the Capitol Extension Group, the Capitol Annex project would also result in changes to the existing setting of the CSGBD. The planned lower plaza, safety railings, and raising of the western Capitol plaza to accommodate subterranean space for the visitor/welcome center would introduce visual interruptions at the Capitol.*

COMMENT: Visual impacts of the proposed REVISED Visitor/Welcome Center design might be able to be addressed with some good design alternatives. Please include mitigation measures to hire an historic landscape design firm to consider some alternatives for this.

Page 4.12-33

*Mitigation Measure 4.12-4b: Conduct Architectural and Landscape Salvage*

*Because a major component of the Capitol Annex Project is the demolition of a historical resource, the Annex, DGS and the JRC will seek feasible means for salvaging the building's character-defining architectural features. Additionally, because the construction of the visitor/welcome center would demolish a portion of the West Lawn, a historical resource, DGS and JRC will seek feasible means for salvaging character-defining features, including but not limited to the granite pillars and acorn-style light standards. The architectural and landscape salvage shall be incorporated into either the design of the new project proposed at the site or the interpretive program that would be developed under Mitigation Measure 4.12-4c. DGS and the JRC will determine which elements should be salvaged. If reuse of salvaged elements in either the design of the new building or in an interpretive program proves infeasible or otherwise undesirable, as determined by DGS and the JRC, DGS and the JRC will attempt to donate the elements to an appropriate historical or arts organization. DGS and the JRC, or consultants that meet the SOIS professional qualifications standards (SOIS-qualified consultants), shall ensure that a detailed salvage plan is provided before any demolition, site, or construction permit is issued for the project.*

COMMENT: It would seem that feasible design alternatives are available to mitigate these significant impacts.

**Response A3-19**

Regarding impacts on the CSGBD, as also identified on Page 4.12-32 of the Recirculated Draft EIR, effects on the CSGBD are identified as less than significant. No mitigation for effects on the CSGBD are needed. Regarding feasible design alternatives to address the significant impact instigating Mitigation Measure 4.12-4b, please see Master Responses 1, 5, and 6 in Chapter 3 of this Final EIR.

**Comment A3-20**

Page 4.15-15

*THRESHOLDS OF SIGNIFICANCE*

*An impact on aesthetics, light, and glare would be significant if implementation of the Capitol Annex Project would have a substantial adverse effect on a scenic vista.*

*substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway.*

*substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point); if the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality;*

COMMENT: Options for design alternatives that would minimize these impacts to a less-than-significant impact can, and should, be included in this evaluation.



**Response A3-20**

Please see Section 4.15 of the Recirculated Draft EIR, Impacts 4.15-1 and 4.15-2, which discuss the modified visitor/welcome center design as well as aesthetics, light, and glare impacts associated with the Annex and underground parking. As discussed therein, no element of the project would have a significant adverse effect on views of the Historic Capitol, an identified scenic vista when viewed from the west, and would not conflict with applicable zoning or other regulations governing scenic quality, including the Capitol View Protection Act and the CAP, because the project would not detract from the visual prominence of the Historic Capitol. Impacts related to aesthetics, light, and glare are already less than significant; therefore, design alternatives to further minimize the impact are not needed. Please also see Master Response 1 in Chapter 3 of this Final EIR.

**Comment A3-21**

Page 4.15-18

*Because the parking garage would be constructed underground and ground surface landscaping and hardscape would be restored, it would be visually consistent with the project site after construction and surface restoration and landscaping.*

COMMENT: It is not clear that the excavation and re-covering of the landscape areas proposed to be developed into the "underground" parking could be "...restored...". The trees of the size now in the area would likely not be able to be restored on top of a new parking garage roof.

California considers itself the leader in reducing greenhouse gas emissions. A two-acre underground parking lot created beneath one of the main public gathering spots hardly seems to be setting an example of our commitment to reduce automobile emissions.

We request that the RDEIR analyze alternatives to a Capitol Park location for legislative parking.

**Response A3-21**

As described in Chapter 2 of this Final EIR, "Project Modifications," configuration for the underground parking has been modified; it is now aligned under the 12th Street walkway. This new alignment for parking is being considered, in part, because fewer trees would be adversely affected compared to the location south of the Historic Capitol evaluated in the Draft EIR and Recirculated Draft EIR. Please see also Master Responses 4 and 5 in Chapter 3 of this Final EIR. As identified in page 4.6-11 of the Draft EIR, and Section 2.4 of Appendix A of the Recirculated Draft EIR, the project, including underground parking, results in a less than significant impact related to GHG emissions.

**Comment A3-22**

Pages 5.10 and 5.11

***HISTORIC STRUCTURES AND LANDSCAPES***

*Although there are various laws and regulations directed at the protection of historic structures and landscapes, significant historic structures have been and will continue to be damaged or removed over time. Even with implementation of Mitigation Measure 4.12-4 included in this Recirculated Draft EIR and compliance with existing policies and regulations, the proposed project, and presumably some reasonably foreseeable future projects, would contribute to an ongoing significant cumulative loss and degradation of historic structures and landscapes. The project's combination of the complete physical demolition of the Capitol Annex, the changes to the historical integrity of setting and association caused by the introduction of the new visitor/welcome center, the potential for vibration damage during construction activities, the introduction of a new modern building, and physical changes to Capitol Park including introduction of the visitor/welcome center, temporary removal and potential relocation of memorials, and reconfiguration of pedestrian and vehicular circulation systems together would result in a substantial adverse change per State CEQA Guidelines Section 15064.5(b)(2)(A) because they would materially impair physical characteristics of the State Capitol Complex that help convey its historical significance and qualify it for listing in the NRHP. Therefore, the project would result in a significant impact on the State Capitol Complex historical resource. Mitigation Measure 4.12-4a requires that preservation treatment objectives meet all Secretary of the Interior's Standards (SOIS) for character-defining features having primary significance status and meet as many SOIS as feasible for those character-defining*

features designated as having secondary significance status, and require adherence to the California State Historical Building Code to the extent feasible in instances when DGS and the JRC must address human safety issues not compatible with the SOIS. Mitigation Measures 4.12-4b and 4.12-4c require DGS and the JRC to seek feasible means for salvaging the Annex's character-defining architectural features and incorporating them into either the design of the new Annex or the interpretive program, which should, at minimum, result in the installation of a permanent exhibit, located on-site, in a public space, which is viewable and accessible to the public. Mitigation Measure 4.12-4d requires the protection, restoration, and replacement of commemorative trees, plantings, and memorials at Capitol Park, which would reduce some of the effects on the Capitol Park historic landscape. Mitigation Measure 4.4-14e requires the protection of the Historic Capitol from damage during nearby construction, and repair of any damage that does occur. This would prevent inadvertent harm to the Historic Capitol building during construction. Although the project implementation of Mitigation Measures 4.12-4a through 4.12-4e would help protect and preserve historic architectural and landscape features of the project site, the demolition of the Annex and project site disturbance would remain significant and unavoidable and the project would make a cumulatively considerable incremental contribution to the significant cumulative impact of the loss and degradation of historic structures and landscapes.

COMMENT: It is not acceptable for the State of California to allow the destruction of these very significant historical resources. There were alternatives submitted earlier in DEIR comments that would not destroy our history and the significant features and characteristics of the Capitol and Capitol Park.

We again recommend a thorough analysis of East Annex options which both preserve the historic Annex, satisfy the Legislature's space needs, and reduce potential damage to the West Wing.

#### **Response A3-22**

Please see Master Responses 1–3, regarding alternatives, Master Response 4 regarding the underground parking garage, and Master Responses 5 and 6, regarding trees and the historic landscape analysis, in Chapter 3 of this Final EIR.

## **Letter A4 City of Sacramento, Community Development Department**

Carson Anderson  
March 2, 2020

#### **Comment A4-1**

I am writing to share the following concerns in response to your request for written comment on the Capitol Annex Project Recirculated Draft EIR (DEIR). The legislative mandate to upgrade the Capitol Annex, Annex parking and visitors' facility at the Capitol is clear, as is the rationale for the preferred alternative. However, in implementing the renovation plan, fully honoring the spirit of one of the stated project objectives is paramount: *Integrate the new State development with the existing surroundings*. The words "existing surroundings" have been underlined because their historic preservation design importance is huge.

#### **Response A4-1**

The project objectives, for the purposes of the EIR, are identified in Recirculated Draft EIR Section 3.2, "Project Objectives" (pages 3-1 and 3-2). These same project objectives are identified in the Draft EIR. Although "Integrate the new State development with the existing surroundings." may be an objective referenced in legislative text related to the project, it is not a project objective in the context of CEQA. An objective of the project identified in the EIR is to address the identified deficiencies of the Capitol Annex, which necessitates construction at its location, which is within Capitol Park. As discussed throughout the Draft and Recirculated Draft EIRs, the project includes an upgraded visitor/welcome center and replacement underground parking in addition to the updated Annex building. DGS recognizes Capitol Park as a component of the NRHP listed State Capitol Complex. This is presented in the Recirculated Draft EIR, beginning on page 4.12-19. The project's impacts on Capitol Park are evaluated and mitigated, as necessary. The project does not propose changing the use of Capitol Park, existing landscaping and lighting would be maintained as much as possible during construction and, after construction, temporarily disturbed portions of the

park would be restored to as close as possible to existing pre-project conditions. Please also see Master Responses 4, 5, and 6 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

#### **Comment A4-2**

A key concern I have is the removal of a number of mature trees of significant historical and/or horticultural value from the Capitol's West Lawn and North Lawn areas to accommodate the reconfigured visitors center and the parking garage, respectively. Of particular concern is the recontouring of the Capitol's West Lawn area called for in the current visitors' center conceptual design. In their own right the proposed changes to Capitol Park have the potential to affect the viewshed to the Capitol in a significantly adverse way. However, on account of the adjacency of the Capitol Extension Group Historic District and the interconnected nature of the Capitol Group and Capitol Extension Group preservation design viewshed, all the primary and secondary elements defining this viewshed assume greater significance. Due to this shared viewshed changes to the Capitol's West Lawn area proposed as part of the Recirculated DEIR and the treatment of the Capitol Extension Group Plaza and Plaza Fountain proposed as part of the Jesse Unruh Office Building Renovation Project need to be considered together, even if DGS considers them separate projects with different, albeit adjoining, project area boundaries.

#### **Response A4-2**

Please see Master Responses 5, 6, and 7 in Chapter 3 of this Final EIR.

The revised design of the visitor/welcome center, including the lower plaza and associated landscape modifications, the below grade visitor/welcome center, and the upper plaza and associated landscape modifications, would be designed to be deferential to the Historic Capitol, and would maintain the west façade of the Historic Capitol as a focal point of Capitol Mall. The top of the visitor center roof (ground-level) would be located even with, or just below, the base of the west portico steps and would provide full visibility to the Historic Capitol. The only visitor/welcome center elements that would extend above the base of the west portico steps would be the safety railing along the west edge of the upper plaza, the railing around the skylight, the planters with trees on the north and south sides of the upper plaza, and the fencing around the emergency exits by the planters. These are the only project elements that would obscure views of the Historic Capitol when viewed from the west at street level. Only the safety railing and railing around the skylight would obstruct views of the portico, and only the steps and small portion of the portico just above the base of the steps would be affected. As evaluated in Impact 4.15-1 of the Recirculated Draft EIR, because the new above ground features of the visitor/welcome center would either have a relatively low profile and would only obstruct views of a portion of the portico steps, would be constructed of transparent materials (i.e., glass skylight), or would be located to approximate current visual conditions (i.e., upper plaza planters), they would not substantially alter the long-distance views of the Historic Capitol from Capitol Mall and the overall visual integrity of the Historic Capitol's primary façade would be retained.

DGS recognizes that the Capitol fountain is a designated component of the Capitol Extension (Group) Historic District. The Capitol fountain and plaza are not within the Capitol Annex Project site. The Capitol Annex Project would not involve any alteration to the fountain or plaza. It should also be noted that, as stated in the DGS approval of the Jesse M. Unruh Building Renovation Project, DGS is not taking any action at this time on removal of the Capitol fountain, which was proposed and evaluated as part of the Jesse M. Unruh Building Renovation Project. Views of the Historic Capitol through the Capitol Extension Historic District along Capitol Mall would be maintained. In the discussion of Impact 4.12-4 in the Recirculated Draft EIR, it is identified that the project would have a less-than-significant impact on the Capitol Extension Group historical resource (pages 4.12-31 and 4.12-32).

#### **Comment A4-3**

In addition to being subject to the provisions of the Capital Area Plan, the Draft EIR catalogues the multiple landmark designations for the buildings and grounds within the project area and the adjoining area, referencing the several layers of recognition on the National Register of Historic Places (NR), California Register (CR) and Sacramento Register that are now in place. These include the State Capitol NR listing, the overlapping NR, CR and Sacramento Register listings of the State Capitol Complex which includes the Capitol, Capitol Annex and Capitol Park measured east from 10th Street to 15th Street; and the Capitol Extension (Group) Historic District, which has overlapping landmark listings on the NR, CR and Sacramento Register.

The City's just enacted Historic District Plan (HOP), consistent with the City's State Government Historic Context Statement, adds a new preservation consideration: The HOP expanded the Sacramento Register-listed Capitol Historic District to include a majority of the state office buildings along the south side of N Street and a portion of the north side of O Street (see HOP attachment) consistent with the mapping of the "Historic Architectural Resources Study Area" depicted in DEIR Figure 4.12-2. This consideration, along with the other multiple overlapping landmark designations underscore the historic legacy-rich nature of the Capitol Area, its visual linkages, and the need for a thoughtfully considered mitigation strategy and preservation treatment plan that addresses the preservation design setting with the utmost sensitivity.

As supported in the DEIR analysis, Capitol Park is an historic landscape of major horticultural, landscape design and cultural significance, and the Capitol Extension (Group) Historic District's Plaza/Fountain literally serves to extend the landscape and frame views to and from the Capitol. It therefore comprises a significant designed historic / cultural landscape tied to Capitol Park in preservation design terms. Retaining views through this plaza, including views with an operating fountain component, is important in conveying the intended historic design character of the Capitol Area as a whole and its visual linkage along Capitol Mall to the Tower Bridge. At its meeting of July 11, 2019, the Capitol Commission noted this linkage and went on record in stating that the Fountain is a significant component of the Capitol Extension (Group) Historic District.

### **Response A4-3**

As stated in Section 4.2 of the Capitol Annex Draft EIR, under CEQA, an EIR must consider the extent to which a project is inconsistent with "applicable general plans" (State CEQA Guidelines Section 15125[d]; see also State CEQA Guidelines Appendix G, IX[b]). The project is located in the City of Sacramento, but because the JRC and DGS are State agencies, that are not subject to local land use regulations, City-adopted land use plans, policies, and regulations are not applicable to the project. For this reason, this EIR need not, as a matter of law, consider such plans, policies, and regulations. Nevertheless, in the exercise of its discretion, the JRC does reference, describe, and address local land use plans, policies, and regulations in its evaluation of the Capitol Annex Project. DGS, working with JRC pursuant to the MOU, will determine the content of the EIR.

The JRC and DGS take this approach for several reasons. First, the JRC and DGS recognize that such plans, policies, and regulations reflect the local agency's policy decisions with respect to appropriate uses of land in the area. Consideration of these plans, policies, and regulations will therefore assist the JRC and DGS in determining whether the proposed project may conflict with nearby land uses that could result in potentially significant environmental impacts. Second, the consideration of City plans, policies, and regulations is consistent with Government Code Section 8162, which directs DGS to cooperate with City and county officials in connection with implementation of the CAP (see also Government Code Section 8163[a][2], which directs DGS to take into consideration local "ordinances, plans, requirements and proposed improvements"). Finally, the project would require sidewalk and roadway encroachment permits, as well as permits for connections to City-operated utilities (see Streets and Highways Code Section 8300 et seq.). By considering consistency of the project with the City of Sacramento 2035 General Plan, the EIR will provide the City with the information necessary to make the consistency determination related to required encroachment and utility permits.

Based on review of the City's recently adopted Historic District Plan (HDP) design guidelines subsection for the Capitol, the project is consistent with the district-specific standards and criteria guidelines provided in the HDP. The design standards and criteria for the City's historic districts are written to be consistent with the Secretary of the Interior's Standards (SOIS) guidelines; projects found to conform with the City's HDPs generally are considered in conformance with the SOIS.

Please also see Response A4-2, above, and Master Responses 5 through 7 in Chapter 3. See the discussion of Impact 4.12-4, "Potential Impacts on Historic Architectural Resources" in the Recirculated Draft EIR where impacts on the State Capitol Complex are identified as significant and effects on the Capitol Extension Group are identified as less-than-significant. The comment does not provide any information that refutes the analysis or conclusions provided in the discussion of Impact 4.12-4. Furthermore, please see Section 4.15 of the Recirculated Draft EIR, Impacts 4.15-1 and 4.15-2, which discuss the modified visitor/welcome center design. As discussed therein, the modified visitor/welcome

center would not adversely affect views of the Historic Capitol, an identified scenic vista, and would not conflict with applicable zoning or other regulations governing scenic quality, including the Capitol View Protection Act and the CAP, because it would not detract from the visual prominence of the Historic Capitol.

#### **Comment A4-4**

Because Capitol Park meets the definition of cultural landscape, a landscape treatment plan should be developed consistent with National Park Service Preservation Brief# 36 (*Protecting Cultural Landscapes*) and the more specific guidance found in the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes (1996). Such a plan should be used to highlight specific impacts to aspects of integrity and to formulate mitigation measures that address the actual anticipated potential impacts in a more precise way. Because the West Lawn area of the Capitol Annex Project and Capitol Extension Group Historic District are inseparable preservation design viewshed components, potential changes to its Plaza/Fountain should be addressed as part of that design integrity analysis.

#### **Response A4-4**

Please see Responses A4-2 and A4-3, above, and Master Response 6 in Chapter 3 of this Final EIR.

#### **Comment A4-5**

The DEIR appropriately references the relevant 2035 Sacramento General Plan Historic and Cultural Resource and Land Use policies. As an overarching goal these discourage demolition, encourage reuse of historic resources, and highlight the need for design responsiveness to context. The DEIR therefore includes a number of appropriate mitigation measures to address what are rightly considered significant, unavoidable impacts to historic resources (e.g., architectural salvage (MM 4.12-4b); development and implementation of an interpretive program (MM 4.12- 4c); and protection monitoring/planning for inadvertent damage to the Capitol (MM 4.12-4e). In order to address the potential impacts to Capitol Park, particularly the West Lawn area and its visual linkage across the Capitol and the Capitol Extension Group, the current DEIR mitigation measures should be supplemented after completing a careful cultural landscape treatment plan based on the NPS technical guidance (cited above).

#### **Response A4-5**

Please see Responses A4-2 and A4-3, above, and Master Response 6 in Chapter 3 of this Final EIR.

#### **Comment A4-6**

Thank you for affording the City the opportunity to offer comment on the project. At its meeting of February 19, 2020, the City's Preservation Commission members voiced concerns similar to those summarized here and also recommended that more detailed design studies be done, accompanied by detailed graphics to more carefully document the impacts to the Capitol's landscape features and the viewshed. This was considered to be a necessary step for reducing impacts, developing project alternatives and an effective treatment plan, and fine-tuning the mitigation measures. It was also recommended that the City's Capitol Historic District HOP be reviewed for its discussion of design guidelines specific to the Capitol Historic District preservation design setting (enclosure).

#### **Response A4-6**

Please see Response A4-3, above, and Master Response 1, 5, 6, and 7 in Chapter 3 of this Final EIR.

#### **Comment A4-7**

Lastly, the City received a number of public comments connected with the Preservation Commission's February meeting. These have been added to this letter as an additional enclosure (enclosure).

#### **Response A4-7**

DGS and the JRC recognize the submittal of the public comments, as included in Letter A4. In addition to the responses to individuals provided later in this Final EIR, which consist of many of the same letters included with Letter A4, please refer to Master Response 4 regarding the parking garage, Master Response 5 regarding trees in Capitol Park, and Master Response 6 regarding the historic landscape analysis. These sources adequately address the issues raised by the letters included with Letter A4.

## **Letter A5 City of Sacramento, Department of Public Works, Traffic Engineering**

Pelle Clark

March 2, 2020

### **Comment A5-1**

Thank you for including the City of Sacramento in the environmental review process for the project referenced above. The revised proposed project would involve the demolition and reconstruction of the existing Capitol Annex Building to increase the gross building size from 325,000 to 525,000 square feet.

The existing parking in the Annex Building will be abandoned in favor of a new 200 space underground parking facility on the south side of the Capitol. The current Annex basement parking has entries/exits with security checkpoints on both L Street and N Street. The revision includes entry and exit from the new underground parking via N Street only, with one entry/exit point east of the N Street/11th Street intersection and one entry/exit point west of N Street/11th Street intersection.

Before initiating demolition of the existing Annex, the Legislature and executive branch offices and related facilities would be temporarily located in the new 10th and O Street Office Building, which is currently under construction.

The underground visitor center is still proposed on the west side of the Capitol, adjacent to 10th Street. However, with the revision, the design of the new visitor/welcome center now consists of using ramps rather than stairs and elevators to enter the welcome center, increasing pedestrian movement along 10th Street between L Street and N Street.

### **Response A5-1**

DGS appreciates the City's review and input on the Capitol Annex Project and EIR. The comment provides an accurate summary of the proposed project as described in the Recirculated Draft EIR. The comment does not address the analysis or conclusions in the EIR. No further response is required.

### **Comment A5-2**

City of Sacramento has the following comments on the Revised Draft EIR for this project:

1. Any proposed changes to lane striping and parking, such as along 10th Street, will require analysis, coordination and approval by the City of Sacramento's Department of Public Works.

### **Response A5-2**

DGS and the JRC understand that the State must coordinate with, and receive applicable authorizations from, the City of Sacramento for all project activities on lands under the City's jurisdiction. The State and its representatives are currently undertaking the requested coordination with City of Sacramento Department of Public Works and implementing the desired analysis. Project activities will not be implemented on lands under the City's jurisdiction until applicable authorizations have been received.

In addition, as stated in Response A5-4, below, and discussed in Impact 4.4-5, "Construction-Related Impacts," of the Draft EIR (page 4.3-26 to 4.3-28), in accordance with Section 12.20.20 of the Sacramento City Code, DGS and the JRC or their selected contractor would prepare a construction traffic management plan, which is subject to approval by the City of Sacramento Traffic Engineer and subject to review by all affected agencies, including California Highway Patrol and City of Sacramento Fire and Police Departments. The plan would be designed to ensure acceptable operating conditions on local roadways, pedestrian and bicycle facilities, and transit studied as a part of this EIR and affected by construction traffic.

### **Comment A5-3**

2. The City of Sacramento's Central City Specific Plan integrates a number of planned transportation improvements and programs to further enhance the downtown grid. Grid 3.0 is the adopted and preferred city street network, including conversion of N Street to 2-way operations. Planning efforts for the Capitol Annex Project should take

into consideration the City's adopted and preferred street network. In the vicinity of the proposed project, the future infrastructure improvements include but are not limited to:

- 10th Street, 15th Street, and L Street lane reduction from 3 lanes to 2 lanes;
- N Street conversion from an eastbound 1-Way vehicle travel to 2-Way vehicle travel;
- Pedestrian network improvements within the vicinity of the project site;
- Class II Enhanced Buffered Bike Lane along 10 Street and 15th Street, Class II Bike Lane along N Street adjacent to the project site, the existing Class II Bike Lane bisecting Capitol Park;
- Bus Stop enhancements on 15th Street adjacent to the project site, etc.

### **Response A5-3**

The City's future infrastructure improvements are included in the cumulative impact analysis in Chapter 5 of the Draft EIR. These improvements are listed in Section 5.2.4, "Related Projects," and are considered in the cumulative transportation and circulation impacts in Section 5.3.2, "Transportation and Circulation." As stated on page 5-8 of the Draft EIR, the model used for the cumulative traffic analysis, SACMET, "...accounts for planned improvements to the surrounding transportation system, including improvements identified in the City's 'Grid 3.0' plan for the Central City...". As identified in Draft EIR Section 5.3.2, under cumulative traffic conditions, including implementation of the Grid 3.0 plan, the proposed project would not make a substantial contribution to any significant cumulative traffic impacts.

As identified previously, since publication of the Recirculated Draft EIR, design development for the Annex and underground parking has proceeded and a modified approach to project phasing and Annex and underground parking implementation are described and evaluated in Chapter 2 of this Final EIR. As described in Section 2.3.1, "Transportation and Circulation," of this Final EIR, the project modifications do not result in any new significant traffic impacts or substantially more severe significant impacts compared to what was identified in the Draft EIR, either under existing conditions or under future cumulative conditions where the Grid 3.0 plan has been implemented.

### **Comment A5-4**

3. The proposed project is required to comply with Sacramento City Code Section 12.20.020 to prepare a traffic control plan for any construction activities that may obstruct vehicular or pedestrian traffic on city streets. The plan is subject to review and approval of the City of Sacramento director of Department of Public Works. The City Code Section 12.20.030 outlines the minimum requirements for information that must be provided in the traffic control plan. Traffic control plan is subject to review and approval of the City of Sacramento director of Department of Public Works.

### **Response A5-4**

As stated on page 3-16 of the Draft EIR and discussed in the description of Impact 4.4-5, "Construction-Related Impacts," (page 4.3-26) in accordance with Section 12.20.20 of the Sacramento City Code, DGS and the JRC or their selected contractor would prepare a construction traffic management plan, which is subject to approval by the City of Sacramento Traffic Engineer and subject to review by all affected agencies, including California Highway Patrol and City of Sacramento Fire and Police Departments. The plan would be designed to ensure acceptable operating conditions on local roadways, pedestrian and bicycle facilities, and transit studied as a part of this EIR and affected by construction traffic. At a minimum, the plan shall include a:

- ▶ description of the proposed work area and phases of traffic control;
- ▶ description of trucks, including number and size of trucks per day, expected arrival and departure times, and truck circulation patterns;
- ▶ description of right-of-way (vehicular, bicycle, and pedestrian facility) closures, including duration, advance warning and posted signage, detour routes, safe and efficient access routes for emergency vehicles, and use of manual traffic control; and

- ▶ description of a driveway access plan, including provisions for safe vehicular, pedestrian, and bicycle travel; minimum distance from any open trench; special signage; and private vehicle accesses.

A copy of the construction traffic management plan shall be submitted to local emergency response agencies and transit providers, and these agencies shall be notified at least 30 days before the commencement of construction that would partially or fully obstruct roadways. The project site is located within the downtown street grid; therefore, various alternative vehicle, pedestrian, and bicycle routes are available to access the project area and nearby locations in response to temporary access disruptions during construction. There are no transit stops that would be affected by anticipated travel lane and sidewalk closures. There is one bus stop on L Street near the project site; however, the stop is on the north side of L Street, on the opposite side of L Street from where a sidewalk closure may occur.

#### **Comment A5-5**

4. Access to parking garages and location of driveways need to be evaluated so that there will be no queuing and spill back to public streets.

#### **Response A5-5**

The travel forecasts and traffic operations analysis contained in Chapter 2 of this Final EIR account for the closure of the existing parking garage under the current Annex and construction and operation of underground parking along the "12th Street alignment." The potential for queuing spillback into public streets is addressed in this analysis and it is identified that the proposed design, with entry and exit ramps on L Street and N Street, would not result into spillback onto public streets. See Section 2.2.3, "Underground Parking – 12th Street alignment" in this Final EIR for more information on the proposed parking facility and Section 2.3.1, "Transportation and Circulation" for the traffic analysis evaluating the operation of this facility. Note that the State has been actively coordinating with the City of Sacramento regarding the design and operation of the proposed underground parking.

#### **Comment A5-6**

5. Pursuant to City Code Section 17.700.060, a Transportation System Management Plan is required. The Transportation System Management Plan shall be subject to review and approval by the City, Department of Public Works.

#### **Response A5-6**

This comment does not address the analysis or conclusions in the EIR. DGS has incentives in place to encourage non-auto transportation, use of transit, bicycle parking, ride sharing, teleworking, etc. that currently apply to the State Capitol and would continue to apply with implementation of the proposed project. Furthermore, the Capitol Annex Project would not change the number of employees at the Annex and would not increase demands on the transportation system (see Section 4.3 of the Draft EIR and Chapter 2 of this Final EIR). State employee mode share surveys indicate that a substantial number of State employees within the Central City use non-auto commute modes. The development or implementation of the suggested Transportation System Management Plan would not alter the traffic impact analysis in the EIR or the conclusions that no significant traffic impacts would occur.

#### **Comment A5-7**

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development and we would like to be included on early review of the proposed project site plan.

If you have any questions regarding these comments, please contact Alex Switzgable at (916)-808-7808 or by email at [JSwitzgable@cityofsacramento.org](mailto:JSwitzgable@cityofsacramento.org).

#### **Response A5-7**

DGS appreciates the City Department of Public Works, Traffic Engineering, input. DGS and the project planners and engineers will continue to coordinate with the City regarding the CEQA process, the project, and integrating the project with the local transportation network.



## Letter A6 Sacramento Municipal Utilities District

Nicole Goi

March 2, 2020

### Comment A6-1

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.

It is our desire that the Project EIR will acknowledge any Project impacts related to the following:

- 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

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.

At this time, SMUD has no additional comments to incorporate into the Draft EIR.

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.

### Response A6-1

Please see Responses A5-1 through A5-11 in Chapter 4, "Response to Comments on the Draft EIR." This letter, A6, does not provide any input not already part of SMUD's comments on the Draft EIR (letter A5).

DGS appreciates SMUD's input. DGS and the project planners and engineers will continue to coordinate with SMUD regarding connection to the SMUD system, electrical infrastructure, and any necessary utility easements for SMUD related to electrical infrastructure.

## Letter A7 United Auburn Indian Community

Matthew Moore, UAIC Tribal Historic Preservation Officer

March 2, 2012

*At the request of the Native American Tribes participating in consultation with DGS pursuant to AB 52, all Tribal correspondence, including comments on the EIR, are considered confidential. This approach is consistent with the guidance on confidentiality during Tribal consultation provided in PRC 21082.3(c). Consistent with PRC 21082.3(c), comment letters from consulting Native American Tribes and responses to those comments are included in a*

*confidential appendix to this Final EIR (Appendix D). Requests for access to this confidential appendix by qualified reviewers can be directed to Stephanie Coleman, Department of General Services, Environmental Services Unit Section; Email: [environmental@dgs.ca.gov](mailto:environmental@dgs.ca.gov); Mailing Address: P.O. Box 989052, West Sacramento, CA 95798; Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605. DGS will then lead coordination with the consulting Tribes regarding the request for access to the confidential appendix.*

## **Letter A8 Wilton Rancheria**

Raymond Hitchcock, Chairman Wilton Rancheria

March 2, 2020

*At the request of the Native American Tribes participating in consultation with DGS pursuant to AB 52, all Tribal correspondence, including comments on the EIR, are considered confidential. This approach is consistent with the guidance on confidentiality during Tribal consultation provided in PRC 21082.3(c). Consistent with PRC 21082.3(c), comment letters from consulting Native American Tribes and responses to those comments are included in a confidential appendix to this Final EIR (Appendix D). Requests for access to this confidential appendix by qualified reviewers can be directed to Stephanie Coleman, Department of General Services, Environmental Services Unit Section; Email: [environmental@dgs.ca.gov](mailto:environmental@dgs.ca.gov); Mailing Address: P.O. Box 989052, West Sacramento, CA 95798; Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605. DGS will then lead coordination with the consulting Tribes regarding the request for access to the confidential appendix.*

## **ORGANIZATIONS**

### **Letter O1 Sacramento Modern (SacMod), Gretchen Steinberg**

February 15, 2020

#### **Comment O1-1**

Subject: Capitol Annex Project DEIR - Public Comments (ends March 2, 2020)

Hello,

Am requesting a copy of the above.

Many thanks,

Gretchen Steinberg

SacMod.org

#### **Response O1-1**

This comment includes correspondence between SacMod and DGS requesting a copy of the Public Recirculated Draft EIR. The Recirculated Draft EIR was provided to SacMod for review. This comment does not provide input on the analysis or conclusions in the Recirculated EIR. No further response is required.

### **Letter O2 Boulevard Park Neighborhood Association**

February 17, 2020

#### **Comment O2-1**

Building a two-acre underground parking structure and a visitor center under the Capitol Park Arboretum would cause an unacceptable loss of this historic landscape and tree canopy. Adding this much parking is contrary to the city of Sacramento's efforts to increase use of public transportation. The project would result in the loss of many historic trees that come from diverse parts of the world and provide shade and scientific study opportunities. Sacramentans support our City of Trees and the Boulevard Park Neighborhood Association objects strongly to this ill-conceived plan.

According to Paula Peper, a nationally recognized historian and tree advocate, there are trees represented in the California State Capitol Arboretum surrounding the Capitol that are rare; many are endangered now in their countries of origin. Over 260 species of trees are represented here, 96 of which have only 1 representative. The proposal to demolish and rebuild the East Annex to the Capitol and to add a 2-acre underground parking lot for 200 vehicles and an underground visitors center leading up to the old Capitol basement would result in removal or damage to over 100 of the trees. This represents 1 for every 8 trees in the entire 40-acre park. These trees are continually used for research, to train new horticulturists and arborists. Their shade and beauty enhance outdoor events at the Capitol, attended by well over 1.5 million people annually.

Our concerns include the following:

1. The proposed 2-acre underground parking lot would remove over 35 trees including an historic Cockspur coral and multiple redwoods now measuring well over 100 feet tall.
2. The proposed outline of the new Annex would cause the removal of additional redwoods, including the Moon Tree.
3. In front of the Capitol are nine magnificent Deodar cedar trees that were planted in 1872, are still thriving, and provide shade for countless outdoor events. The proposed underground visitors center would cause the loss of at least two of these trees and possibly two additional trees.
4. The project would result in multiple large, mature trees being removed, reducing carbon storage, rainfall interception, energy savings and air quality improvement for many years to come.

#### **Response O2-1**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway to the east of the Annex. A modified configuration for the Annex is also addressed. Chapter 2 of this Final EIR also provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR. Please see Master Response 6 for information on analysis of the historic landscape.

#### **Comment O2-2**

The existing public entrance structures on the north and south sides of the Capitol are adequate and additional parking is not needed. We urge you to redesign the entire project to dramatically lessen the impact on the existing treescape.

#### **Response O2-2**

As described in Chapter 3, "Project Description," of the Draft EIR, the Annex currently has major deficiencies related to fire and life-safety, compliance with Americans with Disabilities Act (ADA) standards, compliance with energy efficiency standards, overcrowding, infrastructure and working space. The existing north and south public entrances to the Annex and Historic Capitol are currently connected to the Annex and would need to be removed in order to reconstruct the building. These entrances would be replaced with new entrances associated with the new annex, and when the visitor/welcome center is complete it will provide a universally accessible (ADA-compliant) walkway/ramp entrance into the Capitol. In regard to concerns related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively. Please see Master Responses 1, 2, and 3 regarding alternatives to the proposed project that have been considered.

## Letter O3 Trees for Sacramento

March 1, 2020

### Comment O3-1

The State Legislature is planning a project that will, among other things, remove or relocate many trees around the State Capitol. The project will excavate the west side of the Capitol for an underground visitor center and excavate the south side of the Capitol for an underground parking garage for Legislators and other state officials.

The RDEIR is inadequate because the public cannot determine the project impacts to the Capitol Park and the trees within it. Credible sources have estimated up to 100 trees may be significantly affected. The RDEIR does not identify the unique, historic and other contributions made by the trees to be removed.

The Capitol Park collection of trees has been selected and nurtured for decades to achieve a remarkable urban forest. The RDEIR does not adequately describe the impact on that unique horticultural body.

The RDEIR does not identify the leaf surface of the tree canopy to be removed and does not explain how the impacts of tree canopy removal will be mitigated to be less than significant.

### Response O3-1

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway to the east of the Annex. A modified configuration for the Annex is also addressed. Chapter 2 of this Final EIR also provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR. Please see Master Response 6 for information on analysis of the historic landscape.

### Comment O3-2

Before the Final EIR is and project are approved, the Final EIR MUST have the Landscape Plan in it. This is necessary in order for the public to see what is proposed and be able to comment on the details before the Final EIR and project are approved.

### Response O3-2

Please see Master Response 6.

### Comment O3-3

Please accept these additional comments on Capitol Park tree impacts:

- The cutting and/or attempted relocation of dozens – perhaps more than 100 -- of healthy, historic trees to build an underground parking lot and an underground visitor center in Capitol Park is a bad bargain for the citizens of this state.
- Only the deodar cedars appear to be protected in the plan. This leaves many glorious, historic trees vulnerable to destruction.
- The basic information the public needs has not been made available: the actual number of trees to be removed or moved is not specified. Which trees are slated for removal —and what is the plan for each of those trees? At the least, the RDEIR should have identified each individual tree/resource and what will happen to it.
- The underground structures will remove the ability for replacement trees roots to reach the water table and stretch out in the soil, thereby stunting those replacements and permanently altering the nature of Capitol Park. What is the mitigation for this loss of tree canopy and urban forest quality?
- All tree work must meet industry ANSI (American National Standards Institute) A300 standards.

### Response O3-3

Please see Master Response 5.

**Comment O3-4**

Trees for Sacramento (Trees4Sacramento) is a core group of tree advocates and champions of neighborhood quality of life and sustainability. Trees for Sacramento advocates for sustaining tree canopy in Sacramento County in the face of the "remove and replace" policy that governments now apply. We have formed a network of likeminded tree advocate in all areas of the County that will resist unnecessary tree removals and advocate on behalf of canopy increase.

Our policy recommendations:

- Acknowledge the link between preserving and enhancing our tree canopy and fighting the effects of climate change;
- Acknowledge that the state must take proactive steps to equitably bring canopy into all communities it impacts;
- Avoid tree removal to encourage preservation of existing tree canopy;
- Incorporate wherever possible existing trees into new state development;
- Require all new state development to set aside enough space to support a vibrant tree canopy;
- Respect and cooperate with city policies and city urban forestry departments in planning new state facilities.

Thank you for this opportunity to comment. Please advise us of the availability of public documents on this project and any public hearings to be held. We prefer to use email (trees4sacto@sbcglobal.net), but will accept postal delivery at Trees for Sacramento, 5601 Monalee Ave, Sacramento, CA 95819

**Response O3-4**

DGS appreciates Trees for Sacramento's input on the Recirculated Draft EIR. The comment provides information on the "Trees for Sacramento" organization and does address the analysis or conclusions in the EIR. No further response is required.

**Letter O4 350 Sacramento, Laurie Litman**

March 2, 2020

**Comment O4-1**

On behalf of 350 Sacramento, a local nonprofit organization committed to a just transition to a fossil-fuel-free future and safe climate, I am writing to strongly oppose plans to remove trees on Capitol Park to build a new visitor center and private parking lot.

We are in the midst of a climate crisis and trees are vitally important in combating climate change. Trees perform myriad ecological services: they sequester (store) carbon, provide oxygen, support wildlife, provide spiritual sustenance and aesthetics, and so much more. Our Capitol Park is a treasure of beauty and diversity. The mature trees slated for removal are irreplaceable and we doubt very much whether they would survive transplanting. Any plans for tree removal must include the planting of new trees with a greater sequestration potential, and these must be in place and well established before any trees are removed or action taken in Capitol Park.

This is an incredibly short-sighted project that should not go forward. The State of California and the City of Sacramento are both looking to enact solutions to climate change. The Mayors' Commission on Climate Change, convened by the mayors of Sacramento and West Sacramento, has put forth recommendations to plant half a million trees and is taking steps to decrease car travel by 60% by 2030 and 80% by 2040. This project is in direct contradiction to and undermines these critical efforts.

We don't need new parking lots, nor can we afford to cut down mature trees. Our Capitol, city, and state will be lessened by these decisions. Please rethink this project.

**Response O4-1**

Please see Master Response 4 and Master Response 5 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter O5 Sacramento Tree Foundation, Ray Tretheway**

March 2, 2020

**Comment O5-1**

The Sacramento Tree Foundation would like to share its thoughts regarding the potential impacts to the storied trees of Capitol Park during construction of the new Capitol Annex, the new underground parking and the new visitor center. The trees of Capitol Park are celebrated by the urban forestry community for their species diversity and for their maturity. The trees are widely utilized in as subjects in scientific studies, as some are singular in the area. Sacramento is an epicenter for urban forestry studies and having such specimens regionally available is important to continuing to advance research for the area and for the overall academic community. Tree Foundation staff also use trees in the park as examples to share with people participating in our Sacramento Shade program, in which 10,000 trees are planted annually.

We urge that great effort be applied to preserve as many trees as possible in Capitol Park, and to use modern arboricultural standards, such as ANSI A300, to ensure that construction avoid negatively impacting these great trees.

More people are becoming aware of the vital role that a robust urban forest plays in alleviating the impacts of climate change, people understand that trees help to lower urban heat, sequester carbon, lower air pollution, support biodiversity and improve groundwater supplies. Thinning the forest of Capitol Park would send an off-tone message to the residents of California.

**Response O5-1**

DGS appreciates the Sacramento Tree Foundation's review and input on the Recirculated Draft EIR. Please refer to Master Response 4 and Master Response 5 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter O6 Preservation Sacramento, William Burg**

March 2, 2020

**Comment O6-1**

The Board of Directors of Preservation Sacramento wishes to comment on the above named Environmental Impact Report, specifically regarding mention of removal of the Capitol Fountain, a listed contributor to a National Register of Historic Places district, and recommending that DGS strongly consider the advice of the City of Sacramento regarding the need for complete evaluation of Capitol Park as a designed cultural landscape.

Section 5.2.4 (Related Projects) of the Draft EIR indicates that the Capitol Fountain will be removed from its location as part of the proposed Jesse Unruh Building project (State Projects: Renovation and Reoccupation of the Jesse Unruh Building, Section 5 Page 5). Because the fountain is no longer part of the Unruh Building project, this reference should be removed from the final EIR.

**Response O6-1**

DGS appreciates Preservation Sacramento's review and input on the Recirculated Draft EIR. Please see Response A4-2 in this Chapter of the Final EIR and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment O6-2**

The City of Sacramento's Preservation Director, Carson Anderson, provided comments regarding the need to document and evaluate Capitol Park as a historic landscape, on behalf of the City of Sacramento. We wish to reiterate the City's concerns regarding the need for comprehensive and appropriate documentation of Capitol Park's historic

features, and also recommend updating the National Register of Historic Places nomination for Capitol Park, whose documentation does not include the landscape features, trees, or monuments located in the historic district boundary. In order to more completely inform future projects, the district should be re-surveyed for eligible resources and those resources listed as contributors to the district via an amendment to the National Register district.

#### **Response O6-2**

Please see Master Response 6, in Chapter 3 of this Final EIR.

## **Letter O7 Save Our Capitol!**

March 2, 2020

#### **Comment O7-1**

Save Our Capitol! is an unincorporated association whose members reside in or around the City of Sacramento. Save Our Capitol! was formed to advocate for the preservation and protection of historic Capitol Park. Save Our Capitol! submits this letter to object to the proposed Capitol Annex Project ("Project"). Save Our Capitol!'s primary concerns are that the Project will cause irreparable damage to the mature trees in Capitol Park, and to historic resources including the Capitol Building, Capitol Annex, Capitol Park, and Capitol Fountain.

#### **Response O7-1**

DGS appreciates Save Our Capitol!'s review and input on the Recirculated Draft EIR. The comment provides introductory remarks and then identifies concerns related to trees and historic resources; however, it does not provide specific comments on the analysis or conclusions in the Recirculated Draft EIR. For concerns related to impacts on trees, please see Master Response 5, in Chapter 3 of this Final EIR. Impacts on the Capitol Building, Annex, and Capitol Park are further described in Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources," of the Recirculated Draft EIR and in Chapter 2, "Project Modifications," of this Final EIR. Further, Master Response 6, in Chapter 3 of this Final EIR discusses the historical landscape associated with the State Capitol Complex. For concerns related to Capitol Fountain, please refer to Response A4-2, above.

#### **Comment O7-2**

With respect to the Project's impacts on trees, the Draft EIR ("DEIR") and Recirculated Draft EIR for the Project ("RDEIR") fail to adequately analyze and to disclose the Project's impacts on trees in the Project area. As a result, the public cannot determine what the Project's true impacts on these valuable resources are, and cannot evaluate appropriate mitigation measures.

The DEIR states that "approximately 20-30 trees would need to be removed to implement the project." However, the DEIR fails to identify which trees in particular are at risk of removal. Identification of specific trees that may be removed is necessary because many of the trees in Capitol Park have historic significance. As Kevin Hocker of the City of Sacramento Department of Public Works, Urban Forestry section explained in his comments on the DEIR:

The current draft environmental impact report describes the trees with 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

Not only does the DEIR fail to identify specific trees that are expected to be removed, but the DEIR also fails to analyze and to disclose to the public how remaining trees may be adversely impacted by Project construction activities. For example, the DEIR fails to analyze and to disclose how construction and excavation activities may damage trees by compacting the soil within their root zones. For example, the DEIR does not analyze the adverse impacts which may be caused to trees by heavy construction vehicles regularly traversing the trees' root zones over an extended period of time. The City failed to adequately analyze such impacts despite the fact that the City's Tree Ordinance acknowledges that construction activities such as compacting of soil within a tree's protection zone "could adversely impact the health of a city tree." Sacramento City Code § 12.56.020.

Save Our Capitol! also joins in the comments on the DEIR, submitted by the California Historic State Capitol Commission ("Commission"), which explain the DEIR's failure to provide necessary information about the Project's impacts on trees. Specifically, the Commission states, in part, as follows:

**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.

Finally, although the DEIR contemplates the planting of new trees, those trees would not mitigate the Project's impacts on existing trees to a less than significant level. Indeed, as the Commission's East Annex Project Review Committee explained in its comments, "[n]ew 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.'" As the Committee further explained, "[r]eplacement 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."

#### **Response O7-2**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. Please also refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, for further information on trees and the historic landscape analysis, respectively.

#### **Comment O7-3**

Because the DEIR does not adequately analyze and disclose the extent of the damage that the Project will cause to trees, its analyses of impacts on biological resources, historic resources, aesthetics and views, and greenhouse gas emissions are fatally flawed. The RDEIR does not cure these deficiencies.

#### **Response O7-3**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees in the project site and the anticipated impacts based on the current site plan. Please also refer to Master Response 5 in Chapter 3 of this Final EIR.

The Draft EIR, Recirculated Draft EIR, and Chapter 2 of this Final EIR for the Capitol Annex Project evaluate the whole of the project's construction, operation, and cumulative impacts in compliance with CEQA. To review the environmental analyses prepared for these topics, please refer to Recirculated Draft EIR Section 4.5, "Air Quality"; Section 4.6, "Greenhouse Gases and Climate Change"; Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources"; Section 4.13, "Biological Resources"; and Section 4.15, "Aesthetics, Light, and Glare"; and the sections in Chapter 2 of this Final EIR that address these resource topics. These analyses disclosed that less-than-significant impacts would occur with regard to air quality and greenhouse gases and climate change; stated that implementation



of mitigation measures would reduce biological resource impacts and aesthetic impacts to a less-than-significant level; and disclosed that significant impacts would occur with respect to historic architectural resources and provided feasible mitigation that would lessen or reduce the historic architectural impact, in accordance with Section 15126.4 of the CEQA Guidelines. However, as discussed in the Recirculated Draft EIR, even after implementation of feasible mitigation measures, impacts on historic architectural resources would remain significant and avoidable. DGS and the JRC will consider this significant and unavoidable impact, will adopt findings, and will adopt a statement of overriding considerations prior to considering approval of the project.

#### **Comment 07-4**

The Capitol Building, Capitol Annex, Capitol Park, and Capitol Fountain are significant historic and cultural resources. As Sacramento Modern (SacMod) stated in its comments on the DEIR, “[t]he 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.” The DEIR fails to consider adequate alternatives. As the Commission explained in commenting on the DEIR, “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.” The Commission noted the following:

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 patently 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.

The RDEIR does not address the deficiencies in the DEIR’s alternatives analysis. Instead, the RDEIR merely states that the DEIR “provided a comprehensive analysis of potential impacts of the project and alternatives.”

For the foregoing reasons, the DEIR and RDEIR do not afford the community a meaningful opportunity to comment on the Project’s true environmental impacts. Save Our Capitol! objects to the Project.

#### **Response 07-4**

Please refer to Master Responses 1, 2, and 3, in Chapter 3 of this Final EIR, for further discussion regarding the Draft EIR’s alternative analysis, as well as the Historic State Capitol Commission’s proposed alternatives.

## **INDIVIDUALS**

### **Letter I1 Greg McPherson**

February 14, 2020

#### **Comment I1-1**

Hi Stephanie: Thank you for your service on behalf of all of California. I understand that improvements to the Capital are necessary, but I believe that applying best practices related to tree protection and mitigation should be part of the process. Not all trees will be retained, but let’s give those that are a fighting chance to survive construction impacts, and mitigate for those that are lost.

I concur with Ms. Paula Peper’s concerns and suggestions, including the following:

At a MINIMUM, these old historic trees must be monitored and protected at their driplines. Even with that we will see some damage given that more than 60 percent of the nutrient- and water-absorbing roots grow beyond the drip line or edge of the tree canopy.

A certified arborist with knowledge of tree root systems of mature trees should be involved in pre-planning for construction, monitoring during all phases of construction and determining all remediation methods per the ANSI A300 Standards:

50.3.3.1. The arborist should be involved in the initial planning stages and be familiar with the community's development and tree protection ordinances and processes.

50.3.4 Monitoring of the construction process by an arborist should be specified to: ensure compliance with plan requirements; to monitor health and condition of the tree(s); to check for symptoms of stress or signs of damage; and, to initiate remedial action as needed.

50.3.4.1 Monitoring specifications should address scheduling of inspections before and during critical phases, including but not limited to, the following activities:

Demolition;  
Grading;  
Building construction;  
Walkway and path construction;  
Excavation;  
Trenching and boring;  
Drainage system installation; and  
Landscaping.

A systematic plan outlining removal, protection and mitigation for all these trees must be in place prior to construction beginning.

Thanks your your consideration.

#### **Response I1-1**

Please see Master Response 5 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

## **Letter I2 Eric Steinman**

February 14, 2020

#### **Comment I2-1**

I was recently made aware of the Capitol Annex Project, and I would like to voice my strong objection to the plan in its current state.

From my perspective, the Annex Project's planned removal of trees is completely unacceptable. Sacrificing 20-30 trees (per the project's own estimate) will cause irreparable damage to our city's urban canopy, which is already shrinking at an alarming rate. How can the state government champion climate change mitigation and encourage use of public transportation, while removing century old trees to make way for a parking lot?

My wife, son, and I live in East Sacramento, and have often enjoyed walks through Capitol Park. The changes proposed in this project would have a direct negative impact on our family and those who enjoy use of the park. But more importantly, it sends the wrong message to the community about the government's priorities.

Now, more than ever, we should be working together to fight climate change, improve dense urban living, and promote public transportation. This plan, in the government's own backyard, runs counter to all these goals.

**Response I2-1**

Please see Master Response 5 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding aspects of the project. The comment will be provided in the record for consideration by decision makers.

**Letter I3 Ilonka Zlatar**

February 14, 2020

**Comment I3-1**

It has recently come to my attention that the capitol has quietly been planning expansion of the capitol that will threaten many trees over a century old. The grounds are frequently used by the community, and we would like to see how you plan to preserve, secure or move the trees. Are there opportunities to minimize the footprint of the construction, or to more effectively utilize existing space? Why are we building a parking garage when we want to encourage people to walk, bike and use transit downtown?

**Response I3-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I4 Julie Durette**

February 16, 2020

**Comment I4-1**

I'm writing to express my adamant opposition to the removal of 100 Capitol Park trees for the construction of an underground parking structure and visitor center.

These mature trees are themselves structures which would take multiple decades or more to replace and support wildlife, provide shade and act as a carbon sink to protect against global-related warming. Preserving wildlife habitat, shade and any means to combat warming are desperately needed in Sacramento!

I know there are likely many very smart people on staff who can put their heads together to find creative ways to approach parking and the addition of a visitor center without the demolition of these precious public resources.

Please help to protect the Capitol Park trees!

**Response I4-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 in this Final EIR. The comment provides an opinion regarding aspects of the project. The comment will be provided in the record for consideration by decision makers.

**Letter I5 Rosie Yacoub**

February 16, 2020

**Comment I5-1**

I was recently made aware that the Capitol Annex Project includes a plan to create a two-acre underground parking lot that would result in the destruction or damage to many historic trees. This comes at a time when we are simultaneously trying to reduce vehicle miles traveled to reduce GHGs. In short: this is going the wrong way.

**Response I5-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I5-2**

The trees slated to be destroyed include large, historic redwoods, and Deodor cedars that are over 100 years old. If they were buildings, the state wouldn't be able to remove them so easily. In fact, the project is taking advantage of the status of the Capitol Grounds as a State Park to use the weaker state parks guidelines instead of more current ANSI A300 and tree protection guidelines for construction. In fact, since the City of Sacramento requires the use of these standards, the State is in conflict with the City with this project as proposed (see <https://www.cityofsacramento.org/-/media/Corporate/Files/Public-Works/Maintenance-Services/SCC-1256.pdf?la=en> )

**Response I5-2**

Please see Master Response 5, in Chapter 3 of this Final EIR.

**Comment I5-3**

Increasing available parking flies in the face of both stated City and State goals of reducing vehicle miles traveled. How can the State of California say that it wants to support the reduction of greenhouse gases but increase parking for its Capitol? Classic demonstration of "do as I say, not as I do" mentality. There is also a considerable elitism problem with creating such expensive parking for the Capitol that flies in the face of democratic values. There are other ways to support access for people with disabilities, including improved ramp options and valet parking utilizing state lots in close proximity. Please consider these alternatives to this flawed plan.

**Response I5-3**

Please see Master Response 4, in Chapter 3 of this Final EIR. The comment provides an opinion on aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I6 Joan Benson**

February 17, 2020

**Comment I6-1**

As citizen and native of Sacramento, I strongly oppose your CAPITOL Annex Project, due to the destruction of the Trees in the park that have been there longer than you, they are there for the beauty and shade they provide.

Many of them provide horticultural information. To distroy them is a disgraceful idea.

Thank you for intisapated reading of my opposition.

**Response I6-1**

Please see Master Response 5, in Chapter 3 this Final EIR. The comment provides an opinion regarding the merits of the project. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I7 Carolyn Connolly**

February 17, 2020

**Comment I7-1**

It is shortsighted and completely against the vision that Sacramento has for itself in the future to remove trees to make room for a parking garage. Our vision for the future is LESS cars in the capital region to make it more friendly both environmentally and socially. These trees add to the charm and attractiveness of the capital. A parking garage is a huge negative, both in terms of aesthetics and usability of the capital area. I cannot emphasize enough how awful the idea of removing mature trees to make room for a parking garage is. We need to create a coherent plan for the future of Sacramento that turns away from the creating more congestion and ugliness by kowtowing to the car. Which, if you look at studies, actually increases congestion and car related pollution, as opposed to making it easier to get around by car. Please reconsider this plan and scrap the idea.

**Response I7-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding the merits of the project. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I8    Lori Jablonski**

February 17, 2020

**Comment I8-1**

Please add my name to the list of strong supporters of our legacy Capitol Park Trees. Please strongly and unequivocally support the preservation and care of our trees (and lovely and nurturing shade they provide us) in any and all efforts to "improve" the East Annex of the State Capitol.

**Response I8-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I9    Robin Kubris**

February 17, 2020

**Comment I9-1**

I'm writing today because I am concerned about the proposed tree removal. Old growth trees are a treasure, especially our precious California redwoods. Large trees cannot be replaced. In losing them we lose a living part of CA history. We also lose a habitat for numerous species. Each tree is a microecosystem. When destroyed all that the tree provided is lost. As stewards of the earth we must make wise decisions. This is more important than parking.

**Response I9-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I10    Judy Mc**

February 17, 2020

**Comment I10-1**

It seems that the public is suppose to believe that this project is for public parking. In this day and age of terrorism and increased security etc., public parking is going to be provided so near and under the State Building? This is a convenience parking for politicians and staffers, who should be using public transportation, GIG, Uber, Lyft or bikes like is being promoted to the rest of the citizenry. They can walk across streets from current parking lots. The 200 spaces are likely going to be designated/reserved by politicians and staffers.

**Response I10-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding the merits of the project. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I10-2**

For their convenience, historic trees (Moon Tree), trees from various parts of the world, and very tall shade trees are going to be destroyed. Trees that actually have a positive impact on our environment helping filter the air while

providing shade. Sure other trees can be planted but they will take decades to provide any significant help to our environment that we need help with now. They also will not be as tall given they are over a structure and deep roots would be an issue.

This project is projected to destroy about 12.5% of the rare or endangered trees in Capitol Park. Trees that provide shade for rallies, visitors, etc; provide beauty to the Capitol grounds; and are used to train horticulturist and arborist. The plan suggests it will use "climate appropriate plants/"similar landscape" while destroying the non native trees that are established, beautiful, educational, and contributing positively to our environment. Are you relinquishing all this to visitors to only read in books or see in pictures? Nature should be physically seen and enjoyed not sent to the library!

This DEIR needs to have its guidelines for protecting these rare established trees redone.

This project is an example of governments saying what needs or should be done but not making it applicable to themselves.

#### **Response I10-2**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

### **Letter I11 Dena McKitrick**

February 17, 2020

#### **Comment I11-1**

I believe Capitol Park is meant to remain a park. I object to any plan that involves taking out these trees, as a life long Californian, a taxpayer and a voter. The city of trees needs to stop cutting down healthy trees.

#### **Response I11-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding an aspect of the project and does not address the analysis or conclusions presented in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I12 Danielle Best**

February 18, 2020

#### **Comment I12-1**

Thank you for receiving this message.

I want to voice my concerns about the construction plans that will have a devastating impact on the historical trees in the Capitol Arboretum.

The trees are an amazing asset to the grounds of the Capitol building. Some of us visit the park to admire them without even stepping foot inside the building itself. They ground the area in historical significance as well as natural beauty. Replanting the old trees will not replace the value of what is lost.

Please reconsider your plans. We do not need more parking when rideshares and bicycles are becoming more popular. We need more carbon sinks, like old growth trees when our planet and our future generations are asking for us to do better.

Thanks again for listening. Best of luck in your work.

#### **Response I12-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment does not address the analysis or conclusions in the EIR. No

further response is required. However, the comment will be provided in the record for consideration by decision makers.

## **Letter I13 Daniel Block**

February 18, 2020

### **Comment I13-1**

I was shocked to learn that the state is planning upgrades at the Capitol building that will damage a large number of the unique, beautiful historic trees in the arboretum. I understand that someone has decided new facilities are needed, but please consider scaling back the project.

The trees are the best part of the Capitol and grounds. It looks like many trees would be sacrificed to construct underground parking. The Capitol is well served by multiple modes of transportation, and already ample nearby parking. No new parking is necessary--certainly not 200 spaces. At the very least the underground parking facility should be removed from the project.

The Visitor Center and Annex construction are also expected to come at the cost of many trees. The facilities should be redesigned to come at the expense of as few trees as possible. The Annex could be kept to the existing building footprint. The ANSI A300 and Tree Protection During Construction Guidelines should be followed for this project.

### **Response I13-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

## **Letter I14 Maya Caldwell**

February 18, 2020

### **Comment I14-1**

Do not demolish the trees in Sacramento. These trees are important to our environment and demolishing them would be a huge loss for the community. I urge you to reconsider this plan.

### **Response I14-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding potential impacts on trees. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

## **Letter I15 Kristen DesJarlais**

February 18, 2020

### **Comment I15-1**

I would like to share my opinion that no trees should be removed from the Capitol Park area in order for a parking lot to be placed on the grounds.

Capitol Park is gorgeous and serves as a place for our community to escape the monotony of urban architecture and enjoy some natural beauty.

Please take this into consideration before moving forwards.

In the words of the singer/songwriter Jack Johnson, let's not "pave paradise and put up a parking lot."

### **Response I15-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding the merits of the project.

The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

## **Letter I16 Jamie Dettmer**

February 17, 2020

### **Comment I16-1**

Please find a more sensible solution to your current issues at the capitol building than destroying our historic and beloved arboretum. The trees are one of the major reasons we visit the park. I have fond memories of eating my lunches and reading a book in their shade. I look forward to taking my one year old son and my second child who will be born this year to see the renowned trees of Capitol Park. I would hate to have a sad story to tell them instead. Planting new trees can never replace the heritage trees that will be lost. Thank you for hearing my concerns, and please reconsider. For the planet, for the trees, and for the people who enjoy coming to see them.

### **Response I16-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment includes an opinion regarding an aspect of the project and does not address the analysis or conclusions provided in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

## **Letter I17 Will Green**

February 18, 2020

### **Comment I17-1**

I am strongly opposed to the proposed decimation of trees on the grounds of Capitol Park for expansion of the building and to place a 200 car parking facility underground at the capitol.

If the capitol's square footage needs to expand, then there needs to be relocation of people and or services off site and nearby the capitol.

These trees are heritage and many are rare trees that have historic significance. Many of the trees at Capitol Park are gifts from other countries.

We need to be focusing on less car-centric cities and government agencies. We are in a climate crisis. More focus needs to be given to fewer cars and better public transportation. The Capitol needs to consider off campus parking options and have shuttle services from the off site parking lots.

Again, I am in strong opposition to the destruction of trees at Capitol Park.

### **Response I17-1**

Please see Master Responses 1, 4 and 5 in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

## **Letter I18 Robin Grubel**

February 18, 2020

### **Comment I18-1**

Please, if you care about trees and all we do to care for them through the decades—read all of this.

There are trees represented here, at the Capitol that are rare and many endangered now in their own countries. We have in California a State Capitol Arboretum surrounding the Capitol. Over 260 species, 96 of which have only 1 representative.



There is currently a Recirculated Draft Environmental Impact Report (DEIR) for the demolishing and rebuilding the East Annex to the Capitol, adding a 2-acre underground parking lot for 200 vehicles, and an underground Visitors Center leading up to the old Capitol basement.

**Response I18-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I18-2**

Over 100 of the trees are now at risk of damage and/or removal for the new Capitol construction to occur. This represents 1 for every 8 trees in the entire 40 acre park. These trees are continually used for research, to train new horticulturists and arborists, and for their shade and beauty during state-wide rallies, political events, protests, etc. (well over 1.5 million people per year occupy the grounds).

Moreover, the guidelines that the Department of General Service states will be followed are the California State Parks and Recreation guidelines for tree protection (attached) which were written for forested areas, NOT urban parks, let alone historic parks.

**Response I18-2**

Please see Master Response 5, in Chapter 3 of this Final EIR.

**Comment I18-3**

1. Why a 2-acre underground parking lot when we are supposed to plan for a 70-year horizon (fewer cars by then downtown). This lot removes over 35 trees including an historic Cockspur coral and multiple redwoods now measuring well over 100 feet.

**Response I18-3**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR.

**Comment I18-4**

2. The outline of the new Annex causes the removal of additional redwoods, including our Moon Tree
3. The Underground Visitors Center will cause the demise of at least two Deodar cedars planted in 1872 and still thriving, also possibly two additional of these 9 magnificent trees fronting our Capitol, providing shade for countless demonstrations, rallies, etc.

**Response I18-4**

Please see Master Response 5 in Chapter 3 of this Final EIR.

**Comment I18-5**

4. Multiple large, mature trees will be removed—reducing carbon storage, rainfall interception, energy savings and air quality improvement for many years to come

**Response I18-5**

Please see Master Response 5 in Chapter 3 of this Final EIR.

**Comment I18-6**

1. Why use State Parks tree guidelines—you should apply more current and applicable ANSI A300 and tree protection during construction guidelines
2. Where are arborist reports and findings?
3. Where is a tree and landscape management plan?

**Response I18-6**

Please see Response I18-2, above, and Master Response 5, in Chapter 3 of this Final EIR.

**Comment I18-7**

4. Why endanger 150-yr old deodars for an underground visitors center when you can re-design where the ramps/visitor center entries are?
5. Why not redesign the ADA access to lessen impact on the existing treescape?

**Response I18-7**

Please see Master Response 1 and Master Response 5, in Chapter 3 of this Final EIR.

**Letter I19 Dean Haakenson**

February 18, 2020

**Comment I19-1**

Thank you for receiving this message.

I want to voice my concerns about the construction plans that will have a devastating impact on the historical trees in the Capitol Arboretum.

The trees are an amazing asset to the grounds of the Capitol building. Some of us visit the park to admire them without even stepping foot inside the building itself. They ground the area in historical significance as well as natural beauty. Replanting the old trees will not replace the value of what is lost.

Please reconsider your plans. We do not need more parking when rideshares and bicycles are becoming more popular. We need more carbon sinks, like old growth trees when our planet and our future generations are asking for us to do better.

Thanks again for listening. Best of luck in your work.

**Response I19-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion related to the merits of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I20 Sandra Jennings-Jones**

February 18, 2020

**Comment I20-1**

I recently learned that up to 100 trees will be removed from Capitol Park in order to increase parking. This seems like a very foolish decision. Trees are the soldiers in our fight to reduce carbon emissions. At a time, when the public has been encouraged to plant trees, what kind of message does this send? Worse yet, the trees are being removed to make way for additional parking. Again, this action sends the wrong message. No need to use alternative transportation, we'll make room for your car. The trees not only clean the air, they provide habitat for wildlife who are also struggling with the effects of climate change. Underground parking is a very expensive undertaking. I'm certain that taxpayers would prefer a less expensive alternative. Perhaps an offsite parking facility with an electric trolley to ferry Capitol visitors back and forth. A solution that's kinder to the planet and taxpayers' pocketbooks is the way to go. Thank you for your time.

**Response I20-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding aspects of the project. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I21 Barbara Kristoff**

February 18, 2020

**Comment I21-1**

Please, do not allow the city to destroy these trees. "Pave paradise, put up a parking lot". Please reconsider other ways for parking.

**Response I21-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I22 Dylan Musgrove**

February 18, 2020

**Comment I22-1**

I am writing to you regarding the Capitol Annex project. It has come to my attention that the Moon Tree may be demolished as part of the new annex proposal. The tree must be saved. It is a crucial cultural resource. It's a symbol of American and Californian ingenuity, optimism, and progress. As part of the Apollo 14 mission, it literally is a living witness to one of humanity's greatest achievements. Allowing it to be removed or damaged would be a disservice to history.

Please preserve this important tree.

**Response I22-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I23 Lynn Palmer**

February 18, 2020

**Comment I23-1**

Hello Ms. Coleman- I would like to register my vigorous opposition to this plan to create an underground parking area in Capitol Park and remove numerous historic trees. This not acceptable in the Capital of most environmentally progressive in the state in the Union! Please do not continue with this plan.

Thank you for your consideration.

Michael Palmer

1. Why a 2-acre underground parking lot when we are supposed to plan for a 70- year horizon (fewer cars by then downtown). This lot removes over 35 trees including an historic Cockspur coral and multiple redwoods now measuring well over 100 feet.
2. The outline of the new Annex causes the removal of additional redwoods, including our Moon Tree
3. The Underground Visitors Center will cause the demise of at least two Deodar cedars planted in 1872 and still thriving, also possibly two additional of these 9 magnificent trees fronting our Capitol, providing shade for countless demonstrations, rallies, etc.
4. Multiple large, mature trees will be removed—reducing carbon storage, rainfall interception, energy savings and air quality improvement for many years to come Suggestions:

1. Why use State Parks tree guidelines—you should apply more current and applicable ANSI A300 and tree protection during construction guidelines
2. Where are arborist reports and findings?
3. Where is a tree and landscape management plan?
4. Why endanger 150-yr old deodars for an underground visitors center when you can re-design where the ramps/visitor center entries are?
5. Why not redesign the ADA access to lessen impact on the existing treescape?

#### **Response I23-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, “Master Responses to Comments on the Draft EIR and Recirculated Draft EIR.”

### **Letter I24 Erik Parker**

February 18, 2020

#### **Comment I24-1**

Please, if you care about trees and all we do to care for them through the decades—read all of this.

There are trees represented here, at the Capitol that are rare and many endangered now in their own countries. We have in California a State Capitol Arboretum surrounding the Capitol. Over 260 species, 96 of which have only 1 representative.

There is currently a Recirculated Draft

Environmental Impact Report (DEIR) for

the demolishing and rebuilding the East Annex to the Capitol, adding a 2-acre underground parking lot for 200 vehicles, and an underground Visitors Center leading up to the old Capitol basement.

#### **Response I24-1**

Please see Master Response 4 and Master Response 5, in Chapter 3. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

#### **Comment I24-2**

Over 100 of the trees are now at risk of damage and/or removal for the new Capitol construction to occur. This represents 1 for every 8 trees in the entire 40 acre park. These trees are continually used for research, to train new horticulturists and arborists, and for their shade and beauty during state-wide rallies, political events, protests, etc. (well over 1.5 million people per year occupy the grounds).

Moreover, the guidelines that the Department of General Service states will be followed are the California State Parks and Recreation guidelines for tree protection (attached) which were written for forested areas, NOT urban parks, let alone historic parks.

#### **Response I24-2**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

#### **Comment I24-3**

1. Why a 2-acre underground parking lot when we are supposed to plan for a 70-year horizon (fewer cars by then downtown). This lot removes over 35 trees including an historic Cockspur coral and multiple redwoods now measuring well over 100 feet.

**Response I24-3**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I24-4**

2. The outline of the new Annex causes the removal of additional redwoods, including our Moon Tree.
3. The Underground Visitors Center will cause the demise of at least two Deodar cedars planted in 1872 and still thriving, also possibly two additional of these 9 magnificent trees fronting our Capitol, providing shade for countless demonstrations, rallies, etc.

**Response I24-4**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I24-5**

4. Multiple large, mature trees will be removed—reducing carbon storage, rainfall interception, energy savings and air quality improvement for many years to come.

**Response I24-5**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I24-6**

1. Why use State Parks tree guidelines? You should apply more current and applicable ANSI A300 and tree protection during construction guidelines.
2. Where are arborist reports and findings?
3. Where is a tree and landscape management plan?

**Response I24-6**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I24-7**

4. Why endanger 150-yr old deodars for an underground visitors center when you can re-design where the ramps/visitor center entries are?
5. Why not redesign the ADA access to lessen impact on the existing treescape?

**Response I24-7**

Please see Master Response 1 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I24-8**

In a time when we need to nurture every remaining tree alive (especially mangroves, and especially old growth redwoods) as well as sustainably plant a trillion trees to quite literally buy us more time before climate change worsens into an even larger crisis, how can we simply cut down these vital, living legends? These trees not only provide an abundance of shade, oxygen, fresher air, and positive energy for millions of visitors, but also yield scientific results to various ongoing studies, as well as remain an important part of the very heritage of the California State Capitol.

Please consider all of this information and save these trees.

Thank you for all of your time and support.

#### **Response I24-8**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I25 Angela Perez**

February 18, 2020

#### **Comment I25-1**

Please help conserve our trees. Yes, technically they changed us to "farm to fork capitol" but all the people I know, my self included, will forever consider Sacramento as the city of trees first and foremost.

These trees are historic and need to be protected. Two cedar trees were planted in 1872, how is that not amazing and deserving of conservation?

Please save our trees!

#### **Response I25-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I26 Jeff Schmelter**

February 18, 2020

#### **Comment I26-1**

We need MORE trees and FEWER cars downtown, not the other way around. Please consider these questions about the DEIR for the proposed capitol renovations:

1. Why use State Parks tree guidelines—you should apply more current and applicable ANSI A300 and tree protection during construction guidelines
2. Where are arborist reports and findings?
3. Where is a tree and landscape management plan?
4. Why endanger 150-yr old deodars for an underground visitors center when you can redesign where the ramps/visitor center entries are?
5. Why not redesign the ADA access to lessen impact on the existing treescape?

#### **Response I26-1**

Please see Master Response 1 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I27 Laura Wong**

February 18, 2020

**Comment I27-1**

Hello,

I recently read of the plan to destroy 100 trees, including 2 cedars planted in 1872(!), in order to build an underground parking lot and visitor's center. As a Sacramento native and lover of the outdoors, this is something that I cannot support. I hope that you will consider following the suggestions outlined by Paula Peper in the link below in order to make a more informed decision.

<http://eastsacpreservation.org/100-capitol-park-trees-to-be-demolished/>

**Response I27-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I28 Robin Young**

February 18, 2020

**Comment I28-1**

Here are comments for CEQA on the parking garage issue.

For 8 years I traveled into Sacramento to lobby for my city, and for intergovernmental conferences. Always I took time to sit down and enjoy the trees. They are magnificent specimens, trumpeting California's natural heritage and environmental consciousness. It is the height of hypocrisy to rip them down. They add an elegance, a zone of quiet, a place to breathe deep and refocus. All very much needed in this hectic era of conflict in governance.

Put the bloody parking garage somewhere else. Leave the trees.

**Response I28-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I29 Karla Campbell**

February 19, 2020

**Comment I29-1**

I am concerned that the plans for construction around the capital include removal of an extremely large number of trees - particularly the large and historic redwoods and cedars. I understand that the annex desperately needs to be fixed but the underground visitor center and parking seem to be unnecessarily destructive to the existing trees. The designs must avoid removing or disturbing the trees on the site (I realize some will be lost in the annex construction). Design priority must be to preserve the quality and character of our capital park which is fundamentally about the trees therein. We are encouraging more ride-sharing, cycling, and mass transit and our capital should reflect our desire for environmental stewardship.

**Response I29-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I30 Deborah Falero**

February 19, 2020

**Comment I30-1**

PLEASE spare these let's work to get more commuting and less parking. I can remember starting state service at the Legislative Counsel and working downtown and the Capitol park. Now ready to retire and so sad to think that those beautiful majestic trees could be destroyed . For parking. That park is known internationally.

**Response I30-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I31 Elizabeth Hines**

February 19, 2020

**Comment I31-1**

As a constituent of Minnesota, and an avid traveler. I have yet to experience the majesty of the trees that exist in Capitol Park. My friend called me today to tell me of the development in progress that would devastate the native diversity of trees in the park. This made me feel deeply sad, that my "bucket list" is dwindling, thanks to unnecessary developments.

**Response I31-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I31-2**

There are so many opportunities for economic growth that exist in our metro areas. What we are lacking here however, especially in the metro areas of the US are natural green spaces. Science is noting a change in our physiology, in our mental wellness, and our respect for the environment based off of how much time we spend in green spaces, in actual nature. This development would disrupt that potential, and that is a detriment to our well being and your community. You can't re build native trees, you can't re build 100+ years of growth, and if climate change is happening as predicted, it may never return if it is cut down now.

For the sake of the beauty of the land this nation was built upon, please reconsider.

**Response I31-2**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I32 Candace Keefauver**

February 19, 2020

**Comment I32-1**

I am writing today in support of the trees. I have been a Sacramento resident for over 30 years and the last 10 years or so I have worked in the East End complex where I have had the pleasure of getting to know each and every tree on the Capitol grounds. We are so lucky here in Sacramento to have what is essentially a museum of historical trees. Every day I walk thru the grounds and see people from all walks of life enjoying these trees.

I want to voice my concerns about the construction plans that will have a devastating impact on the historical trees in the Capitol Arboretum. Quite frankly I am shocked that the 'City of Trees' would consider a plan that involves



destroying trees of such historical significance in order to build, of all things, a parking lot. Although as a government employee, I understand that often these decisions are made by the people who are least impacted by them.

The trees are an amazing asset to the grounds of the Capitol building. Some of us visit the park to admire the trees without ever stepping inside the Capitol building itself. They ground the area in historical significance as well as natural beauty. Replanting the old trees will not replace the value of what is lost. For example, our redwood "Moon Tree" which was grown from seed that was sent to the moon in 1971 on Apollo 14. This is an irreplaceable piece of history!

Please reconsider your plans. We do not need more parking spots when rideshare and bicycles are becoming more popular. We need more carbon sinks, like old growth trees when our planet and future generations are asking us to do better. There are other options for parking. There are no other options for acquiring a 'Moon Tree' or replacing the multitude of other historic trees that come from diverse parts of the world. These trees are continually used for research, to train new horticulturists and arborists, and for their shade and beauty during state-wide rallies, political events, protests, etc. I recently attended a climate change protest on the capitol ground with youth from all over California. The decision to remove these trees does not in any way align with Californians desire to preserve and protect trees on the Capitol grounds and throughout the state. From what I understand, in addition to removing the Moon Tree this decision will remove a historic Cockspur coral and multiple redwoods measuring over 10 feet, 2 cedars planted in 1872 (which are still thriving) and countless other trees which reduce carbon storage, create rainfall interception, provide energy savings and air quality improvement.

#### **Response I32-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

#### **Comment I32-2**

1. Why is a 2-acre parking lot a priority when we are supposed to plan for a 70-year horizon (fewer cars downtown within 70 years)?
2. Why use State Park tree guidelines instead of applying more current and applicable ANSI A300 and tree protection during construction guidelines?
3. Why endanger 150 year old trees for an underground visitors center when you can re-design where the ramps/visitor center entries are?
4. Why not re-design ADA access to lessen impact on the existing treescape?
5. Where are the arborists reports and findings?
6. Where is a tree and landscape management plan?

#### **Response I32-2**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

## **Letter I33 Janet Mercurio**

February 19, 2020

#### **Comment I33-1**

Those trees in Capitol Park are what make the Capitol as special as it is and the trees are irreplaceable! Buildings are a dime a dozen and there are enough of them around Sacramento. If someone wants new office spaces or room for a visitor center, find existing buildings that are vacant and use them instead of cutting down the trees! The trees are the best visitor centers we have! They are what will draw more people to the Capitol - not a building designated as a

"Visitor Center." There are a million "visitor centers" on this planet but not enough heritage trees, like the ones that are now located in Capitol Park!

Who came up with this stupid idea in the first place? It's the worst idea I've heard in a very long time.

PLEASE LEAVE THE TREES ALONE!!! I can't believe anyone is even proposing this idea! With climate change killing us all, and temperatures rising above our already unbearably hot summers, cutting trees in Sacramento is as counterproductive an idea as they come.

I will be there in person to protest this idea, along with the rest of us tree lovers in this region - and there are a lot of us!

#### **Response I33-1**

Please see Master Response 1 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I34 Bethany Scribner**

February 19, 2020

#### **Comment I34-1**

It has been brought to my attention that there are plans to renovate the Capitol Annex and with that, removing at least two deodar and one redwood trees.

The thought that a state so environmentally conscious could even entertain the idea of removing any trees, especially those with such historical significance is devastating.

The calming space this park provides is so needed in a bustling downtown environment, for those that not only work in the building but around as well. Yes, there will be other plants and greenery for them to still enjoy but to remove any trees in a city formerly known as "the city of trees" does an absolute disservice to its residents.

#### **Response I34-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

#### **Comment I34-2**

Instead of us moving nature to work around our will, we should be rethinking our intentions to really see the impact we're having on our surroundings. Is there another way around this? Instead of ramping up parking efforts that will just increase the cars and pollutants coming into the downtown area, why not invest that same money into enhancing the public transportation experience or increasing bike-ability and safety?

None of this even takes into account the pivotal moment in time we're in in regards to climate change and the role each and every tree plays in providing us clean air to breathe. Perhaps it's time your team revisit the teachings of The Lorax.

I truly hope you take these comments to heart in saving not only the trees mentioned above, but all greenery in Capitol Park and the surrounding areas.

#### **Response I34-2**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I35 Justin Thompson**

February 19, 2020

**Comment I35-1**

We are against these trees being knocked down. Please don't let this happen!

**Response I35-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I36 Laurie Vann**

February 19, 2020

**Comment I36-1**

As a life long (50+yr) resident of Sacramento County & a 3rd generation California Native, I am absolutely, 100% OPPOSED to the removal &/or destruction of ANY trees in the Capitol Park area!

**Response I36-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I36-2**

There are more than enough parking structures near the capitol building to accommodate visitor parking. Furthermore the state, county & city are all trying to encourage alternatives to car use, employing light rail, carpooling, bicycles scooters, etc. due to congestion & climate change.

**Response I36-2**

Please see Master Response 4, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I36-3**

Removing trees for the purpose of accommodating a parking lot is in direct opposition to the states stated goals of doing all it can to reduce emissions, carbon footprint, fossil fuel use and so much more! This is a short sighted plan at best and one which future generations will suffer for, should you all continue in this direction.

**Response I36-3**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I37 Earl Lagomarsino**

February 20, 2020

**Comment I37-1**

I oppose the expansion of underground spaces that would go outside the footprint of the existing Capitol building and proposed annex project. Currently there is a proposal to add a parking lot underground on the south side of the Capitol building, and a visitor center underground on the west side of the Capitol building. These expansions would result in the removal of many valuable heritage trees.

There is underground parking now under the capitol building. The annex project is not increasing the number of people working in the capitol so it should be fine to keep any parking structures under the footprint of the existing building and proposed annex expansion. We are supposed to moving away from personal automobile dependency. If the underground parking is kept under the existing footprint and the footprint of the expanded annex, this will still result in more parking spaces than there are now since the annex footprint is expanding by about a third.

The legislature make rules to encourage the rest of us to get out of our cars and use mass transit, which is good, but they should also lead by example and ride mass transit too. If they insist on using their personal automobiles they can find parking around the area and thus help to save our heritage trees.

#### **Response I37-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. Also see Chapter 2 of this Final EIR, "Project Modifications" for a description and analysis of an alternative location to the underground parking along the 12th Street corridor. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

#### **Comment I37-2**

The visitor center could be put on the first floor of the annex and add one story to the annex.

#### **Response I37-2**

As indicated in Chapter 3, "Project Description," and Section 4.12, "Archaeological, Historical, and Tribal Cultural Resources," there are limitations to the height of the Annex so that it does not impinge on the historical significance or prominence of the Historic Capitol building. Adding another story to the Annex would result in the height of the building being taller than the parapet of the Historic Capitol and the base of the existing Capitol dome. A building of this height would result in new significant adverse impacts related to historic resources and aesthetics. The proposal would potentially reduce less than significant impacts associated with the visitor/welcome center location on the west side of the Historic Capitol but create new significant adverse effects on the east side of the Historic Capitol. Such a "trade off" in impacts would be inconsistent with the direction provided in Section 15126.6(a) of the State CEQA Guidelines calling for alternatives to "avoid or substantially lessen any of the significant effects of the project".

### **Letter I38 Jeff Bodde**

February 21, 2020

#### **Comment I38-1**

I am a Certified arborist who worked with DGS as an employee for 19 years on the Capitol grounds maintaining and protecting all the trees from 1988-2007. I helped identify the Moon tree when the south security annex was built. I got the annex moved 5 feet to help protect the tree roots. This tree and especially the large Deodar trees should be preserved. The other trees should also have serious consideration. Most cannot be replaced as they are now. When construction begins there should be an on-site arborist. When the security bollards were installed I was always watching and forced changes that would help protect the trees affected. None were lost. Without the over-site many trees would have died. Again, help the trees get serious consideration before they are gone forever.

#### **Response I38-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I39 Ezra Roati**

February 21, 2020

**Comment I39-1**

Please consider maintaining the Capitol Park trees, and consider parking improvements elsewhere. When I moved to Sacramento 2 years ago, the Capitol park and cactus garden were one of the main reasons I chose Sacramento as my new home. Adding parking goes against the ethos of the state of California, and works against air quality standards for Downtown Sacramento. As the City of Trees, these old-growth trees are a distinct and important identity in the State of California and the City of Sacramento. Please consider building a Parking garage on other vacant lots in the City center, and encourage alternative modes of transportation- such as public transit and biking/carpooling. This proposed underground parking garage would be a disgrace to the State of California and a disgrace to the City of Sacramento. Thank you for your consideration in this matter.

**Response I39-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I40 Barbara McNurlin**

February 22, 2020

**Comment I40-1**

Please tell whomever is thinking of cutting down 20-30 trees in Capitol Park, in Sacramento, to change their plans. We don't want that area denuded of trees. They are a welcome respite from all the manmade structures in downtown. This park is "The People's Park." Let's keep it that way. Thank you for giving our voices a hearing.

**Response I40-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I41 Angela Stathos**

February 22, 2020

**Comment I41-1**

Hello! I'm a Sacramento resident and just heard of the planned demolition of trees at the Capitol for the Annex project. I'd like to express my opposition to this project. The trees are the greatest feature on the Capitol grounds. To cut down healthy trees (many of which are quite old!) for a parking structure goes against everything we should be doing for downtown development. If anything, sustainable transportation options should be boosted at a time when we're constantly hearing about the impending climate crisis. As a cyclist, I already find it dangerous enough to bike anywhere near the Capitol. I hope you will consider redesigning the project.

**Response I41-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I42 Elise Fandrich**

February 23, 2020

**Comment I42-1**

I am writing to submit my opposition to two components of the Capitol Annex Project: first, the removal of trees from the Capitol Grounds, and second, the building of an underground parking lot.

The Recirculated DEIR indicates DGS is taking care to minimize harm to the existing landscape, and claims that only 20-30 trees are slotted for removal. However, the plan fails to specify all trees that will be removed, fails to specify exactly how removal of those trees will be mitigated, and appears to assume the building of the underground lot won't significantly impact trees above. Ideally, the plan should be redesigned in such a way that reduces impact to the bare minimum, paying particular attention to spare all trees that are more than 25 years old. These trees provide a carbon sink that cannot be replaced by planting new trees in their place, they also provide much-needed urban cooling, and are integral to the aesthetic of the Capitol Grounds. At the very least, DGS should release the landscape plans to the public so we understand exactly which trees are slotted for removal and provide the public opportunity to comment.

The parking lot aspect of the project is simply unacceptable. Building space for more cars is entirely antithetical to the goals the city and state are espousing to reduce emissions and encourage greater use of public transit. The lot will increase emissions and congestion downtown and sends the wrong message to the public about the state's priorities. More cars decrease air quality and increase the urban heat island. Trading out decades-old trees for a parking lot is an incredibly short-sighted and totally irresponsible use of tax dollars.

This is a critical time to step up and fight the climate crisis by taking all steps possible to reduce emissions and maintain our urban canopy. We look to state leaders and public projects to embody these goals, and this project falls too short as it is currently proposed.

**Response I42-1**

Please see Master Response 4, Master Response 5, and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I43 Bill Leddy**

February 23, 2020

**Comment I43-1**

I'm writing to voice my objection to the plan to build a parking structure in Capital Park and especially to the removal of many historic mature trees on the site.

The trees of the park are an extremely valuable asset to the City of Sacramento in particular, but also to the image of the state for visitors from all over the world. Once removed it will not be possible to restore the site in our lifetimes, if ever, resulting in economic, cultural and environmental damage to the state and the city for many decades.

As to the matter of the parking garage in particular, California has a stated goal of combating global warming which is substantially hindered by our reliance on personal automobile use. Adding a parking garage will simply encourage additional auto use. We need to be investing in public transportation and non-motorized access such as walking and bicycling (and scootering, come to that) to incentivize the transition to more sustainable transportation. Providing more and more facilities for car storage works against our stated goals.

I hope that the State will reconsider this plan and work instead to preserve the park and promote an enhanced ecological future.

**Response I43-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I44 Debra van Hulsteyn**

February 23, 2020

**Comment I44-1**

I'm writing to let you know my opposition to the removal of 100 or more trees from the Capitol arboretum. I have reviewed the plans and I believe they are short sighted.

The arboretum is an amazing city and state treasure.

A larger building and underground parking are not and never will be a treasure.

We are aiming for fewer cars in the future. Why And rather than expanding the footprint, please consider building up for this project.

With global warming being scientific fact, it makes no sense to consider this project as justifiable.

**Response I44-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I45 Maureen Burness**

February 24, 2020

**Comment I45-1**

I am writing to express my concern and opposition to the removal of heritage trees from Capitol Park. The park and its trees are the most beautiful part of our city and should be protected.

**Response I45-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding aspects of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I46 Julie Kanoff**

February 24, 2020

**Comment I46-1**

My name is Julie Kanoff and I am a lifetime resident of Sacramento, California. My home address is 407 Meister Way, Sacramento, CA 95819. I currently serve as the Sacramento Area Bicycle Advocates Volunteer Coordinator, and am a member of the Sacramento Tree Foundation.

I recently became aware that the Capitol Annex Project included an underground parking structure along with a Visitor Center which would require destroying 20-30 of the heritage trees impacted by the construction. This includes three of the thriving Deodar cedars planted in 1872 and our Moon Tree.

Considering the current climate crisis, and after close reading of the entire EIR, I strongly object to removing or harming any of the Capitol trees, especially based on outdated and misapplied State Parks guidelines rather than more current codes such as ANSI A300 pertaining to construction and heritage trees. There were no arborist reports in the EIR, nor was there a landscape management plan, thus my assessment is that this part of the EIR or construction plan is deficient or incomplete at best.

I also object to constructing a new 200 stall underground parking garage while abandoning the existing 150 stall garage. Providing more parking spaces for vehicles does not line up with current statewide efforts to lessen our carbon footprint and encourage bicycling, walking and public transportation, especially in the downtown Sacramento core. To think our beautiful tree canopy and heritage trees with historic and educational value would be sacrificed in this way is so wrong and disheartening that it was even considered or approved at any level. Just from my review, I could see that the entrance to the Visitor Center could be moved to avoid trees and still be ADA compliant.

#### **Response I46-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment also includes a design suggestion to move the entrance to the visitor/welcome center to avoid trees and remain ADA compliant. However, the comment does not provide any details on what such a move would entail or how it would be implemented. Therefore, the suggestion cannot be evaluated further. DGS and the JRC have considered multiple alternatives to the project, as discussed in Chapter 7 of the Draft EIR, and have incorporated design elements to minimize impacts on trees (for example, see Chapter 2 of this Final EIR, "Project Modifications"). For additional discussion regarding project alternatives, please also see Master Response 1, in Chapter 3 of this Final EIR.

#### **Comment I46-2**

Additionally, there was little mention of air quality in the EIR. Trees are instrumental in remediation of air quality, not to mention shade and habitat for many species. I urge you to review the attached report provided by Environment America. Looking at a map, California and especially Sacramento has some of the worst air quality in the nation with more days of elevated ozone and particulate pollution. Removing beautiful, healthy, heritage trees is counter to our efforts to heal our struggling planet. It is a harm that cannot be undone.

#### **Response I46-2**

Section 4.5, "Air Quality," of the Draft EIR evaluates the project's potential impacts related to air quality. As discussed in this section (pages 4.5-12 through 4.5-16), the project would result in less-than-significant air quality impacts. The comment also includes concerns related to tree removal; please see Master Response 5, in Chapter 3 of this Final EIR.

#### **Comment I46-3**

In sum, the EIR is deficient in scope and does not address the true environmental impact of removing large, healthy, heritage trees from public grounds. The EIR contains no arborist reports, landscape management plans, nor reports on existing air quality in the area of the State Capitol nor impacts from the loss of these ancient and enormous trees. Building a larger parking structure when one exists that will be abandoned is counter to the statewide goal is to get people out of vehicles and into public transportation, bicycles or walking, and makes one wonder how this EIR passed muster in the first place.

#### **Response I46-3**

Section 4.5, "Air Quality," of the Draft EIR includes a discussion of the existing environmental setting related to air quality (Section 4.5.2 [page 4.5-6 of the Draft EIR]) and evaluates the project's potential to affect air quality. As discussed on pages 4.5-12 through 4.5-16 of the Draft EIR, the project would result in less-than-significant air quality impacts. For additional information related to impacts on trees and the proposed parking garage, see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR.

## **Letter I47 Mary Ann Robinson**

February 24, 2020

#### **Comment I47-1**

Please do not remove any trees in Capitol Park unless they are diseased or damaged beyond repair. Removal of trees for any form of development, including retail, housing, or parking must be for only the most carefully considered reasons. This is true throughout our urban region, but more so downtown, and especially so on the Capitol grounds.



In light of state government moves toward reducing the impacts of climate change, tree removal on state government property is extremely contradictory and nearly unconscionable.

#### **Response I47-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment discusses the merits of the project and does not address the analysis or conclusions in the Draft EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I48 Muriel Strand**

February 24, 2020

#### **Comment I48-1**

1. The idea of an underground visitor welcome center does not seem welcoming to me. And the likelihood that it would cause structural damage to the historic capital calls for rethinking.

#### **Response I48-1**

As described in Chapter 3, "Project Description," of the Recirculated Draft EIR, measures would be implemented during construction to prevent damage to the Historic Capitol and other nearby buildings and site features. Section 4.12 of the Recirculated Draft EIR, "Archaeological, Historical, and Tribal Cultural Resources," states that potential damage to the Historic Capitol would contribute to a significant impact on the historic resource. Mitigation Measure 4.12-4e is provided to help reduce potential impacts by developing and implementing a plan for protection, monitoring, and repair for inadvertent damage to the Historic Capitol Building. Mitigation Measure 4.8-1 in the Draft EIR calls for development and implementation of a vibration control plan specifically to address the potential for damage to the Historic Capitol from ground vibration caused by nearby construction. Therefore, the potential for structural damage to the Historic Capitol resulting from implementation of the proposed project is evaluated and addressed in the EIR. The opinion on the merits of the visitor/welcome is noted and will be provided in the record for consideration by decision makers.

#### **Comment I48-2**

2. NO NET NEW PAVEMENT!!

Given the realities of climate change, adding net pavement is a bad idea. This includes any decrease in open land available for growing vegetation. Also, the removal of trees should be mitigated by adding similar trees in other nearby locations.

#### **Response I48-2**

As described in Impact 4.4-1 (pages 4.4-12 and 4.4-13) of the Recirculated Draft EIR, the footprint of the new Annex would not be substantially larger than that of the existing Annex, resulting in only a minor increase in the area of impervious surface. This is also true for updated Annex proposal described and analyzed in Chapter 2 of this Final EIR. Additionally, the upper and lower plazas of the visitor/welcome center would not substantially increase the area of impervious surface relative to existing conditions (increase of less than 1 acre), and any new impervious surfaces and landscaping would remain similar to preproject conditions. For concerns related to tree removal, please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

#### **Comment I48-3**

3. Adding secure parking calls into question the democratic principle of government of by and for the people. Government officials who feel insecure by operating in public spaces should reform government to merit strong public support that would make government service safe.

**Response I48-3**

Please see Master Response 4, in Chapter 3 of this Final EIR. The comment includes an opinion and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Comment I48-4**

Intensification of urbanization is likely to decrease everyone's safety, as well as increase GHG emissions. Overall, tax revenues and linked decision-making power should devolve to local jurisdictions more than at present.

**Response I48-4**

This comment provides an opinion on taxes, economics, and political processes that are outside the scope of a CEQA analysis. As identified on page 3-1 of the Recirculated Draft EIR, an objective of the project is to provide a "safe environment for State employees, elected officials, and the public they serve." This objective is achieved, in part, by providing facilities that meet modern building codes; comply with the American with Disabilities Act (ADA); and meet the security requirements of the California Highway Patrol and the Sergeant-at-Arms office, which provide security services for the Capitol.

As described in Section 4.6, "Greenhouse Gases and Climate Change," of the Draft EIR, both construction and operation of the project would involve the use of greenhouse gas (GHG) efficiency measures consistent with applicable State and local policies and regulations for reducing GHG emissions and enabling achievement of the statewide GHG target of Senate Bill 32 of 2016. Thus, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, because it does not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

**Letter I49 Will Brieger**

February 25, 2020

**Comment I49-1**

As a proud Californian and former State employee, I am excited to see the renovations and improvements proposed for our Capitol.

I want to comment on the narrow issue of the underground parking structure. My career in transportation and air quality has taught me that transportation can be revolutionized in a short time. For example, a decade ago, who predicted Uber, Lyft, Jump bikes, and the e-scooters now so commonplace? In earlier generations, who knew that the Capitol would not need to expand its stables?

Many planners and transportation experts believe that parking lots will become obsolete in the next few decades. That development, of course, would make the Capitol's 155-space underground parking less necessary. Surely we will not require 180 parking spaces.

Perhaps the clearest view into transportation's future can be found in UC Davis Professor Dan Sperling's 2018 book "The Three Revolutions," referring to vehicles becoming electric, autonomous, and shared. Because a truly autonomous vehicle — one we trusted with our lives— will be expensive, and because the average passenger vehicle sits idle 95% of the day, shared vehicles will be more and more common. There is no reason to think that the vehicles we taxpayers provide to legislators will be any different. Indeed, because most legislators need commute only one round trip each week from the Sacramento Airport to the Capitol or a nearby apartment (and for months, not at all), it makes even more sense that one day their state vehicles will be from a pool, rather than 120 separate vehicles.

Meanwhile, as California tackles climate change and traffic congestion, we will be investing increasingly in public transit, not facilities for solo drivers. Those are the changes California is trying to lead, the changes that make me proud to live here.

For all of those reasons, creating an expanded parking facility at the modernized Capitol seems wasteful and anachronistic. The more we can avoid expense and damage to the Capitol Park grounds the better.

**Response I49-1**

Please see Master Response 4, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I50 Whitney Leeman**

February 26, 2020

**Comment I50-1**

Dear Stephanie, I am writing to voice my opposition to the removal of up to 100 mature trees for the construction of the new Capitol Annex Underground Parking Structure.

One of the trees in question, is the "Moon Tree" whose seeds traveled to the moon on Apollo 14 in 1971. This would make the Moon Tree an important cultural and/or historic resource. I also feel that the other old trees are important local resources (in terms of Sacramento's history and culture) and should not be removed.

**Response I50-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I51 James Adams**

February 28, 2020

**Comment I51-1**

The project need statement does not reflect any needs related to parking, yet a goal of the project is to 'Continue to provide secure parking for legislative and executive branch officials'. Downtown Sacramento is the region's best served by public transit and is working to provide alternatives to cars. Expanding parking by 50 spaces runs counter to the city and state's goals to reduce GHG's. If parking must be replaced, a reduced footprint is appropriate, consider 50 spaces for key officials and off-site parking for others who must drive to the capitol, or an alternative with 150 spaces.

**Response I51-1**

Please see Master Response 4, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment will be provided in the record for consideration by decision makers.

**Comment I51-2**

Also, the project should address the City of Sacramento Tree Preservation Ordinance as part of the EIR process to ensure public exposure and comment on DGS and City agreement on tree removal plan(s). Due to the significance of this impact (4.13-3), this process should be public through the EIR.

**Response I51-2**

The discussion of Impact 4.13-4, on page 4.13-13 of the Draft EIR, describes the project's potential to conflict with any local policies or ordinances protecting biological resources (including trees). It states that the project may involve removal of City street trees and that loss or disturbance of City street trees would conflict with the tree protection requirements in the City of Sacramento Tree Preservation Ordinance. Implementation of Mitigation Measure 4.13-3, described on page 4.13-14, was determined to reduce potentially significant impacts to a less-than-significant level by providing replacement trees and complying with the City's Tree Preservation Ordinance. For additional information related to trees, please see Master Response 5, in Chapter 3 of this Final EIR.

**Letter I52 Shirley Leeman**

February 28, 2020

**Comment I52-1**

I am outraged at the prospect of removing many of those beautiful trees from Capitol Park. Those trees are part of the history of our beautiful capitol building and grounds. When I worked downtown, I walked in the park every day on my lunch break. Those grounds draw visitors from all over the world. It would be destruction on par with the demolition of the Alhambra Theater. Visitors can always find parking; and legislators can walk a few blocks.

**Response I52-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I53 Ally Bartz**

February 29, 2020

**Comment I53-1**

I am extremely disheartened to hear that many trees are being taken out of the Capitol park for the building of the Capitol Annex and possibly an underground garage.

I am not from Sacramento, but I transplanted here to be a State worker from beautiful San Diego, California. The number of people who have asked me (both in San Diego and Sacramento) why I would leave beautiful San Diego for Sacramento is countless, and I would tell them ardently, "The trees! All of the beautiful trees."

The Capitol park is one of the walking destinations I take my guests who visit me from San Diego. I show off the trees and the placards they have on them that distinguish their name. I drive them through the tree-lined streets of midtown. Sacramento is beautiful because of its trees. Shady and cool in the summer because of its trees (with history behind this). Take that away, and you lose the unique beauty of Sacramento. The unique beauty that makes it stand out from San Francisco, San Diego, Los Angeles, San Jose, and many other large metropolises.

Not only this, but the Capitol park is part of my walking commute to work. It's one of the things that make me the most grateful to work here, that make me most grounded and content with the world.

Removal of these trees for an extension of concrete and man-made structures will strip the state workers of their work reprieve that is full of beauty and nature.

Please, I ask of you whole-heartedly to reconsider this plan.

**Response I53-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment discusses the merits of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I54 Karen Jacques**

February 29, 2020

**Comment I54-1**

CAPITOL PARK/TREE LOSS: The Recirculated DEIR (RDEIR) is inadequate because it fails to deal with the loss of trees in a meaningful way that would allow the public to understand the magnitude of the loss. It makes statements that approximately 20 to 30 trees will be lost, but it fails to provide a list of these trees and their locations. In looking at RDEIR diagrams that show the the footprints of the new East Annex, Parking Garage and Visitor Center, it seems obvious that far more than 20 or 30 trees will be lost, but there is no way to tell exactly how many or exactly which ones. In order to provide adequate information about tree loss and proposed mitigation, the RDEIR must include:

1. A list of every tree that will need to be removed either because it is in the footprint of the proposed new structures or so close that roots will likely be damaged too badly to allow for survival. The list should also include every tree that is within the construction zone and will require protection from construction related damage. Information about each tree should include: a) species; b) known or approximate age; c) relevant dimensions - e.g. height, circumference, leaf surface; d) current condition; e) whether it is an endangered or threatened species; and f) whether it is a memorial tree (and to whom or what), a National or State Champion or Co-Champion or a tree that has some other special status or history (e.g. the Moon Tree)
2. A map showing all the trees that will be lost or are at risk with each tree numbered to correspond with numbers on the list described in item 1 above.
3. A statement of how risks to trees in the construction zone will be mitigated along with requirements as to the training and certification required of those who carry out the mitigation. The statement must include that all work must meet ANSI (American National Standards Institute) A300 standards

**Response I54-1**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I54-2**

4. A detailed landscape plan so that members of the public can understand what we will be left with when construction is complete and the park is again open to the public. This plan must recognize that the park is both an historic resource and a beloved space visited by large numbers of people and contains some of the largest and most unique trees in the country. The landscape plan must include the species, location and size of all replacement trees and the location and characteristics of any other landscape features including walkways and memorial sites.

**Response I54-2**

Please see Master Response 6, in Chapter 3 of this Final EIR. Also see further information provided on the project design in Chapter 2 of this Final EIR, "Project Modifications".

**Comment I54-3**

The RDEIR fails to discuss the role of the trees in green house gas absorption, heat island effect mitigation, air purification, habitat or other benefits that trees provide or to acknowledge that the majority of these benefits will be lost for decades or human lifetimes because of growing time and because there will be room for far fewer trees than are currently present when construction is complete.

**Response I54-3**

Please see Master Response 5, in Chapter 3 of this Final EIR.

**Comment I54-4**

NEW PARKING GARAGE. The RDEIR fails to disclose the impact that the new parking garage will have not only on park trees, but, because of its new driveway, on the historic fan palms in the city owned parkway strip. If built as planned the parking garage will extend under much of the south area of Capitol Park from 10th to 12th Street. Its construction will result in the destruction of almost all the trees in this portion of the park. It will be impossible to ever replace them because the space needed for tree roots will be consumed by the parking garage. This will drastically and permanently change the character of a significant significant portion of Capitol Park. As climate change worsens and heat increases, this portion of the park will be turned from the place of beauty it was before the parking garage into a place that is hot, barren and unpleasant and that will likely contribute to heat island effect. The RDEIR needs to make the public and decision makers aware of this

The RDEIR should have discussed what alternatives there are to effectively destroying a major portion of Capitol Park. The stated reason for the new garage is to increase safety by no longer having a garage under the State Capitol Building. The RDEIR needed to address what options might exist to make the current garage safer. It also needed to address alternative sites where parking could be located that would not be as destructive as the current plan. Why

wasn't parking under one of the nearby state buildings that are under construction explored in order to avoid such massive damage to Capitol Park? Are there options for nearby parking that still exist? Building the garage as planned not only replaces beloved trees with an ugly, hot treeless space, but it also sends a terrible message. We are in a climate crisis that grows worse by the day. The public is told that we need to reduce our use of private vehicles and begin walking, biking and taking public transit. Per SACOG the Sacramento region needs to reduce vehicle miles traveled by 19 percent or lose eligibility for state and federal grants. Scientists are talking about the need to preserve existing trees (especially large ones) and plant more trees as a means of absorbing green house gases. Meanwhile the legislature is using taxpayer money that could be used to address the climate crisis to destroy beloved trees in a beloved park and build itself a giant new parking garage which may cease to be needed as transportation options change. The need for the parking garage may be short lived, but the irreparable damage caused by its construction will have been done and the taxpayer money spent. No wonder so many people are so cynical about government.

#### **Response I54-4**

Please see Master Response 4, in Chapter 3 of this Final EIR.

#### **Comment I54-5**

VISITOR CENTER: In order for the public to be able to understand and comment meaningfully on this part of the project, the Recirculated DEIR should have included elevations and scale drawings. Without those, it is impossible to fully grasp what the Visitor's Center, the historic entry hall above it and the landscape around the west entrance to the Capitol will look like. The west entrance is the Capitol's grand entrance. How is a 20 by 60 skylight above the Capitol basement going to impact that historic entry hall? How much of the space will it take? How much historic fabric will be lost? Those things are unclear, but it is clear that the impact on the west entrance to what may be the state's most important historic building will be substantial.

The west side of Capitol Park, the lead up to the main entrance to the Capitol Building, will also be impacted and the public and decision makers need both the tree and landscape data referenced above, plus elevations, to understand what the new center and its surroundings will look like. What is now a gradual slope approaching the west Capitol steps will be excavated and become two levels with long ramps heading leading people into a basement visitor center. There will be fencing and raised planters. A significant area where trees could grow will be permanently lost since the excavation will eliminate room for tree roots. At least the the deodars (or some of them) will be retained, but which and how many other trees will be lost? Even with the deodars remaining, the change in appearance will be dramatic. There is also a major change (not mentioned in the RDEIR) caused by the loss of the west entrance to the Capitol as an historic gathering space to which people have marched in protest and in celebration for years (a recent example is what has become the annual Women's March). This use will be gone forever. As someone who has been part of that lived history, I see it as a huge, irreplaceable loss.

#### **Response I54-5**

Because of the nature of the project and the design-build construction process, complete project design renderings were not available. However, available information and schematic drawings, such as Figure 3-4, were sufficient to determine potential visual impacts on the Historic Capitol. As described in Section 4.15, "Aesthetics, Light, and Glare," of the Recirculated Draft EIR, the proposed skylight at the visitor/welcome center would be largely transparent, and any obstruction to views of the Historic Capitol from the west would be limited to a portion of the portico steps. Because the skylight would include a relatively low profile and would obstruct views only of a portion of the portico steps, would be constructed of transparent materials, and would not substantially alter the long-distance views of the Historic Capitol from Capitol Mall, the overall visual integrity of the Historic Capitol's primary façade would be retained. The Recirculated Draft EIR determined that impacts resulting from the incorporation of the skylight would be less than significant. The discussion of Impact 4.12-4 in the Recirculated Draft EIR assesses the potential effects of the visitor/welcome center on the Capitol Complex, and specifically what is identified in the EIR as the West Lawn historic landscape.

For concerns related to tree and landscaping impacts, please refer to Master Response 5 and Master Response 6, respectively, in Chapter 3 of this Final EIR.

**Comment I54-6**

I understand that the current visitor entrances are in the existing Annex and will be lost when the current Annex is demolished. I also understand that there has to be a way for people to continue to enter the Capitol during the demolition and rebuilding of the Annex. But I can't help wondering, would the Visitor Center part of the project have been undertaken if there had been another way to enter the Capitol while the Annex is being demolished and rebuilt. Could a temporary entrance have been set up at the west entrance to the Capitol and people been allowed to enter that way during construction? The impact of the Visitor Center on the integrity of the most important entrance to the State Capitol is immense and this question should have been explored.

**Response I54-6**

Please see Master Response 1, in Chapter 3 of this Final EIR. Also see Chapter 2 of this Final EIR, "Project Modifications", where a modified design proposal that includes a temporary entrance to Historic Capitol during Annex construction is described and assessed.

**Comment I54-7**

In closing, one of the last speakers at the February 26th hearing talked about the sacred nature of trees and the loss to the spirit that the removal of any of the special trees in Capitol Park represents. I understand that CEQA does not deal with such issues and I also understand that the problems with the current Annex need to be addressed. That said, the loss she spoke about is profound and much more should have been done to explore alternatives to the Parking Garage and Visitor Center. They will cause massive, irreparable damage to Capitol Park and its beloved urban forest. Karen Jacques

**Response I54-7**

Please see Master Response 1 and Master Response 5, in Chapter 3 of this Final EIR. The comment will be provided in the record for consideration by decision makers.

**Letter I55 Janet Koster**

February 29, 2020

**Comment I55-1**

While I hope every effort will be made to minimize the number of trees removed, if trees are removed I hope the State will make every reasonable effort to replace the volume of carbon sequestered in the removed trees and to replace with trees that are natives and/or pollinators and have a high rating for beneficial VOCs (see Sacramento Tree Foundations's Shady 80 list). Please do not replace any removed turf. Instead please plant native pollinators and milkweed to provide monarch butterfly habitat.

This project provides an opportunity to move the Capitol landscaping plan into the 21st century by providing wildlife habitat and reducing water usage.

Thank you for your consideration.

**Response I55-1**

Please see Master Response 5, in Chapter 3 of this Final EIR. Additionally, suggestions about the project will be considered by DGS and the JRC.

**Letter I56 Nancy Marsh**

February 29, 2020

**Comment I56-1**

The removal or stunting of growth of the trees of the state capitol in order to build an underground garage and capitol annex is short-sighted (as usual).

We are in a global environmental crisis and every move we make to eliminate trees from our environment to make room for more cars is phenomenally insane. We continue to make it 'easier' for people to drive and park their vehicles which, at the same time, makes it harder and harder for our world to survive in the long-run. Where is the growth of public transportation in this county? The state government continues to talk from both sides of their mouth - California is going to save the planet! California needs more room for cars! Make the freeways bigger! Make more parking in downtown so more people can drive here!

The irony and hypocrisy is incredible.

Save our little space of green - save our tree canopy in a city that has more 100+degree days than we can manage.

#### **Response I56-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding the merits of the project. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I57 Lori Ward**

February 29, 2020

#### **Comment I57-1**

This comment is in regard to the Capitol ParkAnnex Project. Before commenting on the RDEIR, I'd like to say that Capitol Park holds a special place in the heart of our family. When my two teenage daughters were young, my neighbor and I would walk our little ones to Capitol Park every Wednesday, after walking to the farmer's market at Cesar Chavez Park. We would have a picnic lunch under the shade of one of the many large trees in Capitol Park and the kids would spend hours running and playing around the trees. The trees of the park were incorporated into their play and my daughters still speak of those days with love and fondness. When I told them of the plans for possible removal of many trees in the park, they were disheartened. Children understand the importance of nature to our well-being; therefore, why don't so many adults? Where children see clearly, adults' eyes are often clouded by the ideas of money and "progress/improvements" to the detriment of our health and well-being and that of the planet. Now, on to my comments on the RDEIR.

#### **Response I57-1**

This comment includes introductory language and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

#### **Comment I57-2**

To Whom It May Concern,

This comment is in regard to the Capitol ParkAnnex Project. Before commenting on the RDEIR, I'd like to say that Capitol Park holds a special place in the heart of our family. When my two teenage daughters were young, my neighbor and I would walk our little ones to Capitol Park every Wednesday, after walking to the farmer's market at Cesar Chavez Park. We would have a picnic lunch under the shade of one of the many large trees in Capitol Park and the kids would spend hours running and playing around the trees. The trees of the park were incorporated into their play and my daughters still speak of those days with love and fondness. When I told them of the plans for possible removal of many trees in the park, they were disheartened. Children understand the importance of nature to our well-being; therefore, why don't so many adults? Where children see clearly, adults' eyes are often clouded by the ideas of money and "progress/improvements" to the detriment of our health and well-being and that of the planet. Now, on to my comments on the RDEIR.

The RDEIR is inadequate because the public cannot determine the project impacts to the Capitol Park and the trees within it. Credible sources have estimated up to 100 trees may be significantly affected. The RDEIR does not identify the unique, historic and other contributions made by the trees to be removed.



The Capitol Park collection of trees has been selected and nurtured for decades to achieve a remarkable urban forest. The RDEIR does not adequately describe the impact on that unique horticultural body.

The RDEIR does not identify the leaf surface of the tree canopy to be removed and does not explain how the impacts of tree canopy removal will be mitigated to less than significant.

The Final EIR MUST have the Landscape Plan in it in order for the public to see what is proposed before the Final EIR is approved, and can comment on the details before Final EIR and project are approved.

Please accept these additional comments on Capitol Park tree impacts:

- The cutting and/or attempted relocation of dozens – perhaps more than 100 -- of healthy, historic trees to build an underground parking lot and an underground visitor center in Capitol Park is a bad bargain for the citizens of this state.
- Only the deodar cedars appear to be protected in the plan. This leaves many glorious, historic trees vulnerable to destruction.
- The basic information the public needs has not been made available: the actual number of trees to be removed or moved is not specified. Which trees are slated for removal — and what is the plan for each of those trees? At the least, the RDEIR should have identified each individual tree/resource and what will happen to it.
- The underground structures will remove the ability for replacement trees roots to reach the water table and stretch out in the soil, thereby stunting those replacements and permanently altering the nature of Capitol Park. What is the mitigation for this loss of tree canopy and urban forest quality?
- All tree work must meet ANSI (American National Standards Institute) A300 standards.

#### Response I57-2

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

## **Letter I58 Marion Millin**

March 1, 2020

#### Comment I58-1

Thanks for all your work on it. I am sending some suggestions to

consider. The main one that does need a change is my last name: Millin

Bravo. I love the clarity. It reads with all the needed expertise and also is informative for a general public not familiar with the issues or the process.

A few suggestions for consideration:

1.

I'm not sure if this is meant to be "will be mitigated to (be) less

than significant." (A layperson may be confused)

"The RDEIR does not identify the leaf surface of the tree canopy to be removed and does not explain how the impacts of tree canopy removal will be mitigated to less than significant."

2.

"The Final EIR MUST have the Landscape Plan in it in order for the public to see what is proposed before the Final EIR is approved, and can comment on the details before Final EIR and project are approved."

Alternate wording:

"Before the Final EIR and project are approved, the Final EIR MUST have the Landscape Plan in it; in order for the public to be able see what is proposed and comment on the details, prior to approval.

Or

"The Final EIR MUST have the Landscape Plan in it in order for the public to see what is proposed and be able to comment on the details, prior to approval of the Final EIR and project.

3.

I might insert "the" between policy and governments to avoid confusion of laypeople who may read this.

"Trees for Sacramento (Trees4Sacramento) is a core group of tree advocates and champions of neighborhood quality of life and sustainability. Trees for Sacramento advocates for sustaining tree canopy in Sacramento County in the face of the "remove and replace" policy (that) governments now apply. We have formed a network of likeminded tree advocate in all areas of the County that will resist unnecessary tree removals and advocate on behalf of canopy increase."

4.

Minor glitch in fifth line where "all" is underlined the space behind it is also underlined

Our policy recommendations:

- Acknowledge the link between preserving and enhancing our tree canopy and fighting the effects of climate change;
- Acknowledge that the state must take proactive steps to equitably bring canopy into all communities it impacts;

5.

My last name is Millin

#### **Response I58-1**

This comment is intended to provide input on the draft of comment letter O7. It has been incorporated into the Final EIR as part of the record. No further response is required.

### **Letter I59 Marion Millin**

March 1, 2020

#### **Comment I59-1**

If my name is corrected and that's it, this letter is absolutely fine.

#### **Response I59-1**

This comment is intended to provide input on the draft of comment letter O7. It has been incorporated into the Final EIR as part of the record. No further response is required.

### **Letter I60 Francesca Reitano**

March 1, 2020

#### **Comment I60-1**

The State Legislature is planning a project that will, among other things, remove or relocate many trees around the State Capitol. The project will excavate the west side of the Capitol for an underground visitor center and excavate the south side of the Capitol for an underground parking garage for Legislators and other state officials.

The RDEIR is inadequate because the public cannot determine the project impacts to the Capitol Park and the trees within it. Credible sources have estimated up to 100 trees may be significantly affected. The RDEIR does not identify the unique, historic and other contributions made by the trees to be removed.

The Capitol Park collection of trees has been selected and nurtured for decades to achieve a remarkable urban forest. The RDEIR does not adequately describe the impact on that unique horticultural body. I have spent years enjoying these beautiful trees, that have been enjoyed for many years before my time here in Sacramento.

The RDEIR does not identify the leaf surface of the tree canopy to be removed and does not explain how the impacts of tree canopy removal will be mitigated to less than significant.

The Final EIR MUST have the Landscape Plan in it in order for the public to see what is proposed before the Final EIR is approved, and can comment on the details before Final EIR and project are approved.

Please accept these additional comments on Capitol Park tree impacts:

- The cutting and/or attempted relocation of dozens – perhaps more than 100 -- of healthy, historic trees to build an underground parking lot and an underground visitor center in Capitol Park is a bad bargain for the citizens of this state.
- Only the deodar cedars appear to be protected in the plan. This leaves many glorious, historic trees vulnerable to destruction.
- The basic information the public needs has not been made available: the actual number of trees to be removed or moved is not specified. Which trees are slated for removal — and what is the plan for each of those trees? At the least, the RDEIR should have identified each individual tree/resource and what will happen to it.
- The underground structures will remove the ability for replacement trees roots to reach the water table and stretch out in the soil, thereby stunting those replacements and permanently altering the nature of Capitol Park. What is the mitigation for this loss of tree canopy and urban forest quality?
- All tree work must meet ANSI (American National Standards Institute) A300 standards.

#### **Response I60-1**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

### **Letter I61 Amelia Ross**

March 1, 2020

#### **Comment I61-1**

I do not believe the draft EIR provides sufficient information on the trees to be removed to allow this project to proceed. I attended the hearing on February 26th and was dismayed by the lack of sufficient information on the removal of trees. The elevations shown were lacking in any concrete information about this project. Nor could the DGS representative adequately answer the questions and objections raised.

For instance, the exact trees to be removed, the replacement trees to be planted nor the loss of historically significant plants and trees. It is a tragedy and I am very opposed to this plan. I do not like the state's action here, which seems to be "do as I say, not as I do". I have a hard time believing this design and removal of such significance would be allowed anywhere else.

#### **Response I61-1**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment will be provided in the record for consideration by decision makers.

## Letter I62 Shannon Ross

March 1, 2020

### Comment I62-1

I am writing in opposition to the proposed EIR on the Capitol Annex which calls for the removal of over 100 trees. These trees make the capitol park a park. Without them the grounds will be merely a collection of memorials in a hot sunbaked square. It is a terrible idea to remove the trees—especially for a parking lot.

The parking lot which exists under the state Capitol allows room for every single legislator and Governor to park. The number hasn't changed since the Capitol was built. Security has changed and that I can appreciate, however to remove heritage trees in favor of cars is outrageous. The trees cannot be replaced.

### Response I62-1

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment discusses the merits of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### Comment I62-2

I also object to the size of the welcome center—especially the placement of the skylight. The skylight will become an attractive nuisance and detract from the original beauty of the building's historic entrance.

Please reconsider the plans for this rebuild and save our trees.

### Response I62-2

As described in Impact 4.15-1 (page 4.15-16) of the Recirculated Draft EIR, the proposed skylight at the visitor/welcome center would be largely transparent, and any obstruction to views of the Historic Capitol from the west would be limited to a portion of the portico steps. Because the skylight would include a relatively low profile and would obstruct views only of a portion of the portico steps, would be constructed of transparent materials, and would not substantially alter the long-distance views of the Historic Capitol from Capitol Mall, the overall visual integrity of the Historic Capitol's primary façade would be retained. The Recirculated Draft EIR determined that impacts resulting from the incorporation of the skylight would be less than significant. For concerns related to tree removal, please see Master Response 5, in Chapter 3 of this Final EIR.

## Letter I63 JoAnn Solov

March 1, 2020

### Comment I63-1

I am concerned about the tree removal for the Capitol Annex Project. There are some historic trees in Capitol Park that need to be protected. One of my uncle's personal friends, Senator Gene McAteer, has a redwood planted in his honor, and there are many more historic and valuable species on the grounds.

It seems that there has not been adequate disclosure about the number of trees to be removed or moved and the plan for each of those trees. Also, the underground structures will impede the ability of root growth for whatever trees are selected for replacement. Additionally, all tree work must meet ANSI (American National Standards Institute) A300 standards.

As a member of our congregation's sustainable living committee and part of a crew that plants trees and cares for our campus, I am especially concerned about this valuable asset to the Capital of Sacramento. Capitol Park is a jewel that I show off to visitors on a regular basis.

### Response I63-1

Please see Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

## Letter I64 Catherine Cunningham

March 2, 2020

### Comment I64-1

I am writing to you regarding the planned Capitol Annex Project for the California State Capitol that will include an underground parking garage beneath parts of the capitol building and Capitol Park. As a Sacramento native and current resident, I am deeply concerned for the preservation of the natural beauty of the park because of this building project.

The construction of the underground parking garage will endanger a variety of large trees that are planted in the park. While the supposed number of trees in danger seems to vary depending on the source, as few as 20-30 trees (or up to 100 given an overlay of the planned project over Google Maps) would be "removed" in order to accommodate the parking garage.

Whatever the number of trees, even one Capitol Park tree is too many to sacrifice to a parking garage. As the leaders of California in its state capital, the idea of tearing out historic and beautiful trees that provide a small glimpse of greenery in our growing urban center is ludicrous. In planning for a future that should include less individual gas-powered vehicles and focus instead on stronger infrastructure and public transportation, a 40,000+ square foot parking garage is unacceptable. Additionally, that trees that help to purify the air of our city would be sacrificed for this adds to the apparent vision of this project that does not include environmentally-based decisions.

### Response I64-1

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

### Comment I64-2

In the Capitol Annex Project Planning Study published in 2017, there were two other options described to accommodate parking for the renovated annex: an offsite parking lot/structure with a shuttle service to the Capitol and an offsite parking lot/structure with an underground pedestrian tunnel. If additional parking must be built to accommodate the needs of the renovated Capitol Annex, either of these options offer a solution that does not endanger the trees of Capitol Park.

### Response I64-2

Please see Master Response 1 and Master Response 4, in Chapter 3 of this Final EIR.

### Comment I64-3

Thinking that reparations may be made for trees that are killed in the building process is not a viable solution. Capitol Park plays host to variety of large and unique tree specimens that cannot be reasonably replaced. For example, the Moon Tree redwood is one of approximately 60 living Moon Trees in the world, having made an orbit around the moon on the Apollo 14 mission as a seed. The deodar cedar trees that grace the picturesque west side of the Capitol, framing the view of the Tower Bridge from one direction and the Capitol Building itself from the other, are irreplaceable. Three of the cedars are ranked fifth largest in the world in all of their species. These trees cannot simply be replaced by planting new trees, as they simply cannot replace these 160 year old specimens.

My husband and I, as well as countless other Sacramento residents, enjoy the beauty and flora of Capitol Park whenever we can. It is a rare spot of beauty and stillness and what is a unceasingly sprawling urban expanse. To take away that beauty would do damage to the essence of our city and take away history from the people who will come here in the future.

I understand why the Capitol Annex Project must take place to provide needed repairs and renovations to the building. It is important for people of all abilities to have access to the building, for technology and plumbing to be updated, and I see the value of a new visitor center to welcome the influx of Sacramento residents. But killing trees for a parking lot puts a stain on this entire project, and should be reconsidered in order to serve the interests of the Sacramento residents that already value what we have in our green spaces.

**Response I64-3**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment will be provided in the record for consideration by decision makers.

**Letter I65 Tova Fleming**

March 2, 2020

**Comment I65-1**

I am writing to express my opposition to the removal of up to 100 trees on Capitol Park to build a parking lot for legislators (and visitor center).

The removal of these trees to put in a parking lot is taking Sacramento in the wrong and polar opposite direction we need to be moving in the face of our changing climate. Sacramento's beautiful and world renowned urban forest is vital to sequestering carbon, lowering energy costs, and decreasing climate, pollution, and heat related health issues.

**Response I65-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment I65-2**

This project compounds the negative impact of the development of luxury midtown apartments (which no long-term Sacramento area residents can afford) which are also removing large, well established trees which simply cannot be replaced. Our city has an incredible and inspirational resource for helping to address climate change and all its associated issues in our urban forest that is irreplaceable.

**Response I65-2**

Please see Master Response 5, in Chapter 3 of this Final EIR.

**Comment I65-3**

Additionally, instead of putting in a parking lot, we should be spending those funds to improve public transportation and infrastructure not encouraging personal vehicle use.

Sacramento should be a leader in Zero Carbon AND carbon sequestration. We must protect and grow our urban forest and support public transportation infrastructure not the status quo. We need to make better choices for our climate, our health, and our future.

**Response I65-3**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR. The comment provides an opinion regarding an aspect of the project and does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

**Letter I66 Maria Kelly**

March 2, 2020

**Comment I66-1**

I am writing this letter to express my opposition to the Capitol Annex Project.

Our majestic canopy trees are essential to preserving the unique character of Sacramento and to maintaining the quality of life enjoyed by Sacramento's residents. The trees in historic Capitol Park are no less important. They are our heritage, and a heritage of all Californians who view them as a symbol of our Capital City.

I urge you to find alternatives to the current Capitol Annex Project which will destroy any number of these incomparable trees and destroy the character, the history, and the heritage of the Capitol as a whole. Trees are essential to human life, and thus essential to every human endeavor. I urge you to reject or to amend the Capitol

Annex Project in order to protect and to preserve the trees in Capitol Park, which are unique in the state, the nation- indeed, the world.

Please support and lead the way for the countless individuals who remain committed to pass forward the living heritage of our trees in Capitol Park and to the legacy of our historic Capital City for the generations to come.

#### **Response I66-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment will be provided in the record for consideration by decision makers.

### **Letter I67 Kathy Les**

March 2, 2020

#### **Comment I67-1**

In this era of climate change when every effort should be made to accommodate more public transit and not the private automobile, it seems ill advised to be constructing a new parking facility on the capitol grounds, especially one that causes the removal of dozens of heritage trees that would otherwise help consume carbon, not to mention perpetuate nature.

Please count me among those opposed to this project.

#### **Response I67-1**

Please see Master Response 4 and Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment provides an opinion regarding the merits of the project. The comment does not address the analysis or conclusions in the EIR. No further response is required. However, the comment will be provided in the record for consideration by decision makers.

### **Letter I68 Marion Millin**

March 2, 2020

#### **Comment I68-1**

Last week I attended the public hearing on the Capitol Annex project DEIR. I am submitting comments today I have reviewed available documents and still have these questions:

1. Is the proposed level that replaces the West Steps plaza going to have a skylight in the center OUTSIDE? Some people think that the skylight will be INSIDE. This has not been made clear.

#### **Response I68-1**

As described in Chapter 3, "Project Description," of the Recirculated Draft EIR, the upper plaza would include a large glass skylight, providing light to the underground portion of the visitor/welcome center and allowing individuals in the visitor/welcome center to have a clear view of the Historic Capitol dome as they move through the center. The skylight glass on the upper plaza would extend above ground level and would be constructed, potentially with a railing surrounding the skylight, to prevent individuals from walking onto the skylight surface.

#### **Comment I68-2**

2. Is there any other access to that level which is now an open plaza, other than the two ramps that will be on the front sides?

#### **Response I68-2**

As described in Chapter 3, "Project Description," of the Recirculated Draft EIR, in addition to the universally accessible (ADA-compliant) ramps, the lower plaza would have stairs, as well as stair step seating areas incorporated into the landscape. At the east end of the central walkway/ramp would be doors leading to the below-grade enclosed portion of the visitor/welcome center. As further described, there also would be stairwells leading from the east end of the visitor/welcome center to the planter areas immediately north and south of the portico and abutting the Historic

Capitol. These stairwells would act as emergency exits from the belowground visitor/welcome center and also may contain ventilation flues.

**Comment I68-3**

3. Where will Legislators park when they are housed in the Swing Building for a few years during Annex construction?

**Response I68-3**

Parking facilities available for the Annex swing-space are currently being constructed at the project site as part of the 10th and O Street Legislative Office Building.

**Comment I68-4**

4. Will the historic pillars framing the West Steps plaza be removed for this project?

**Response I68-4**

It is unclear whether the comment refers to pillars associated with the Historic Capitol building at the west entrance, or the pair of granite pillars, one on the north side of the west steps plaza and one on the south side. If the comment is referring to pillars that are part of the Historic Capitol building, those will not be disturbed or otherwise adversely affected by the proposed project. If referring to the pair of granite pillars, these would need to be moved during construction of the visitor welcome center. As described on page 4.12-13 of the Recirculated Draft EIR, these granite gateposts, which had been part of a fence system encircling Capitol Park from 1889 to 1952, were placed in their current location in 2016. Therefore, although the pillars themselves may have historic significance, any significance is not associated with the current location. However, Mitigation Measure 4.12-b in the Recirculated Draft EIR does call for the salvage and reuse of these pillars.

**Comment I68-5**

5. What happens to the Great Seal?

**Response I68-5**

As described in Chapter 3, "Project Description," of the Recirculated Draft EIR, the existing bronze "Great Seal of California," "California Indian Seal," and "Spanish-Mexican Seal" currently located just west of the west portico steps would be removed and preserved during construction of the visitor/welcome center. These bronze seals are planned to be reset into the upper plaza near their current location.

**Letter I69 Marion Millin**

March 2, 2020

**Comment I69-1**

"In 1863, California Governor Leland Stanford envisioned a Victorian garden "with a beauty and luxuriousness that no other capitol can boast" surrounding the California State Capitol. Well over a century and a half later, California's Capitol Park has a luxuriousness and beauty that few capitols can compete with. Trees, shrubs, and other plants have been gathered from around the world and planted in Capitol Park, which has grown over the years to encompass twelve city blocks or forty acres. Walkways crisscross the park, enabling visitors more opportunities to view its bounty.

"Special points of interest, memorials, and monuments are tastefully incorporated into Capitol Park to remind us of our history and natural beauty. Visitors can sit under trees that were thought to be extinct, enjoy a pond surrounded by draping foliage while viewing living and static memorials, or relax during lunch under the shade of trees which are the largest of their kind in the state."

**Response I69-1**

The comment provides introductory language to the comment letter and does not address the analysis or conclusions in the EIR. No further response is required.



**Comment I69-2**

Significance after Mitigation Implementation of Mitigation Measures 4.12-4a, 4.12-4b, 4.12-4c, 4.12-4d, and 4.12-4e would help to reduce impacts and compensate for those impacts that cannot be avoided by ensuring preservation treatments, preparing a detailed salvage plan, development of an interpretive program, and ensuring protection of Capitol Park resources and the Historic Capitol. However, even after application of these mitigation measures, this impact would remain significant and unavoidable because the Capitol Annex, which represents approximately half of monumental building in the NRHP-listed complex, would be permanently and completely destroyed, and the West Lawn of Capitol Park would be intensely modified, to the point of potentially not conveying its period of significance.

The cultural integrity and multiple benefits of the landscape and “biological resources” – aka trees – will never recover. The significant cumulative impacts to this unique urban forest are not even acknowledged in this DEIR, let alone mitigated.

**Response I69-2**

Please see Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, “Master Responses to Comments on the Draft EIR and Recirculated Draft EIR.

**Comment I69-3**

The DEIR finds there will be no affect on air quality or climate change from this devastation of our urban tree canopy. Impacts on wildlife are buried in the mitigation section at the bottom of the DEIR.

**Response I69-3**

The Draft EIR does not identify “no effect” regarding air quality and climate change, but a “less than significant effect” for both resources. Please see Response I46-3, above, and Master Response 5, in Chapter 3 of this Final EIR. Further, Section 4.13, “Biological Resources,” of the Draft EIR includes evaluation of the project’s potential to adversely affect or interfere with wildlife. As described in pages 4.13-10 through 4.13-13 of the Draft EIR, the project would either result in no effect on various wildlife resources (see the section titled “Issues not Discussed Further), or less-than-significant impacts after mitigation related to disturbance of Swainson’s hawk, white-tailed kite, other nesting raptors, and other native nesting birds; common bat roosts and maternal colonies; and local ordinances protecting biological resources.

**Comment I69-4**

Combined with the significant cumulative impacts on Native American cultural resources – including human remains – the devastation and excavation of the south side grounds of the Capitol building, in exchange for 200 parking spaces for legislators (when other options are available) would be a historic travesty.

**Response I69-4**

For details related to DGS and JRC’s commitments to protection of Native American cultural resources, please refer to Section 4.12 of the Recirculated Draft EIR. Cumulative effects on these resources are addressed in Chapter 5 of the Recirculated Draft EIR. For concerns related to parking, please refer to Master Response 4, in Chapter 3 of this Final EIR. See Chapter 2 of this Final EIR, “Project Modifications” for a description and evaluation of a modified location for the underground parking identified after publication of the Recirculated Draft EIR.

**Comment I69-5**

The final EIR will do no better than the DEIR at addressing or even acknowledging the significant cumulative impacts to the public quality of life, health, climate crisis, historic heritage, aesthetics, Native sovereign nations and public trust.

**Response I69-5**

For a detailed discussion of cumulative impacts related to GHG and climate change, architectural, historical, and tribal cultural impacts, and aesthetics, please refer to Chapter 5, “Cumulative Impacts,” of the Draft EIR. Public quality of life is not CEQA-mandated topics unless there is a direct nexus to a physical effect on the environment (which is not provided in the comment) and therefore is not included for discussion in the EIR. Human health are components of

the analysis of air quality, water quality, and hazardous materials included in Sections 4.5, 4.10, and 4.11 of the Draft EIR. Public trust resources, such as native habitats, wildlife, and wetlands, are addressed within the various analysis topics included in an EIR. The comment provides an opinion of the anticipated content of the future Final EIR document and does not address the analysis or conclusions of the Draft EIR. No further response is required.

#### **Comment I69-6**

These items must be included in the final EIR:

- Follow the City of Sacramento's recommendations in their comment letter regarding doing a historic landscape survey and update of the National Register nomination as a mitigation measure.

#### **Response I69-6**

Please see Master Response 6, in Chapter 3 of this Final EIR. Also see responses to the referenced City of Sacramento comment letter in this Final EIR.

#### **Comment I69-7**

- Tree inventory
- Provide identification of the number and location of specific trees being destroyed in the project.
- Recommend mitigation for destroying those irreplaceable "biological resources" including realistically addressing what will grow over the proposed parking garage. (It won't be redwoods).

#### **Response I69-7**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR.

#### **Comment I69-8**

From the DEIR:

"Overall, the new visitor/welcome center would alter historic landscape features of the West Lawn of the Capitol and reduce the ability of the resource to communicate its period of significance. The proposed project would introduce a large, modern intrusion into the historic landscape, which would eradicate almost one-third of the West Lawn's character-defining features, such as historic circulation, portions of its vegetation, the spatial organization, and the topography. Therefore, this change would contribute to a significant impact on the historical resource.

#### **Response I69-8**

The comment correctly quotes text from the discussion of Impact 4.12-4 in the Recirculated Draft EIR (page 4.12-30). The EIR analysis goes on to identify and disclose that a significant and unavoidable impact, even after implementation of feasible mitigation, will occur.

## **Letter I70 Martin Palomar**

March 2, 2020

#### **Comment I70-1**

I would like to request to please save the heritage trees at the Capitol. You and your family will never be able to replace the trees, if you were to remove them. You would be destroying a piece of Sacramento history. The Capitol, trees, and grounds belong to the CA people, not a state department!

DGS owns plenty of land in the Downtown area and can find an alternative location to build parking garages and space to accommodate state employees. If you were to calculate 100 years of leasing costs, you could build another modern Capitol building somewhere else, but please preserve the green tapestry of the capitol grounds. Outside the perimeters of the capitol park, there is nothing but buildings.. and nothing is compared to the green vegetation at the Capitol grounds.

Please preserve the trees and the benefit they provide to Downtown area!!

**Response I70-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Letter I71 Daniel Pskowski**

March 2, 2020

**Comment I71-1**

I am a degreed arborist who has lived and worked in Sacramento for the past twenty-nine years.

When I first came to Sacramento I would frequent Capitol Park because of its magnificent collection of trees and the abundance of canopy coverage.

Sadly, though, there has been canopy loss due to removal of some of the largest trees in the park.

There were over 27, English elms (*Ulmus procera*) which reached heights of 75 feet with 40 -60 ft. spread. Unfortunately, the majority of them have been removed due to Dutch elm disease, declining health, and structural concerns due to decay.

There were Italian stone pines (*Pinus pinea*) similar in stature to the English elms that were around the perimeter which were the sentinels of Capitol Park.

Due to their size large steel supports were installed to preserve these conifers. Sadly, over time all of these were removed due to safety concerns.

Due to this loss of canopy and the climate crisis Sacramento can't afford to lose so many healthy trees to development.

As a professional arborist I have worked on numerous downtown projects. Trees and buildings can co-exist. One example is the State of CA Doug Watkins Bldg. at 1100 Q Street. All the existing street trees around the site were preserved.

Some of the coast redwoods proposed for removal are memorial trees. I am puzzled that during the until design phase these redwoods were required to be preserved. The State of CA East End project made adjustments for the underground parking on this project to preserve the trees along 15th & 16th Streets.

I have recently witnessed a paradigm shift with the State of CA in new building construction. It is remove and replace instead of the protection and preservation of existing trees. This is evident on the Natural Resources and Health & Human Services buildings currently under construction in downtown Sacramento.

Also, there is a loss of space to grow large canopy trees due to the lack of building setbacks. I urge Department of General Services to rethink this project to avoid the removal of so many mature trees.

**Response I71-1**

Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." The comment will be provided in the record for consideration by decision makers.

**Letter I72 Michael Silver and Christine Ratekin**

March 2, 2020

**Comment I72-1**

We are convinced that the RDEIR is inadequate because the public cannot determine the project impacts to the Capitol Park and the trees within it.

Credible sources have estimated up to 100 trees may be significantly affected. The RDEIR does not identify the unique, historic and other contributions made by the trees to be removed. The Capitol Park collection of trees has

been selected and nurtured for decades to achieve a remarkable urban forest. The RDEIR does not adequately describe the impact on that unique horticultural body.

The RDEIR does not identify the leaf surface of the tree canopy to be removed and does not explain how the impacts of tree canopy removal will be mitigated to less than significant.

#### **Response I72-1**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

#### **Comment I72-2**

The Final EIR MUST have the Landscape Plan in it in order for the public to see what is proposed before the Final EIR is approved, and can comment on the details before Final EIR and project are approved.

#### **Response I72-2**

Please see Master Response 6, in Chapter 3 of this Final EIR.

#### **Comment I72-3**

Please accept these additional comments on Capitol Park tree impacts:

- The cutting and/or attempted relocation of dozens – perhaps more than 100 -- of healthy, historic trees to build an underground parking lot and an underground visitor center in Capitol Park is a bad bargain for the citizens of this state.
- Only the deodar cedars appear to be protected in the plan. This leaves many glorious, historic trees vulnerable to destruction.
- The basic information the public needs has not been made available: the actual number of trees to be removed or moved is not specified. Which trees are slated for removal — and what is the plan for each of those trees? At the least, the RDEIR should have identified each individual tree/resource and what will happen to it.
- The underground structures will remove the ability for replacement trees roots to reach the water table and stretch out in the soil, thereby stunting those replacements and permanently altering the nature of Capitol Park. What is the mitigation for this loss of tree canopy and urban forest quality?
- All tree work must meet ANSI (American National Standards Institute) A300 standards.

#### **Response I72-3**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR.

## **Letter I73 Jude Lamare and Kate Riley**

March 2, 2020

#### **Comment I73-1**

We are requesting that the Department of General Services revise the Recirculated DEIR and recirculate that revised DEIR. It has become clear that the original DEIR and Recirculated DEIR are inadequate because they do not include necessary information regarding proposed removal of a substantial number of historic landmark trees and the mitigation for impacts.

#### **Response I73-1**

Please see Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

#### **Comment I73-2**

The March 2, 2020, letter from Trees for Sacramento outlines the deficiency regarding trees:

"The RDEIR is inadequate because the public cannot determine the project impacts to the Capitol Park and the trees within it. Credible sources have estimated up to 100 trees may be significantly affected. The RDEIR does not identify the unique, historic and other contributions made by the trees to be removed.

The Capitol Park collection of trees has been selected and nurtured for decades to achieve a remarkable urban forest. The RDEIR does not adequately describe the impact on that unique horticultural body.

The RDEIR does not identify the leaf surface of the tree canopy to be removed and does not explain how the impacts of tree canopy removal will be mitigated to be less than significant.

Before the Final EIR and project are approved, the Final EIR MUST have the Landscape Plan in it. This is necessary in order for the public to see what is proposed and be able to comment on the details [before approval of FEIR and Project]."

-Trees for Sacramento March 2, 2020.

Without a landscape plan which includes a detailed inventory of the trees proposed for moving and removal, the Recirculated DEIR is not complete.

### **Response I73-2**

Please see Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR.

### **Comment I73-3**

The Recirculated DEIR for the Capitol Annex Project provides the regulatory basis for recirculation:

"CEQA requires recirculation of an EIR when the lead agency adds "significant new information" to an EIR, regarding changes to the project description or the environmental setting, after public notice is given of the availability of a draft EIR for public review under State CEQA Guidelines, California Code of Regulations (CCR) Section 15087, but before EIR certification (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required *unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact in which no feasible mitigation is available to fully mitigate the impact* [emphasis added] (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but that the project proponent declines to adopt (State CEQA Guidelines CCR Section 15088.5[a]).

-Joint Committee on Rules and California Department of General Services Capitol Annex Project Recirculated Draft EIR 1-1

Thank you for your consideration of and response to this comment. Please advise us of the availability of your response to comments and any public hearings on this project at the email addresses below.

### **Response I73-3**

Since the release of the Public Recirculated Draft EIR, no new significant information related to the project description or environmental setting has become available. Therefore, the current Recirculated Draft EIR includes the most up-to-date project information, analysis, and impact determinations. Recirculation is not warranted, and no further response is required.

## **Letter I74 Eric Steinman**

March 2, 2020

### **Comment I74-1**

My name is Eric Steinman, and as an East Sacramento resident I am concerned with the Capitol Annex Project's current state, including removing at least 20-30 trees to create a private, underground parking lot. The California Historic State Capitol Commission estimates the number of impacted trees is likely over 100.

In reviewing the DEIR for this project, I noted your letter provided "No comment". What is the reasoning behind this position? Does the City of Sacramento Parks department not have an official position regarding this potential impact on public recreation space?

#### **Response I74-1**

This comment was intended for the City of Sacramento Planning Department and was conveyed by others to DGS. As DGS received the comment, and it pertains to the proposed project; therefore, DGS is including the comment in the Final EIR record. Please see Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR" for further information on project effects on trees.

## **PUBLIC HEARING**

### **Letter PH February 26, 2020**

**Matthew Moore, THPO, United Auburn Indian Community**

February 26, 2020

*As identified above for comment letters A7 and A8, comment letters from Native American Tribes consulting under AB 52, and responses to those comment letters, are retained in a confidential appendix to this Final EIR (Appendix D). However, the following comments from UAIC were provided in a public hearing. With these comments being provided in a public setting, the comments and responses are provided here.*

#### **Comment PH-1**

MR. MOORE: Thank you. My name is Matthew Moore. I'm with United Auburn Indian Community. I'm the tribal historic preservation officer.

While UAIC wishes that it could be supportive of this project, I am here today to express the strong opposition to the Recirculated Draft EIR for the Capitol Annex Project.

#### **Response PH-1**

The comment provides an introductory statement. Further comments provide more details regarding the topics identified in the introductory statement and are responded to below. DGS appreciates UAIC's input on the Capitol Annex Project and the Recirculated Draft EIR and has continued to work with UAIC through the ongoing Assembly Bill 52 consultation process. The AB 52 consultation was concluded on July 30, 2021, prior to release of this Final EIR.

#### **Comment PH-2**

Despite many, many meetings with DGS staff and their consultants, we have not been afforded the standard government-to-government consultation that AB 52 requires, much less the high level of consultation process that was promised. As a result, DGS staff are unable to give meaningful or timely responses to our requests and comments, nor is staff able to make critical decisions that would enable UAIC to support this project.

Many of the serious concerns we have about the project's potential impacts to tribal cultural resources remain unaddressed.

#### **Response PH-2**

UAIC's concerns raised at the public hearing were also brought up in a comment letter on the Recirculated Draft EIR (Letter A7 in this Chapter of the Final EIR). UAIC has requested that their comments provided in that letter remain confidential. DGS is honoring that request, as well as maintaining the responses as confidential. DGS requests that the commenter please see the confidential responses to UAIC's comment letter (A7), which have been provided to UAIC separately, as these also provide responses to the concerns raised at the public hearing. The AB 52 consultation referenced in the comment continued after publication of the Recirculated Draft EIR and, as stated above, was concluded on July 30, 2021.

**Comment PH-3**

The statement that I read from the original draft -- that I read for the original Draft EIR at the public hearing for this project, in October, still holds true for the Recirculated Draft EIR issued in January 2020.

At that hearing I stated the following:

We were told that this -- 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 includes 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.

**Response PH-3**

Responses to comments from UAIC on the Draft EIR, both oral comments provided at the public hearing and written comments provided in a confidential comment letter, are provided in Chapter 4 of this Final EIR. However, as identified above in Response PH-2, UAIC has requested that their written comments remain confidential. DGS is honoring that request for all comment letters received, including those provided on the Draft EIR. DGS requests that the commenter please see the confidential responses to UAIC's comment letter A6 on the Draft EIR, which have been provided to UAIC separately. DGS accepts UAIC's input on the AB 52 consultation process; however, as noted above, that consultation process did reach a conclusion prior to release of this Final EIR.

**Karen Jacques, Trees for Sacramento**

February 26, 2020

**Comment PH-4**

MS. JACQUES: Hi. I'm Karen Jacques speaking on behalf of Trees for Sacramento.

And I simply want to make a brief statement now, and I will submit written comments.

But the mitigation for trees is completely inadequate because we need a detailed statement of every tree we will lose, and it's significant on -- in a variety of ways.

**Response PH-4**

Please refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR." Please also see the responses to Letter I54, above. This comment will be provided in the record for consideration by decision makers.

**Comment PH-5**

We also should have the right to see a full landscape plan so that we will understand what we are going to be left with. And those two things are apparently completely missing, which makes it really hard to comment on this project.

And I have walked the Capitol grounds and tried to figure out exactly what trees would be harmed. And there are issues about roots and edges, and I can't even figure it out, walking. Certain trees are obvious, but many others are not. And I think that's a real disservice to the public.

**Response PH-5**

Please refer to Master Response 6, in Chapter 3 of this Final EIR.

**Comment PH-6**

The other thing that I want to say, while I'm up here, is that the comments about our tribal government communications not being observed give me deep concerns with the suffering that native peoples, who were once here, have experienced. The least we can do is give them the dignity of full government to government. And I have huge concerns that apparently they haven't been met.

And, like I said, I will submit more detailed written comments.

**Response PH-6**

Please refer to responses provided to comments PH-1 through PH-3 above. As indicated there, written comments from the consulting Native American Tribes and the responses to those comments have been kept confidential at the request of the Tribes and are contained in a confidential appendix (Appendix D in this Final EIR). However, as indicated in Response PH-2, the AB 52 consultation referenced in comment PH-2 continued after publication of the Recirculated Draft EIR and was concluded on July 30, 2021.

**Robert Hertzberg, California Senate**

February 26, 2020

**Comment PH-7**

MR. HERTZBERG: Thank you so much. My name is Bob Hertzberg. I am the majority leader of the California Senate, former speaker of the California Assembly. And I am one of the three members of the executive committee representing, on behalf of Pro Tem Atkins, the California Senate; and senator – Assembly Member Cooley, who is the chair of the Joint Rules Committee, that I used to chair many years ago; he's the chair of our effort. And the governor has an important representative from his office. And the three of us are the executive committee with respect to this project.

And I just want to go on the record.

**Response PH-7**

This comment provides an introductory statement and does not provide input related to the analyses or conclusions in the Recirculated Draft EIR. No further response is required.

**Comment PH-8**

I didn't get to hear all the other comments, but with respect to the tribal issues and the issues on the EIR that have been identified, we are going to be inclusive. We are going to engage.

I apologize to a number of the tribal members, council members, that are here, the government members that are here, and their government. And we will do everything in our power. We have a great deal of respect for your issues and the law that was written, and apologize to you to the extent that that has not been -- the level of respect and inclusion has not been -- has been evidenced, and we will do everything in our power to fix it.

I consulted with Chairman Cooley before I came over. He couldn't be here now, but I am personally here. Didn't send staff or anybody else.

So I want to make that statement, because this is very important. This is a gigantically important project to the state of California.

The Indian country, the Indian community is very important. The issues -- when you look at the history of this area and potential issues, both artifacts and bones? What is the word for "bones"?

AUDIENCE MEMBER: TCRs.

MR. HERTZBERG: TCRs are very important, and we're going to exercise the level of respect and inclusion that is -- that I think will meet with everybody's concerns.

So I just wanted to get it back on the right footing.

There's been an unbelievable amount of work from a very large team and very extraordinary professionals are part of this. And we're not perfect. But I think we want to make this a great project, and part of that project is to respect our heritage and history, which includes all the communities that were here long before we were here.

So I just want to put that on the record and thank you. And thank you for coming down, and I understand that you have put your point of view on the record, which is appropriate. But we will -- we will be inclusive. And I think everyone will be satisfied, at the end of the day, because we will comport ourselves in the manner in which the law was written.



Apologize to everyone.

Thank you.

### **Response PH-8**

Mr. Hertzberg's comments are primarily directed towards members of the Native American community. DGS appreciates Mr. Hertzberg's input. The coordination with Native American Tribes identified in the comment continued after this public hearing in the form of the AB 52 consultation process. As stated above in Responses PH-1, PH-2, and PH-3, the AB 52 consultation reached a conclusion on July 30, 2021. Part of that consultation addresses the identification and treatment of TCRs. The comment itself does not address the analyses or conclusions in the Recirculated Draft EIR. No further response is required

### **Marion Millin**

February 26, 2020

### **Comment PH-9**

MS. MILLIN: My name is Marion Millin. I live in Sacramento. I work and live in midtown. The trees have been my neighbors' and my park for decades. And the trees are the public trust. The public is not here.

I called, as I said before, to ask how the public was notified of the meeting -- of the hearing, and it wasn't. The notification, I was told, by the communications director, is in the document, which is another kind of activist joke, like we have so many. Who reads the documents? The people who are here in this room. The people who are persistent enough to try to find good information so we can share it with the people who are out of the loop.

But we were caught off-guard a few weeks ago when the tree issue came up, and the public and even the tree activists were largely unaware of it. And then when we did try to scramble and find good information to share with each other, and people that would be concerned, knowing the public comment period ends next week, March 2nd, we couldn't find it.

And so then what do you do? And looking into the documents and trying to, you know, section 7, missing from the -- from the -- this contents. Go here, go there, go around and around to try to find good information. And then it's not even in the document.

So as Karen said -- and she's much more concise -- that's a problem, that those two things she called for are definitely needed.

### **Response PH-9**

A Notice of Availability for the Draft EIR was issued on DGS's website; sent to individuals, organizations, and agencies included on the project mailing list (totaling over 100 individual mailing recipients) and to mailing addresses within 500 feet of the project site; and published in the *Sacramento Bee* on January 17, 2020. Further, an information meeting and a public hearing were held to provide an opportunity for the public to provide questions and comments. The Draft EIR has been available on the DGS website since publication. The requirements for public noticing and public involvement have exceeded the requirements of CEQA and the authorizing legislation for this project. For concerns related to tree impacts, please see Master Response 5, in Chapter 3 of this Final EIR.

### **Comment PH-10**

And I wanted to share a story:

I grew up on the American River across from Cal Expo, where the riparian habitat is the widest flowing through the city. And there was a time way back in the '90s, that Cal Expo wanted to put a parking lot on the river, and I attended a hearing at the Capitol.

Tom Hayden (phonetic) was there. He listened to everyone talk for an hour and then he asked the question. The public is always thinking a question but they think they're too -- they don't know enough to ask -- you know, to ask the question. What -- given that this -- this area of the river is protected on federal, local, and national -- federal and state wild and scenic river standards, why would you put a parking lot there?

**Response PH-10**

The comment does not address the analysis or conclusions provided in the Recirculated Draft EIR. This comment will be provided in the record for consideration by decision makers.

**Comment PH-11**

So after all this work, and your presentation, which, at the end, doesn't really provide us with any indication that the tree aspect was really considered, and how concerned people -- not just that live here, but who would visit, would be -- is kind of a no-brainer, as they like to say.

And I asked the question: Who thought it was a good idea to put underground parking underground such that it would destroy that whole side, that south side Karen mentioned, of -- the trees and this aspect of the public trust are irreplaceable.

And so my -- I would like to have more information and be able to be more informed. And this is -- it's inadequate what's being offered.

So there's -- it's really amazing that it wasn't -- it wasn't foreseen that people would be really concerned about the trees, because it's just -- it's unacceptable to take out those trees and act like --having seen this before with mitigation and landscaping and what we get in return. Like, we're going to take care of those plaques and maybe plant the trees, and the people who are the tree experts will talk to you about why it's irreplaceable. When you replant something, you never get back what you last.

And aside from that, Capitol Park being -- they are unique intentionally. The trees in Capitol Park, many are one-of-a-kind, including the one that -- the current parking on N Street, that entrance, the big red coral cockspur tree that blooms with these amazing flowers. There are now -- there was one large one like it in Sacramento. There were two shrub types. One in Capitol Park. The larger one was gone. This will be gone. There will be that one in Capitol Park, the shrub version. There won't be any more in Sacramento of that particular tree. So that's why we're here.

And hopefully, at least the message can be sent: People in Sacramento will come out for the trees and the rivers, and when the public knows, they show up.

Thank you very much.

**Response PH-11**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. Chapter 2 of this Final EIR also provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR. The comment will be provided in the record for consideration by decision makers.

**Elise Fandrich, Trees for Sacramento**

February 26, 2020

**Comment PH-12**

MS. FANDRICH: First off, I want to thank everybody here who is running the meeting and taking the time for public comments. We really appreciate you listening to our feedback. And we appreciate all the hard work you have put into this project.

So I'm here to echo concerns that have been raised regarding the tree landscape in Capitol Park. And, you know, I'm someone who walks through Capitol Park on a regular basis, and I'm just amazed at how large these trees are and what a unique esthetic they provide to the park.

**Response PH-12**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. For further information related to impacts on trees, please refer to Master Response 5, in Chapter 3 of this Final EIR.

**Comment PH-13**

They also provide a really critical cooling effect, and it's been mentioned that the underground parking lot is going to destroy trees on the south side. That's going to make the Capitol harder to cool. It's going to make it not so fun for all of the rallies and protesters who go out and stand in the sun all day. So it's going to increase the urban heat island.

And I think we have to take some of those considerations into mind when we're putting these plans together.

**Response PH-13**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. Chapter 2, "Project Modifications," of this Final EIR also provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR. The comment will be provided in the record for consideration by decision makers.

**Comment PH-14**

So I really am concerned, particularly about the underground parking lot, for a few reasons. But certainly because of the impact on the trees aboveground, but also because of the state and city's goals that it has ostensibly made to reduce vehicle miles traveled and to reduce congestion emissions in our downtowns.

So if we create more space for cars, more cars are going to keep coming, and I think that, in 20 years and maybe even 10, we're going to see more things like Uber, like Lyft; we're going to see more people using transit. And the idea of building more parking is really going to be obsolete and outdated. So I really would like to see that sort of visionary thinking instead of what, to me, seems like a really bad PR move for the state and the legislature.

You know, there was a "Sac Bee" article a few months back that said we shouldn't be running water in the Capitol fountain because it really doesn't send the right message in a state that's so plagued by drought, that we have a running water fountain.

And I would say, it really sends the wrong message, given our climate goals, that we are clearing hundred-year-old trees to make space for more parking downtown.

I understand that many of our legislators commute along with their staff, and, you know, there's lots of parking around the Capitol. I use it all the time. And perhaps if we could use some of that or get creative with where those people can park on a regular basis. If they aren't able to access transit or alternative modes of transportation, that's great. But this idea of building more space for cars, while clearing 100-year-old trees, I just think it's really a wrong set of priorities that this state needs to be looking at.

So thank you.

**Response PH-14**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. Chapter 2 of this Final EIR also provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR. The comment will be provided in the record for consideration by decision makers.

**Comment PH-15**

THE COURT REPORTER: Excuse me. Could you please state your name for the record.

MS. FANDRICH: Oh. Elise Fandrich. I'm here with Trees for Sacramento. Thank you.

**Response PH-15**

The comment includes a request for the commenter's name. This comment has been included as part of the Final EIR record.

**Kate Riley, Trees for Sacramento**

February 26, 2020

**Comment PH-16**

I'm going to represent myself as a human, and then I'm going to represent an organization. So the first one. My name is Kate Riley, and this is just a personal comment about the -- what's happening to the west entrance of the Capitol.

As somebody who has, over the past 30 years, been living here, been in numbers of various protests and marches and events, to have that -- it's an amazing thing to have that plaza full and then all the way down the -- down to the boulevard, and that -- that entrance is going to really change that forever.

And that is -- I don't hear that -- I hear the aesthetics, but I don't hear the key thing about a broad place, where people can meet and make -- and actually seek redress for grievances, which is, of course, one of our rights as citizens. I believe that that is not addressed in this Recirculated DEIR.

**Response PH-16**

The comment includes a general concern related to aesthetics; however, it does not provide further information related to the analysis and conclusions of the EIR. The project-related impacts on aesthetics, including on the west entrance to the Historic Capitol, related to the proposed Visitor/Welcome Center, are addressed in Section 4.15, "Aesthetics, Light, and Glare," of the Recirculated Draft EIR and Chapter 2 of this Final EIR. The use of Capitol Park and the west lawn area of Capitol Park for various events is addressed in Section 4.14 of the Draft EIR titled "Public Services and Recreation." The proposed visitor/welcome center is designed to support the continued use of the west lawn area for various events and public gatherings.

**Comment PH-17**

So I really -- now -- and I believe that if you had had a 3-D kind of a model, people would see what's -- what's that going to do to public expression at the Capitol of the State of California.

So there. That's the end of my personal comment.

**Response PH-17**

Because of the nature of the project and the design-build construction process, an abundance of available project design renderings was not available. However, available information and schematic drawings, as provided in Chapter 3 of the Recirculated Draft EIR and Chapter 2 of this Final EIR, were sufficient to determine potential visual impacts on the Historic Capitol as well as support the impact analyses throughout the Draft EIR and Recirculated Draft EIR. The project-related impacts on aesthetics related to the proposed Visitor/Welcome Center are addressed in Section 4.15, "Aesthetics, Light, and Glare," of the Recirculated Draft EIR and Chapter 2 of this Final EIR.

**Comment PH-18**

Now, as an owner of Trees for Sacramento, I just want to emphasize, again, the importance of an actual tree-by-tree inventory. Before the first tree is cut down, I believe there needs -- that the public needs to actually know how many trees, which trees, are going to go.

And then also, this notion of tree-for-tree mitigation is kind of really not very -- it's not adequate. Given the kinds of trees that are going, to then say, we're going to plant a little tree somewhere, I mean, it's going to be the same species. It's just not sufficient.

So I hope that the -- that there will be a rethinking of those two -- those two elements. That's all I have to say.

Thanks.

#### **Response PH-18**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5, in Chapter 3 of this Final EIR, for further information on trees.

#### **Shannon Ross**

February 26, 2020

#### **Comment PH-19**

MS. ROSS: My name is Shannon Ross. I'm just a citizen who is concerned for all the eloquent reasons that have already been stated.

I have worked in the Capitol. I know that --all the processes that are put in place. People work very hard. And yet, sometimes I think that the -- you can't address every detail. The devil is in the details and, here, the details are the trees. And to tell us that you can't give us a list of the trees is kind of silly. I mean, they are right there.

If it was an unforeseen consequence, you can't legislate your way out of that. But when -- when it's right there, it seems like you could do that. And I am just very concerned.

I think that if this was any other project in town, and they had the idea to knock down this many trees, especially for parking -- I understand the annex and even the visitors' center. But for the parking, that would just be -- it would be a no-brainer, as already been said. It's like, do as I say, not as I do.

And so -- I am opposed, at least for right now.

#### **Response PH-19**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. Chapter 2 of this Final EIR also provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR. The comment will be provided in the record for consideration by decision makers.

#### **Roxanne Miller**

February 26, 2020

#### **Comment PH-20**

MS. MILLER: Thank you for this opportunity today to participate in what I know has been a very long process for those of you who have worked on it. A long process for everyone being involved.

My name is Roxanne Miller. And just as a point of -- to acquaint myself and my comments. I have not only seen a number of protests, but I started my career after college, first working for the California Senate, and then also working for the City of San Diego and the City of San Jose, and always going every day, every day, almost five days a week.

For all those years -- I recently retired --had the opportunity to approach that building in awe. You don't lose that. There aren't many places on the face of the earth where that is awestruck and respect and a mutual understanding that government can respond to the public's needs.

I had the opportunity, with some of the staff, two days ago, to sit in the Rules Committee, Senate Rules Committee. And there was some pre-discussion, and I appreciated that opportunity with staff who have labored long and hard on this.

#### **Response PH-20**

The comment provides an introductory statement and does not address the analysis or conclusions of the Recirculated Draft EIR. No response is required.

#### **Comment PH-21**

But let's not kid anyone. You cannot replace what's already there. We want to tiptoe around. And staff has tried to be polite and, "Well, we can't find the species anymore. We'll do our best to get something similar in a 5-gallon can," or whatever. "We'll bring it in on a truck and we'll have bulldozers plant them."

There is no replacing having the opportunity to respect and revere except what man may choose to do to tear down that -- that building and the annex and that inspired garden around it.

Now, with regard to replacing the trees, those are some of the finest redwoods, and we know some of them, as others have spoken today, they rival -- they are not rivaled by anything, any place on the face of the world. What does that say we are about as a society? What does that say that we are as Californians? Is enough outrage to be heard to stop at this point?

#### **Response PH-21**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5, in Chapter 3 of this Final EIR, for further information on trees. The comment will be provided in the record for consideration by decision makers.

#### **Comment PH-22**

Let me say, with regard to -- a good example is, what happens with parking? We currently have enough parking. We have from day one. Parking under the building for the constitutional officers and for a parking space for each member of the legislature. It's worked for a hundred and how many years. Why can't it continue to work?

Well, some will scratch their head and say, "Well, you know, we got to do this. We got to do this. We got to do this."

#### **Response PH-22**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. In addition, please refer to Master Response 4, in Chapter 3 of this Final EIR.

#### **Comment PH-23**

Let's back up a minute. I would like to encourage all of you and include a request of those who are in charge of this project, before they move forward, that they take the opportunity to do an inventory of available, alternative locations.

As an example, the new legislative building that's going in a half block from the Capitol. If you go one more block, there are four asphalt-over-full-city blocks. That's a place to take things that will take away the treasure, the world class quality, when everyone wants to maintain the opportunity to engage our legislators and government on issues.

So I would like to encourage that people join in an effort to deal with alternatives, which are there, and can certainly be utilized to make a project that can work.

#### **Response PH-23**

Please refer to Master Response 1, regarding project alternatives, and Master Response 4, regarding the parking garage, in Chapter 3 of this Final EIR.

**Dick Cowan, Chairman, Historic State Capitol Commission**

February 26, 2020

**Comment PH-24**

MR. COWAN: Dick Cowan, chairman of the Historic State Capitol Commission.

I have kind of five comments. Our comments will come in writing for Koren Benoit, executive director.

**Response PH-24**

The comment provides an introductory statement and does not address the analysis or conclusions of the Recirculated Draft EIR. No further response is required.

**Comment PH-25**

First is on the north and south temporary entrances during construction. We request a mitigation measure to protect the existing historic doors, that they be actually removed, space framed in, and temporary doors used. The pressure on those thousand-pound leaf -- per-leaf doors to try to have them ADA accessible would probably do a lot of damage. So we recommend you take them away, store them, bring them back when the other entrances are in place.

**Response PH-25**

Please see Responses A7-58 and A7-59, in Chapter 4 of this Final EIR, "Responses to Comments on the Draft EIR."

**Comment PH-26**

Of our other four items, two are new and two are repeats of comments we made on the original EIR.

The first new one is the tree issue. Maybe some of this is repeating. We did an overlay of the construction areas with the 2014 tree inventory map, and our count is well above 20 to 30. We're at 106 trees to be either removed or lifted and relocated.

We also offered some guidance from the American National Standards Institute on tree protection of those immediately adjacent to the construction site.

And we recommend, as a mitigation measure, that the words describing this haven't really communicated, we think, the impact, so we're asking that a tree plan showing trees to be relocated and trees to be protected, be actually created as part of the EIR, and so that's available to the public.

**Response PH-26**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment PH-27**

Our next comment is on the west side:

I too -- I understand a lot of the improvements of the design. I think, actually, the west view is actually better protected with the visitors' center design than with the buses parked in front of the Capitol.

But I think the use of the space, with the deep well, and with the skylight, do give -- we're going to lose our front porch. That was Huell Howser's comment on, "This is California's front porch."

Now, could we have a different front porch? We could. But I think if we're going to take away that function of this space, we probably need to identify, in the EIR, where we think that similar function is achieved. And I don't think we do that now.

**Response PH-27**

Please see Responses A2-6 and A2-7, in Chapter 4 of this Final EIR, "Responses to Comments on the Draft EIR," and Master Responses 5 and 6, in Chapter 3 of this Final EIR.

**Comment PH-28**

Most of my projects, we let the architecture, the movement of the people, the spaces, drive the design, and then the landscape kind of fits with it. I think, for this spot, what we need is a landscape design of the west plaza and then let the architecture flow from that. It's weird, but that's the real use of this west area.

So we're proposing, as a mitigation measure, the early creation of a landscape plan that is publicly available.

**Response PH-28**

Please refer to Master Response 6, in Chapter 3 of this Final EIR.

**Comment PH-29**

A repeat comment from our comment on the EIR is the parking garage. I don't think I could be more eloquent than the people who have spoken on that already. But we have come to believe that there is no way the size of trees that are currently in the south can be planted on top of a parking garage.

I have asked about wells. I have asked about, you know, different -- could we deepen the parking garage? Well, then the ramps get longer. And I think just, basically, the south -- a parking garage doesn't work for the trees.

**Response PH-29**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. Chapter 2, "Project Modifications," of this Final EIR also provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. For further information related to parking and impacts on trees, please refer to Master Response 4 and Master Response 5, respectively, in Chapter 3 of this Final EIR.

**Comment PH-30**

And, finally, a repeat comment: Demolishing the historic east annex, there's a historic west wing and a historic east annex; both are listed in the National Register of Historic Places.

We think the reduction of the number of floors planned for the east annex is significant, new information and a substantial modification of the project, because, in fact, if you need to achieve that program, which is a valid program, with fewer floors, the only way I can see to do that kind of val --violates some of the tenets of the project. Do we squeeze out past the boundaries of the west wing? I hope not. Do we go into the Civil War Grove? I don't think so. We're going to go for a super basement, a bigger, bigger, bigger basement, which is not a bad idea. But in that case, more than 106 trees go.

**Response PH-30**

Please see Master Responses 2 and 3, in Chapter 3, and Response A2-10, in Chapter 4 of this Final EIR.

**Maria Kelly**

February 26, 2020

**Comment PH-31**

MS. KELLY: My name is Maria Kelly. I wasn't planning to speak, but I'm inspired by those who are passionate about our trees.

I consider trees our sacred partners in every human endeavor. Without our trees, we don't survive. Our trees are beyond monetary replacement. They are priceless, more valuable than gold. They require water, but they require, above all, our love and stewardship. We cannot sacrifice our sacred trees. Our heritage is that of the "City of Trees." Many of us believe that the City of Sacramento has demonstrated a war on our sacred trees. Downtown development, midtown is allowing density where you can't build even -- you can't plant even a lollipop tree. Capitol Tower trees. How many were demolished?

Capitol Park is being ravaged. Ravaged. This is not what is needed if we claim our heritage as the "City of Trees."



Sacramento has been built with the spirit of the sacred, being named after the Holy Sacrament. Sacramento. We need to reclaim our heritage, both in our attitudes toward what is sacred in life. Every day is sacred.

#### **Response PH-31**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5 and Master Response 6, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

#### **Comment PH-32**

And we are on the verge of crisis after crisis. Climate crisis; crisis in trees in Sacramento; crisis in traffic. Many of us are concerned about the sewage crisis, and in the older parts of town, we know what that means.

#### **Response PH-32**

The comment does not address the analysis or conclusions in the Recirculated Draft EIR. No further response is required. However, the EIR does address the issues climate change and GHG emissions (Section 4.6), traffic (Section 4.3), and sewer service (Section 4.4).

#### **Comment PH-33**

This is time for us to preserve our partners in life with the saving of these trees.

How far would large shade trees have to be planted in order to grow where we now have these trees? Large shade trees need expansive root systems to support their expansive canopy. And we are losing canopy; we are losing our trees. And I think that this entire devastation can and must be rethought. It is humanly possible.

#### **Response PH-33**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

#### **Comment PH-34**

There is parking elsewhere to get those who want and need to get to the Capitol securely. There are alternatives. It is not too late.

#### **Response PH-34**

As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. For further information related to parking, please refer to Master Response 4, in Chapter 3 of this Final EIR.

#### **Comment PH-35**

We must stand for what the future -- and trees are so important in climate change.

I thank you for being concerned. I am very concerned. I am concerned about our parks in Sacramento, where many battles are going on between those who want to preserve what is historic, including our historic parks. I don't think there is a more important historic park than Capitol Park. Is there any place that's more important in this city, as a symbol of the sacredness upon which this city was founded?

#### **Response PH-35**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Eric Steinman**

February 26, 2020

**Comment PH-36**

MR. STEINMAN: Hello. I'm Eric Steinman. I'm not affiliated with any organization. I am a concerned citizen though, and I have a couple of brief comments:

I find the inadequate public notification of this meeting very disappointing, and I would hope that going forward with any follow-up meetings, that this would be more widely disseminated as a meeting that's going to actually be happening.

**Response PH-36**

Please refer to Response PH-9, above.

**Comment PH-37**

I find the disregard and carelessness that's been demonstrated towards these historic and treasured trees to be deeply troubling. And it's my feeling that more time needs to be taken to fully consider fully developed mitigation strategies that includes input from certified arborists.

**Response PH-37**

Chapter 2, "Project Modifications," of this Final EIR provides additional detail on the trees on the project site and the anticipated impact on each tree based on the current site plan. Please also refer to Master Response 5, in Chapter 3 of this Final EIR, "Master Responses to Comments on the Draft EIR and Recirculated Draft EIR."

**Comment PH-38**

And I have difficult -- I have a difficult time imagining supporting any proposal that includes an underground parking structure.

**Response PH-38**

The comment provides an opinion regarding aspects of the project. The comment does not address the analysis or conclusions in the EIR. As presented in Chapter 2, "Project Modifications," of this Final EIR, the proposed underground parking has been redesigned and is proposed to be constructed under the 12th Street walkway east of the Annex. For further information related to parking, please refer to Master Response 4, in Chapter 3 of this Final EIR.

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## 6 REVISIONS TO THE DRAFT EIR AND RECIRCULATED DRAFT EIR

This chapter presents revisions to the Draft EIR and Recirculated Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections to information in the Draft EIR. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

### 6.1 REVISIONS TO THE DRAFT EIR

This section presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number.

#### 6.1.1 Global Revisions to Draft EIR

DGS hereby revises the term “historic architectural resources” to “historical resources,” throughout the Final EIR.

DGS hereby revises reference to the California State Historical Building Code to read as “California ~~State~~ Historical Building Code.”

#### 6.1.2 Revisions to Chapter 2, Section 2.2.2 of the Draft EIR

The text on page 2-1 of the Draft EIR, under Section 2.2.2, “Background and Need for the Project,” is hereby revised as follows:

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~~ east side of the Historic Capitol, resulting in the appearance of a single continuous building.

#### 6.1.3 Revisions to Chapter 4, Section 4.3, “Transportation and Circulation,” of the Draft EIR

DGS hereby revises the Existing-Plus-Project Conditions discussion on page 4.3-22 of the Draft EIR as follows:

##### Existing-Plus-Project Conditions

This section describes and assesses the effects of the project on existing conditions (i.e., the Existing-Plus-Project Conditions). Effects on transportation and circulation from operation of the completed project are addressed first. Effects during project construction, including potential sidewalk and travel lane closures and impacts to street operations, are addressed in the discussion of Impact 4.43-5, “Construction-Related Impacts.”

DGS hereby revises the impact discussion numbering, on pages 4.3-25 through 4.3-26 of the Draft EIR as follows:

- ▶ Impact 4.43-2: Impacts on Transit
- ▶ Impact 4.43-3: Impacts on Bicycle Facilities

- ▶ Impact 4.43-4: Impacts on Pedestrian Facilities
- ▶ Impact 4.43-5: Construction-Related Impacts

## 6.1.4 Revisions to Chapter 4, Section 4.8, “Noise and Vibration,” of the Draft EIR

DGS hereby revises Mitigation Measure 4.8-1, on pages 4.8-16 through 4.8-17 of the Draft EIR as follows:

### Mitigation Measure 4.8-1: Develop and Implement a Vibration Control Plan

This mitigation measure shall be applicable to construction activities (other than staging, utility installations, and similar low intensity activities) located within 30 feet of any building or within 80 feet of an occupied building (i.e., the existing Historic Capitol).

A vibration control plan shall be developed by the ~~design-build team~~ Construction Manager-at-Risk (CMR) (the “-at-Risk” being an industry term referring to the contracting mechanism the Construction Manager is hired under and obligations to perform based on a fixed cost.) to be submitted to and approved by DGS and the JRC before initiating any construction activities within the type and distance parameters identified above. Applicable elements of the plan will be implemented before, during, and after construction activity. The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to ensure that existing Historic Capitol, or other buildings, are not exposed to vibration levels that would result in damage to the building. Items that shall be addressed in the plan include, but are not limited to, the following:

- ▶ Pile installation activities shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m. Monday through Saturday and between 9:00 a.m. and 6:00 p.m. on Sunday. No nighttime pile installation will be permitted.
- ▶ Pre-construction surveys shall be conducted to identify any pre-existing structural damage to the existing Historic Capitol, or other buildings, that may be affected by project generated vibration.
- ▶ Minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving) for the purpose of preventing damage to nearby structures shall be established based on the proposed activities and locations, once determined. Factors to be considered include the specific nature of the vibration producing activity (e.g., type and duration of pile driving), local soil conditions, and the fragility/resiliency of the nearby structures. Setback requirements will be based on a project-specific/site specific analysis conducted by a qualified geotechnical engineer, structural engineer familiar with the building(s) that may be affected, and a ground vibration specialist. The criteria for vibration setbacks, and any other vibration controls, is to generate no ground vibration during project construction that would result in structural damage at nearby buildings or structures.
- ▶ All construction-generated vibration levels shall be monitored and documented at the existing Historic Capitol to ensure that applicable thresholds are not exceeded. Recorded data will be submitted on a weekly basis to DGS and the JRC. If it is found at any time by the ~~design-build team~~ CMR or DGS and the JRC that thresholds are exceeded, an evaluation of the building that might be affected will be conducted to assess whether any damage has occurred. If vibration induced damage has occurred, methods will be implemented to reduce vibration to below applicable thresholds, such as changing construction methods, or increasing setback distances.
- ▶ Controlling vibration sufficient to prevent structure damage is also likely to prevent substantial human disturbance from vibration. However, the JRC shall identify a point of contact for vibration complaints. It is expected that any complaints, if they occur, would be generated by State personnel within the Historic Capitol. The point of contact for complaints shall work with the JRC and the construction team to resolve

the complaint, such as providing an alternative temporary work space away from the source of vibration for the duration of construction.

## 6.1.5 Revisions to Chapter 4, Section 4.13, “Biological Resources,” of the Draft EIR

DGS hereby revises Mitigation Measure 4.13-3, on page 4.13-14 of the Draft EIR as follows:

### **Mitigation Measure 4.13-3: Remove and Replace City Street Trees Consistent with the City of Sacramento Tree Preservation Ordinance**

Before construction begins, DGS will complete a survey of City street trees at the project site and, for City street trees to be affected by the project, prepare and submit a detailed tree removal, protection, replanting, and replacement plan to the City arborist. The tree removal plan will be developed by a certified arborist. Separate plans may be prepared for different phases of project construction; however, each construction phase cannot be initiated until a completed plan addressing that construction phase is provided to the City. The plan shall include the following elements:

- ▶ The number, location, species, health, and sizes of all City street trees to be removed, relocated, or replaced will be identified. This information will also be provided on a map/design drawing to be included in the project plans.
- ▶ Planting techniques, the necessary maintenance regime, success criteria, and a monitoring program for all City street trees planted on or, disturbed but retained on the project site, will be described.

DGS and JRC will ensure implementation of the tree removal, protection, replanting, and replacement plan during project construction and operation.

## 6.2 REVISIONS TO THE RECIRCULATED DRAFT EIR

This section presents specific text changes made to the Recirculated Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the Recirculated Draft EIR and are identified by the Recirculated Draft EIR page number.

### 6.2.1 Revisions to Chapter 3, Section 3.1 of the Recirculated Draft EIR

The text on page 3-1 of the Recirculated Draft EIR, under Section 3.1, “Project Background and Need,” is hereby revised as follows:

The historical portion of the Capitol Building, referred to as the “Capitol” or “Historic Capitol” began construction in 1860 and was completed in 1874, originally housing all branches of government: executive (Governor and other elected State officers), legislative (Senate and Assembly), and judicial (California Supreme Court), as well as the state library and archives. 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~~ east side of the Historic Capitol, resulting in the appearance of a single continuous building.

## 6.2.2 Revisions to Chapter 4, Section 4.12, “Archaeological, Historical, and Tribal Cultural Resources (Revised)” of the Recirculated Draft EIR

DGS hereby revises the text on page 4.12-14 of the Recirculated Draft EIR as follows:

### Tribal Cultural Resources

The Capitol grounds hold ~~four~~ ~~three known~~ tribal cultural resources: a Native American grinding rock, an oak tree, ~~and~~ a dance area, and the TCR Landscape of Vesnak on the Capitol grounds. The grinding rock and the oak tree that stands behind it honor the contributions, past and present, that California Indians have made to the state’s history and culture. Each year, California Indians gather at Capitol Park’s grinding rock to honor the oak tree and its food-producing ability. They conduct centuries-old ceremonies to pay tribute to their ancestors as well as present-day and future Indian people, through dance, song, and prayer. ~~At Native American gatherings in Capitol Park, various tribes perform dances, including the Hintachil Kabanm Dancers of the Shingle Springs Rancheria, the Hui o kea o Malamalama Dancer of El Dorado County & California Valley Miwok tribes, and the Sheep Ranch Rancheria Me-wuk Dancers of Calaveras County.~~ The Capitol grounds are also important to tribes throughout California because of the Capitol’s symbolism as the power of the state and the power the state has and continues to exercise in the daily lives of California’s tribal peoples. DGS has made a finding pursuant to PRC Section 21074(a)(2) that there is a Tribal Cultural Resource Landscape of Vesnak on the Capitol grounds. The Capitol grounds are historically and presently important to the Indigenous peoples, in part because of the resources, events, and activities identified above. Also contributing to the importance of the Tribal Cultural Resource Landscape of Vesnak on the Capitol grounds are the long and continuous history of Tribal presence in the area; the Native American Tribal Seal currently on the west steps of the Historic Capitol; the access to the Legislature and Governor’s Office provided on the Capitol grounds and being able to honor the historic interactions between the Tribes and these branches of State government; and the advocacy for Tribal groups, such as demonstrations and acknowledgements, that have occurred on the Capitol grounds, particularly on the west steps of the Historic Capitol.

DGS hereby revises the text on page 4.12-15 of the Recirculated Draft EIR as follows:

### KNOWN ARCHAEOLOGICAL RESOURCES NEAR THE PROJECT SITE

The records maintained by the NCIC indicate that no archaeological resources have been previously recorded within the project site. No prehistoric or historic-era archaeological resources or ethnographic sites were identified during survey of the project site on March 29, 2019. The archaeological survey was constrained by the existing Annex, appended south entrance building, and hardscape (walkways, steps, and Annex garage access road). Ground visibility was poor (0–10 percent) in the landscaped areas, constrained by the density of vegetation cover (grasses, native and exotic trees, shrubs, and flowers) within Capitol Park.

The records search indicates that one prehistoric Native American site and eight historic-era resources have been previously recorded within the quarter-mile search radius outside the project site. The eight historic-era resources include one archaeological site, two features, one historic district, and four railroads.

DGS hereby revises the text on page 4.12-15 through 4.12-16 of the Recirculated Draft EIR as follows:

### ARCHAEOLOGICAL SENSITIVITY

Based on the history of infill and construction of the original Capitol building and the Capitol Park gardens and pathways, early 1900s improvements to the original Capitol building, construction of the existing Annex and road access to its basement garage, excavation for associated underground utility and communications infrastructure, and of the locations of known archaeological sites in the project vicinity, the potential to discover Native American prehistoric or ethnohistoric deposits or features is considered to be high and the

potential to locate undisturbed historic-era archaeological deposits or features is considered to be low during construction within the current project footprint.

Intact Native American prehistoric or ethnohistoric deposits or features may remain at depth within the project footprint. Considering the number of archaeological discoveries documented in the city west of Business 80, there are likely many more Native American prehistoric or ethnohistoric sites in downtown Sacramento that have not yet been uncovered and that were probably located above the floodplain on former landscape features that are no longer visible on the surface. High ground near rivers, marshes, and other freshwater settings was ideal for habitation and resource extraction by Native Americans. Natural elevated areas are thus considered to have a high sensitivity for Native American sites, as indicated by archaeological and geomorphic studies. The project site is close to a paleo-sandbar that is believed to have been located between approximately 7th and 10th Streets and from E Street south to Broadway. The city has mapped this former elevated landform area as having a high sensitivity for archaeological sites (City of Sacramento 2015: Figure 6.4-1). These results demonstrate that Native American sites can be found in downtown Sacramento not far below the current street grade or at depth.

DGS hereby revises Mitigation Measure 4.12-1, on page 4.12-26 of the Recirculated Draft EIR as follows:

#### **Mitigation Measure 4.12-1: Implement Monitoring and Response Measures If Significant Historic Archaeological Resources Are Discovered**

A cultural resources awareness training program shall be provided to all on-site personnel active on the project site during earthmoving activities. The training shall include all construction ~~personal~~personnel and others who work on the construction site including the California Highway Patrol officers who monitor the Capitol Grounds. The first training shall be provided prior to the initiation of ground-disturbing activities. The training shall be developed and conducted in coordination with a qualified archaeologist meeting the U.S. Secretary of the Interior guidelines for professional archaeologists and consulting Native American tribes. The program shall include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered.

Where ground-disturbing activities occur in native soils, or there is no evidence of extensive past ground disturbances, a qualified archaeologist meeting the U.S. Secretary of the Interior guidelines for professional archaeologists shall monitor ground-disturbing activities. If evidence of any historic-era subsurface archaeological features or deposits is discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, brick walls), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can access the significance of the find. If after evaluation, a resource is considered significant, all preservation options shall be considered as required by CEQA, including possible data recovery, mapping, capping, or avoidance of the resource. If artifacts are recovered from significant historic archaeological resources, they shall be housed at a qualified curation facility. However, if historic era artifacts are found to be associated with Native American tribal members, they shall be evaluated and treated consistent with the process identified in Mitigation Measure 4.12-2. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes and interprets the results, and distributes this information to the public.



DGS hereby revises Mitigation Measure 4.12-2, on pages 4.12-27 through 4.12-28 of the Recirculated Draft EIR as follows:

**Mitigation Measure 4.12-2: Develop ~~Research Design~~Treatment Plan and Implement Monitoring and Response Measures If Significant Prehistoric Archaeological Resources and Tribal Cultural Resources Are Discovered**

This mitigation measure expands on the actions included in Mitigation Measure 4.12-1 to also address encountering unknown prehistoric cultural resources and tribal cultural resources. A representative from each culturally affiliated Native American tribe that has participated in consultation with DGS will be invited to participate in the development and delivery of the cultural resources awareness training program included in Mitigation Measure 4.12-1. ~~Native American monitors~~Tribal Monitors shall be invited to participate in the delivery of the cultural resources awareness training program. The awareness program shall 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 shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential prehistoric archaeological resources or tribal cultural resources are encountered. The program shall also underscore the requirement for confidentiality and culturally appropriate treatment of any finds of significance to Native Americans and behaviors consistent with Native American tribal values.

Each culturally affiliated Native American tribe that has participated in consultation with DGS will be invited to participate in the development of a "Research Design for Evaluation and Treatment of Unanticipated Archaeological and Tribal Cultural Resources Discoveries" (~~Research Design~~Treatment Plan). The ~~Research Design~~Treatment Plan shall address issues such as preconstruction testing; construction monitoring protocols; identification, protection, temporary storage, and treatment of discovered materials; process for the identification of discovered material as a TCR (consistent with AB 52 Sec 4. 21074 (a)); and data collection methodology. The ~~Research Design~~Treatment Plan shall be completed prior to construction, ~~the conclusion of AB 52 consultation~~. The ~~Research Design~~Treatment Plan may expand upon and reinforce, but may not contradict or weaken, mitigation requirements provided in this EIR.

Where ground-disturbing activities occur, a qualified archaeologist meeting the U.S. Secretary of the Interior guidelines for professional archaeologists and a ~~Native American monitor~~Tribal Monitor (or monitors) shall monitor ground-disturbing activities and/or the procurement, handling and placement of imported material brought to the project site for fill or other purposes to ensure no~~determine if~~ archaeological material is present in ~~may be imported with the native soil~~. Furthermore, ~~Native American monitors~~Tribal Monitors shall have the opportunity to examine the underside of sections of demolished concrete slabs, as cultural materials that may have been on the ground surface during initial construction could have adhered to the concrete. ~~Native American monitors~~Tribal Monitors shall have the opportunity to inspect ~~a portion of~~ the excavated soils. The frequency and volume of excavated soil inspections (e.g., proportion of bucket loads inspected) shall be authorized by the State in consultation with consulting Native American tribes and shall be determined prior to the start of earth moving activities. Soil inspection protocols will be included in the ~~Research Design~~Treatment Plan and shall provide ~~Native American monitors~~Tribal Monitors and archaeologists the opportunity to inspect soils in "real time" as construction proceeds. The final destination for each truckload of excavated soil shall be known before the truck leaves the project site in case a need arises to inspect the material. ~~Native American monitors~~Tribal Monitors and monitoring archaeologists shall be provided the contact information for the individual who tracks the disposal location(s) for excavated material.

Consulting Interested Native American Tribes shall be provided at least 10 business-days' notice prior to the initiation of ground-disturbing activities and/or concrete slab removal. The State (~~contractor~~) shall work with the ~~Native American monitor~~Tribal Monitor and project archaeologist on scheduling as well as notification protocols if unexpected work, or work stoppages occur. The project proponent will work with the ~~Native~~

~~American consulting~~ Tribes to find the appropriate compensation for the Tribal monitors. The State will work with the consulting Tribes to find the appropriate number of monitors to have onsite for earth moving activities. The determination for initiating or ending monitoring of ground disturbance, imported soils, or excavated soils shall be made based on coordination between the qualified archaeologist and ~~Native American monitor~~ Tribal Monitor, with a final determination made by DGS in consultation with the consulting tribes. Additional Tribal representatives beyond the designated monitors, including the consulting Tribal Historic Preservation Officers and the monitor's supervisors, may visit the construction site after coordinating access with DGS and the construction contractor and following all construction site safety requirements.

If evidence of any subsurface ~~precontact~~ ~~historic~~ archaeological features or deposits is discovered during construction-related earth-moving activities (e.g., lithic ~~scatters~~, midden ~~or cultural~~ soils), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist and/or Native American representative can assess the significance of the find. Buffer distances between the cultural site boundary or discovery location and construction activities shall be determined in the field by the qualified archaeologist and/or ~~Native American monitor~~ Tribal Monitor balancing the objectives of protecting the find and the potential of other finds in the area while also allowing construction activities that do not present a risk to the find to continue. If an exclusion zone is to be maintained for more than 8 hours, the border of the exclusion zone shall be marked with orange construction fencing, stakes and caution tape, or similar easily visible material. If an exclusion zone is to be maintained overnight, site security shall be notified that no persons may enter the exclusion zone until the qualified archaeologist or ~~Native American monitor~~ Tribal Monitor has returned to the site.

If after evaluation, a resource is considered significant, or is considered a tribal cultural resource, all preservation options shall be considered as required by CEQA (see PRC Section 21084.3), including avoidance and preservation of the resources in place, protecting the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. For archaeological resources, treatment includes ~~including~~ possible capping, data recovery, mapping, or avoidance of the resource. If Native American artifacts are recovered, the first option shall be to halt work and consider preservation in place. If the artifact must be removed it will be secured in a location as proximal to the find location as possible, in coordination with the appropriate Native American representative. A secure location will be provided by the ~~Construction Contractor~~ CMR onsite, ~~if at all possible~~. Cultural soils (e.g., soils surrounding biological material that has decomposed) shall also be considered in determining the recovery and transfer of tribal cultural materials. It is the intent of DGS and the JRC that all Native American artifacts, if either archaeological, cultural, or TCRs, be preserved in place or reburied as near to the discovery site as possible with proper recordation to ensure no future disturbance. The ~~JRC~~ Joint Rules Committee and DGS, in coordination with the consulting ~~Tribes~~, shall identify at least one suitable reburial location prior to the initiation of ground-disturbing activities. All mitigation and ~~Research Design~~ Treatment Plan elements applicable to excavation shall be applied to any excavation and earth moving at the reburial location. The ~~Research Design~~ Treatment Plan shall include preconstruction testing at the reburial site. Additional testing locations may include the parking garage and the new Annex footprints where native soil may be present. Methods of preconstruction testing at the burial site, as well as locations and methods for any other preconstruction testing, shall be identified during development of the ~~Research Design~~ Treatment Plan. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources under all criteria, analyzes and interprets the results, and distributes this information to the public (in a form suitable for public review and absent of sensitive information). Each culturally affiliated Native American tribe that has participated in consultation with DGS shall be provided the opportunity to review and comment on a draft of the report before final publication.

DGS hereby revises Mitigation Measure 4.12-3, on page 4.12-29 of the Recirculated Draft EIR as follows:

### **Mitigation Measure 4.12-3: Implement Response Protocol If Human Remains Are Discovered**

Consistent with the California Health and Safety Code and the California Native American Historical, Cultural, and Sacred Sites Act, if suspected human remains are found during project construction, all work shall be halted in the immediate area; the California Highway Patrol (CHP) shall be notified, and an exclusion zone around the find shall be established based on coordination between CHP, the State, ~~Native American monitors~~ Tribal Monitors, and the archaeologist; and the exclusion zone will be visibly marked (e.g., lath and flagging). CHP shall notify the county coroner to determine the nature of the remains. The coroner shall examine all discoveries of suspected human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, or are likely to be those of a Native American given the context of the find, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050.5[c]). The NAHC shall then assign an MLD to serve as the main point of Native American contact and consultation. Following the coroner's findings, the MLD, in consultation with the State, shall determine the ultimate treatment and disposition of the remains and any associated archaeological items and cultural soils. The reburial location identified as part of Mitigation Measure 4.12-2 shall be made available to the MLD for reburial of any human remains and any associated archaeological items and cultural soils.

DGS hereby revises Mitigation Measure 4.12-4a, on pages 4.12-32 through 4.12-33 of the Recirculated Draft EIR as follows:

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

~~DGS~~The JRC will have historic preservation planners under contract ~~as part~~ including at least one of each of the ~~Progressive Design Build Team~~. The following specialists: historical architect, materials conservation specialist, and architectural historian. The role of the historic preservation ~~planners' role~~ planners is to prepare ~~an updated~~ historic structure report (HSR) for the ~~Capitol historical resource (the Historic Capitol, and Annex, and Capitol Park)~~ to provide baseline information for protection measures outlined in Mitigation Measure 4.12-4e, and to inform development of compatible new design for the Annex. The HSR shall be updated in accordance with NPS Preservation Brief 43 (The Preparation and Use of Historic Structure Reports) and include ~~mitigation/treatment~~ measures in conformance with ~~that follow~~ the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic Properties ~~or~~ and the California State Historical Building Code (CHBC). ~~The HSR shall~~ ) as applicable. The HSR shall provide documentary and graphic information about the history and existing conditions of the Historic Capitol and Annex and identify historic preservation ~~treatment~~ objectives and requirements for the ~~treatments and~~ use of the ~~building~~ buildings. The HSR shall ~~record the buildings~~ prior to initiation of any ~~demolition,~~ repairs, modifications, and/or renovations to ensure that the historical significance and condition of the ~~building~~ buildings are considered in the development of proposed ~~renovation work~~ project. The HSR shall include an updated conditions assessment of the buildings to document current conditions of the character-defining features. The HSR shall also outline maintenance guidelines for the building.

DGS and the JRC will ensure that preservation treatment objectives for the ~~Capitol historical resource~~ buildings seek to meet all SOIS for character-defining features designated in the HSR ~~as having primary significance status and meet as many SOIS as feasible for those character-defining features designated as having secondary significance status~~. In instances when DGS and the JRC must address human safety issues not compatible with the SOIS, DGS and the JRC will ~~adhere to~~ utilize the CHBC to the extent feasible. The CHBC is defined in Sections 18950–18961 of Division 13, Part 2.7 of Health and Safety Code. The CHBC is a mechanism that provides alternative building regulations for permitting repairs, alterations, and

additions to historic buildings and structures. These standards and regulations are intended to facilitate the rehabilitation and preservation of historic buildings. The CHBC proposes reasonable alternatives so that a property's fire protection, means of egress, accessibility, structural requirements, and methods of construction would not need to be modernized in a manner that compromises historic integrity. The CHBC is intended to allow continued, safe occupancy while protecting the historic fabric and character-defining features that give a property historic significance, thus promoting adherence to the SOIS. The CHBC recognizes that efforts to preserve the historic materials, features, and overall character of a historic property, at times, may be in conflict with the requirements of regular buildings codes. The Office of the State Fire Marshall has ultimate authority over building health and safety measures and may require use of the standard building code, rather than allowances provided by the CHBC, in some instances.

DGS and the JRC shall review and approve the HSR prior to the completion of schematic design and will use the HSR to help meet SOIS and CHBC requirements as it includes treatments that draw from National Park Service Preservation Briefs relevant to the proposed renovation work. DGS and the JRC will guide the design of the Annex and ensure that the HSR's historic preservation objectives and treatment requirements for the Historic Capitol historical resource are incorporated into the design and construction specifications. DGS and the JRC will consult with the project development team's preservation planner and may consult with staff preservation architects within the Architectural Review and Environmental Compliance Unit of the State Office of Historic Preservation for guidance as needed. DGS and the JRC will ensure the HSR's historic preservation objectives and treatment requirements for the Capitol historical resource are incorporated into the project definition report, architectural design, and construction specifications. DGS and the JRC will consult with the project development team's preservation planner and with staff preservation architects within the Architectural Review and Environmental Compliance Unit of the State Office of Historic Preservation for additional guidance as needed.

DGS hereby revises Mitigation Measure 4.12-4b, on page 4.12-33 of the Recirculated Draft EIR as follows:

#### **Mitigation Measure 4.12-4b: Conduct Architectural and Landscape Salvage**

Because a major component of the Capitol Annex Project is the demolition of a ~~historical resource~~ portion of the State Capitol Complex, the Annex, DGS and the JRC will seek feasible means for salvaging ~~the building and reusing~~ character-defining architectural features that will be removed as part of the project. Additionally, because the construction of the visitor/welcome center would demolish a portion of the West Lawn, ~~a historical resource which contributes to the Capitol Complex~~, DGS and JRC will seek feasible means for salvaging and reusing character-defining landscape features, including but not limited to the granite pillars ~~and acorn-style light standards, memorials, and the Great Seal of the State of California.~~ The architectural and landscape salvage shall be informed by the updated HSR completed under Mitigation Measure 4.12-4a and Landscape Treatment Report completed under Mitigation Measure 4.12-4d and incorporated into either the design of the new project proposed at the site or the interpretive program that would be developed under Mitigation Measure 4.12-4c. DGS and the JRC will determine which elements should be salvaged. DGS and the JRC, along with the team of specialists including a historical architect, materials conservation specialist, and landscape architect will prepare a detailed salvage plan to outline the feasibility and condition of salvaged materials and identify potential for reuse as part of the project, or incorporation into an interpretive program. If reuse of salvaged elements in either the design of the new building or in an interpretive program proves infeasible or otherwise undesirable, as determined by DGS and the JRC, DGS and the JRC will ~~attempt to donate the elements to an appropriate historical or arts organization. DGS and the JRC, or consultants that meet the SOIS professional qualifications standards (SOIS-qualified consultants), shall ensure that a detailed salvage plan is provided before any demolition, site, or construction permit is issued for the project work with California State Parks and/or California State Archives to develop a long-term storage plan for the salvaged materials in accordance with requirements for state-owned property. DGS and the JRC shall review and approve the salvage plan and long-term storage plan (if required) prior to completion of design development.~~

DGS hereby revises Mitigation Measure 4.12-4c, on pages 4.12-33 through 4.12-34 of the Recirculated Draft EIR as follows:

#### **Mitigation Measure 4.12-4c: Develop and Implement an Interpretive Program**

As part of the project, DGS, the JRC, and the Capitol Museum and/or SOIS-qualified consultants shall facilitate the development of an interpretive program to commemorate the continuous development of the State Capitol Complex, including programming focused on the history of the Capitol Annex and Capitol Park. The interpretive ~~programs~~ program should result, at minimum, in the installation of a permanent exhibit, ~~located on-site, in a public space, which is viewable and publicly accessible to the public. The display shall be located~~ exhibit in the Annex, Historic Capitol, or the new visitor/welcome center or. The content of the Capitol Museum. The interpretive program should shall highlight the continued evolution of the State Capitol building and Capitol Park, as well as provide an inclusive history of the surrounding area, particularly the viewshed to and from the Capitol Mall as it relates to urban renewal and underserved communities that were displaced to create the current mall and in consultation with consulting Tribes, where the visitor/welcome center entrance would be located. Although the interpretive program may be located in the Historic Capitol, its development and completion will be tied to either the Annex or visitor/welcome center components of the project. DGS and the JRC shall review and approve the content of the interpretive program prior to completion of design development for the project component the interpretive program is tied to. The interpretive program will be fully installed within six months of issuance of the occupancy permit for the selected project component.

DGS hereby revises Mitigation Measure 4.12-4d, on page 4.12-34 of the Recirculated Draft EIR as follows:

#### **Mitigation Measure 4.12-4d: Develop and Implement a ~~Plan for~~ Landscape Treatment Report for Capitol Park including Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials in Capitol Park**

As part of the project, DGS and the JRC shall facilitate the development of a ~~plan~~ landscape treatment report that: (a) identifies which of the ~~commemorative trees, plantings, or other types of memorials (collectively referred to as "memorial")~~ contributing landscape features located in Capitol Park require removal or that are located within ~~50 feet of the zone of potential damage from~~ construction activities, and (b) establishes specifications for protecting, restoring, ~~and/or replacing these memorials~~ and/or relocating contributing landscape features within Capitol Park, ~~consistent with the salvage plan identified in Mitigation Measure 4.12-4b, as close to their original location as feasible, or to a compatible location within the park,~~ (c) establishes guidelines for the protection of contributing landscape features, including detailed guidance for the treatment of contributing memorials and trees to ensure that construction, grading, and vibration does not cause damage to features within the zone of potential damage from construction activities, and (d) identifies the distance threshold at which construction activities have the potential to damage contributing landscape features, noting that this threshold may differ by feature type (i.e. trees vs. memorials).

The JRC shall bring at least one of each of the following specialists under contract as part of the Architect's team: landscape historian, arborist, and landscape architect with experience in cultural landscape treatment. The role of the landscape historian, arborist and landscape architect are to prepare a landscape treatment report for Capitol Park in accordance with Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. The landscape treatment report shall provide an existing conditions analysis of Capitol Park to establish baseline conditions of trees, plantings, memorials, and contributing landscape features prior to the commencement of any demolition or construction of the proposed project. The report shall also outline preservation objectives and treatment guidelines for the protection, rehabilitation, restoration, relocation and/or replacement of contributing features of Capitol Park. The landscape treatment report is not equivalent to a master plan and will not specify future design.

In developing the ~~plan report~~, DGS and the JRC will prioritize protection in place over removal of ~~each memorial planting or object~~ contributing landscape features. Where protection, preservation, or in-kind replacement of contributing landscape features is not feasible, guidelines for compatible design options that comply with the Secretary of the Interior's Standards for Rehabilitation will be included. For each memorial (including commemorative trees, plantings, statues, or other types of memorials) where removal is necessary, DGS or the JRC will consult with individuals or groups who are affiliated with that memorial (such as the original sponsoring organization or the individual or group that is the subject of the memorial) to identify a mutually agreeable treatment for the memorial. Treatments may include relocation of the memorial to a new location as close as possible to the original location after project construction is complete, relocation of the original memorial to a new location within Capitol Park, complete removal of the original memorial and replacement "in-kind" with the same type/species or materials, or complete removal of the original memorial and replacement with a mutually acceptable new memorial. ~~DGS will complete the plan for protection, restoration, or replacement of commemorative memorials prior to initiation of construction activities and will fully implement the plan within two years after completion of construction (except where the plan identifies that longer timeframes are required).~~ DGS and the JRC shall review the draft landscape treatment report prior to the completion of schematic design for the first project component to be implemented. DGS and the JRC shall review and approve the final landscape treatment report prior to the completion of the 50% design development phase. DGS, the JRC, and the design team will use the report to ensure that the landscape treatment report's historic preservation objectives and treatment recommendations are incorporated into the design for the Annex and Capitol Park.

DGS hereby revises Mitigation Measure 4.12-4e, on page 4.12-34 of the Recirculated Draft EIR as follows:

#### **Mitigation Measure 4.12-4e: Develop and Implement a Plan for Protection, Monitoring, and Repairs for Inadvertent Damage to the Historic Capitol Building**

Prior to commencement of any ground disturbing activities ~~that are within 500 feet of the Historic Capitol Building~~, DGS and the JRC ~~will~~ shall oversee a SOIS qualified ~~consultants~~ specialist team in the preparation of a Plan for the Protection, Monitoring, and Repair of Inadvertent Damage to the Historic Capitol Building. The plan shall be prepared by an interdisciplinary team, including (but not limited to) as appropriate, an architectural historian, architect, photographer, structural engineer, and acoustical engineer with expertise in ground-borne vibration. Protection measures would be developed in consultation with the Historic State Capitol Commission. The plan shall record existing conditions in order to (1) establish a baseline against which to compare the building's post-project condition, (2) to identify structural deficiencies that make the building vulnerable to project construction related damage, such as vibration, and (3) to identify stabilization or other measures required to avoid or minimize inadvertent impacts. ~~The plan would be prepared by an interdisciplinary team, including (but not limited to) as appropriate, an architectural historian, architect, photographer, structural engineer, and acoustical engineer.~~ The plan shall describe the protocols for documenting inadvertent damage (should it occur), and shall direct that inadvertent damage to historic properties shall be repaired in accordance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties (U.S. Department of the Interior, 1995). DGS and the JRC will review and approve the plan for protection, monitoring, and repairs for inadvertent damage prior to the completion of design development.

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# 8 REPORT PREPARERS

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## **APPROVAL OF THE CAPITOL ANNEX PROJECT**

As designee of the Director of the Department of General Services (Department), the lead agency for the Capitol Annex Project (project), I hereby make the following findings on this Project:

The Department is approving the project. The project involves three primary components: (1) demolition and reconstruction of the existing Annex, (2) construction of a new underground parking garage under the 12th Street walkway to the east of the Annex, and (3) construction of a new underground visitor/welcome center on the west side of the Historic Capitol. The project includes the demolition of the existing 325,000-square-foot Capitol Annex building and construction of a new approximately 525,000-square-foot building. The project would address numerous deficiencies in the existing building, including life safety/building code deficiencies, noncompliance with Americans with Disabilities Act standards, overcrowding, aging and failing infrastructure, and insufficient public and working space. Existing basement parking under the Annex would be abandoned and replaced with new underground parking on the east side of the new Annex under the 12th Street walkway, accommodating up to approximately 150 parking spaces. The project would also include a new underground visitors/welcome center located between 10th Street and the west steps of the Capitol.

The Department has certified that the Final Environmental Impact Report (EIR) for the project (State Clearinghouse Number 2019049066, including both the Draft EIR and Recirculated Draft EIR) has been completed in compliance with Section 21080 et.al of the California Environmental Quality Act (CEQA). The Department has reviewed and considered the information contained in the Final EIR for the Project.

After consideration of the project objectives, alternatives, environmental analysis in the Final EIR, and comments submitted, the Department has determined to approve the proposed project.

The Department has reviewed the Findings and the Statement of Overriding Considerations for the project. The Findings and the Statement of Overriding Considerations are hereby approved and adopted by the Department.

In accordance with Section 21081.6 of CEQA, the Mitigation Monitoring and Reporting Program for the project (attached) is hereby approved and adopted.

Upon consideration of the Final EIR, the Findings of Fact, the Statement of Overriding Considerations, and in accordance with Section 15092 of the CEQA Guidelines, I hereby approved the project. The Department hereby commits to carrying out the mitigation measures set forth in the Findings and the Mitigation Monitoring and Reporting Program. The Notice of Determination (attached) has been prepared in accordance with Section 15094 of the CEQA Guidelines. The Department staff is directed to arrange for the filing of the Notice of Determination.

**Jason Kenney** Digitally signed by Jason Kenney  
Date: 2021.07.30 13:30:07 -07'00'

JASON KENNEY, Deputy Director, Real Estate  
California Department of General Services

DATE

**CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE  
CAPITOL ANNEX PROJECT**

The Capitol Annex Project (project) involves three primary components: (1) demolition and reconstruction of the existing Annex, (2) construction of a new underground parking garage under the 12th Street walkway to the east of the Annex, and (3) construction of a new underground visitor/welcome center on the west side of the Historic Capitol. The project includes the demolition of the existing 325,000-square-foot Capitol Annex building and construction of a new approximately 525,000-square-foot building. The project would address numerous deficiencies in the existing building, including life safety/building code deficiencies, noncompliance with Americans with Disabilities Act standards, overcrowding, aging and failing infrastructure, and insufficient public and working space. Existing basement parking under the Annex would be abandoned and replaced with new underground parking on the east side of the new Annex under the 12th Street walkway, accommodating up to approximately 150 parking spaces. The project would also include a new underground visitors/welcome center located between 10th Street and the west steps of the Capitol.

In addition to the Draft Environmental Impact Report (EIR) and the Recirculated Draft EIR, the Final EIR for the project includes revisions to the Recirculated Draft EIR, a list of persons and agencies commenting on the Draft EIR and Recirculated Draft EIR, comments received on the Draft EIR and Recirculated Draft EIR, and responses to comments (State Clearinghouse Number 2019049066).

The Department of General Services (Department) is the lead agency for the project. DGS prepared the Final EIR in collaboration with the Joint Committee on Rules (JRC) of the California State Senate and Assembly, which is the entity that would implement the project. The Final EIR was presented to the decision-making body of the Department, and they have reviewed and considered the information contained in the Final EIR for the project. In accordance with Section 15090 of the California Environmental Quality Act (CEQA), the Department hereby certifies that the Final EIR for the Capitol Annex Project has been completed in compliance with CEQA and reflects the Department's independent judgement and analysis.

**Jason Kenney** Digitally signed by Jason Kenney  
Date: 2021.07.30 13:29:36 -07'00'

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JASON KENNEY, Deputy Director, Real Estate  
California Department of General Services

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DATE