

Findings of Fact and
Statement of Overriding Considerations
for the

Capitol Annex Project

State Clearinghouse No. 2019049066

Prepared for:



California Department of General Services
707 3rd Street, MS-509
West Sacramento, CA 95605

Contact:

Stephanie Coleman
Senior Environmental Planner

Prepared by:



Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Sean Bechta
Project Manager

July 2021

TABLE OF CONTENTS

1 INTRODUCTION1

2 PROJECT DESCRIPTION.....3

 2.1 Background and Need for the Project..... 3

 2.2 Project Objectives..... 3

 2.3 Characteristics of the Project..... 4

3 PROCEDURAL HISTORY6

4 RECORD OF PROCEEDINGS8

5 FINDINGS REQUIRED UNDER CEQA.....9

 5.1 Less-Than-Significant Impacts and Areas of No Impact..... 9

 5.2 Significant Impacts Sufficiently Reduced Through Mitigation Measures.....12

 5.3 Significant and Unavoidable impacts19

 5.4 Findings Regarding Project Alternatives23

6 STATEMENT OF OVERRIDING CONSIDERATIONS.....32

7 MITIGATION MONITORING AND REPORTING PROGRAM.....34

Attachment A - Mitigation Monitoring and Reporting Program

Acronyms and Other Abbreviations

The following definitions apply where the subject words or abbreviations are used in these findings:

AB	Assembly Bill
ADA	Americans with Disabilities Act
Annex	Capitol Annex building
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHBC	California State Historic Building Code
CHP	California Highway Patrol
DGS	California Department of General Services
Director	Director of DGS
Draft EIR	Draft Environmental Impact Report
EIR	environmental impact report
Final EIR	Final Environmental Impact Report for the proposed Capitol Annex Project, including the Draft EIR, Recirculated Draft EIR, comments on those documents, responses to comments, and final project changes and EIR edits.
GHG	greenhouse gas
HSR	historic structure report
JRC	Joint Committee on Rules of the California State Senate and Assembly
MLD	Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commission
NOA	Notice of Availability
NOP	Notice of Preparation
NPS	National Park Service
NRHP	National Register of Historic Places
PRC	California Public Resources Code
Recirculated Draft EIR	Recirculated Draft Environmental Impact Report
SB	Senate Bill
SOIS	Secretary of the Interior's Standards
TAC	toxic air contaminant
TCR	tribal cultural resource
UBC	Uniform Building Code

1 INTRODUCTION

These findings have been prepared on behalf of the California Department of General Services (DGS) (the lead agency under the California Environmental Quality Act [CEQA]) for the proposed Capitol Annex Project, for which an environmental impact report (EIR) was prepared pursuant to CEQA (California Public Resources Code [PRC] Section 21000 et seq.). DGS prepared the 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. Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to CEQA and the State CEQA Guidelines (California Code of Regulations Sections 15043, 15091, and 15093). State CEQA Guidelines Section 15092(b) states that a public agency shall not approve or carry out a project for which an EIR was prepared and which identified significant effects unless: (1) significant effects are mitigated to less-than-significant levels as feasible by the mitigation measures identified in the EIR; and (2) if there are residual significant impacts after implementation of mitigation measures identified in the EIR, the agency finds that the unavoidable impacts are acceptable through a Statement of Overriding Considerations, supported by substantial evidence in the record, which includes the documents, materials, and other evidence.

These findings are organized as follows:

- ▶ **Findings for Less-Than-Significant Impacts and those identified as No Impact:** This section provides DGS's findings associated with impacts identified as "no impact" or "less than significant" in the Final EIR.
- ▶ **Findings for Significant, Potentially Significant, and Cumulatively Significant Impacts Reduced to Less-Than-Significant Levels through Mitigation Measures:** This section provides DGS's findings with respect to impacts identified as significant or potentially significant that are reduced to less-than-significant levels through the adoption of feasible mitigation measures identified in the EIR. These findings are made pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091.
- ▶ **Findings for Significant and Unavoidable Impacts:** This section provides DGS's findings with respect to impacts determined to be significant and unavoidable even with the adoption of feasible mitigation measures. These findings are made pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091.
- ▶ **Findings Associated with Project Alternatives:** This section sets forth DGS's findings with respect to alternatives to the project that were evaluated in the Final EIR. These findings are made pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091.
- ▶ **Statement of Overriding Considerations:** This section sets forth DGS's "statement of overriding considerations" concerning the project and the acceptance of its significant and unavoidable impacts pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093.
- ▶ **Mitigation Monitoring and Reporting Program:** This section includes the Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures proposed for adoption. In adopting these findings, DGS, as lead agency under CEQA, commits to implement the MMRP pursuant to CEQA Guidelines Section 15097. However, the JRC, as the entity that would implement the project, will ultimately execute many of the mitigation actions. The MMRP is included in Attachment A.

PRC Section 21081 and CEQA Guidelines Section 15091 state that no public agency shall approve or carry out a project for which a certified EIR identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, include:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

When making the findings required in subdivision (1), the agency shall also adopt a program for reporting on or monitoring the changes required in the project to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The mitigation measures required of the Capitol Annex Project are listed in the MMRP (Attachment A). The MMRP is adopted concurrently with these findings, as required by CEQA Section 21081.6(a)(1), and will be implemented throughout all phases of the project, including design, construction, and operation. DGS will use the MMRP to track compliance with all mitigation measures.

These findings constitute DGS's evidentiary and policy basis for its decision to approve the proposed Capitol Annex Project in a manner consistent with CEQA. These findings are not merely informational, but constitute a binding set of obligations that will come into effect when DGS approves the project (PRC Section 21081.6(b)). The mitigation measures identified as feasible and within DGS's authority to implement for the approved project become part of the MMRP. DGS will enforce implementation of the mitigation measures. DGS, upon review of the Final EIR (which includes the Draft EIR and Recirculated Draft EIR) and based on all the information and evidence in the administrative record, hereby makes the findings set forth herein.

2 PROJECT DESCRIPTION

2.1 BACKGROUND AND NEED FOR THE PROJECT

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

The Annex supports the Governor and executive staff, the Lieutenant Governor, and the Legislative Branch of Government, including offices for 115 of California’s 120 State lawmakers. The other five State lawmaker offices are in the adjacent Historic Capitol. With its physical connection to the Historic Capitol, the Annex is an important public asset, as it provides a venue for California’s public to participate in deliberative, democratic governmental processes with the Governor, State lawmakers, and their policy and other staff. However, the building’s deficiencies have become impediments to both use by the public and the efficient use of Government.

The Annex was originally constructed in accordance with the 1949 Uniform Building Code (UBC). The code in effect today is the 2019 California Building Code. 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 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 Senate Bill (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. In 2018, SB 840 and Assembly Bill (AB) 1826 were passed, providing further funding and authorizations for the Annex project. AB 2667, also passed in 2018, requires the Annex Project to reflect symbols found in the Historic Capitol representing California’s heritage and to promote education and hospitality to visitors.

2.2 PROJECT OBJECTIVES

Consistent with, and in furtherance of SB 836, SB 840, 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.

2.3 CHARACTERISTICS OF THE PROJECT

The project involves demolition of the existing 325,000-square-foot Annex and construction of a new approximately 525,000-square-foot building. The new Annex would serve the same purpose as the existing Annex, providing office space, hearing rooms, conference rooms, and supporting facilities for the Legislature and Executive branch. The new Annex would provide up to approximately 515,000 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. Like the existing Annex, the new Annex would be physically connected to the Historic Capitol. The design of the new Annex building is proposed as a Double-T configuration (See Figure 2-2 in the Final EIR) and the building would be no taller than the parapet of the historic capitol and/or the base of the existing Capitol dome. The Annex would continue to serve approximately 1,700 employees and the number of visitors would follow existing patterns (although there may be a temporary increase when the building initially opens generated by curiosity regarding the new building). The new Annex would meet all current building codes, Americans with Disabilities Act (ADA) standards, and energy efficiency standards, including meeting or exceeding LEED v4 Silver certification.

During project construction, the Legislature and executive branch offices and related facilities would be temporarily located in the new 10th and O Street Office Building, which is under construction. The building site is located between 10th Street and 11th Street, north of O Street.

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.

Before closure of the existing Annex and 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. Visitor access would be provided at the pedestrian entry on the north side of the Historic Capitol (from L Street) and the south entrance would be maintained for use by elected officials, their staff, and those conducting business at the Capitol. After the construction of the new Annex is complete, the temporary modifications to the north and south entrances would be removed.

The existing parking in the Annex basement, which can accommodate approximately 150 vehicles, would be abandoned and replaced with new underground parking on the east side of the new Annex, aligned under the 12th Street walkway. The underground parking would be on one level, with excavations up to approximately 25 feet deep. The new underground parking would accommodate up to 200 parking spaces. As with the current Annex basement parking, the 12th Street alignment for the underground parking would have entries/exits with security checkpoints on

both L Street and N Street. The new Annex parking would be designed for maximum flexibility and convertibility to meeting space if needed in the future.

After completion of the Annex and underground parking, the project would include construction of a new underground visitor/welcome center to provide safe and efficient public entry to the Capitol. The new visitor/welcome center would have approximately 40,000 square feet of interior space and would be located between 10th Street and the west steps of the Capitol. It would be substantially below grade (i.e., mostly below existing ground level) to minimize visual impacts. The entrance to the visitor/welcome center would face 10th Street. 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 visitor/welcome center would integrate with education and hospitality elements already located in the basement of the Historic Capitol. Conference rooms, classroom teaching spaces, restrooms, storage space, and space for security personnel would also be included in the visitor/welcome center. The ground above the visitor/welcome center would be landscaped as an upper plaza, with the surface elevation even with the bottom of the first set of remaining original (i.e., west portico) steps to the Historic Capitol west entrance. 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 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. American National Standards Institute (ANSI) 300A tree protection standards would be implemented to protect trees that are retained within the construction activity area. Trees that cannot remain in their current location during project construction would be either relocated within Capitol Park or removed and replaced with new trees in Capitol Park. New landscaping and lighting installed in the construction disturbance area after building construction is complete would be consistent in character with what is currently present at the Historic Capitol Building and the surrounding Capitol Park. 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.

Any statues, memorials, plaques, and similar items that must be temporarily or permanently moved as a result of the project would be catalogued and stored in a secure location during construction. For trees, statues, or other features that have been dedicated to, recognize, or honor a particular individual or group, the State would send a letter to that person, or representative of that person or group, notifying them that the statue, plaque, or memorial would be temporarily removed during project construction, then returned to Capitol Park when construction is complete. All statues would be returned to Capitol Park in a setting similar to their original location.

2.3.1 California Department of General Services Discretionary Approvals

The following actions are proposed and referred to collectively as the project approvals:

- ▶ certification of the Final EIR;
- ▶ adoption of these findings, statement of overriding considerations, and the MMRP; and
- ▶ approval of the project.

2.3.2 Responsible Agencies

The following agencies are acting as responsible agencies pursuant to CEQA Guidelines Sections 15381 and 15386, respectively. No designated trustee agencies would provide approvals for the proposed project.

STATE AGENCIES

- ▶ California State Parks, Office of Historic Preservation
- ▶ Central Valley Regional Water Quality Control Board

REGIONAL AND LOCAL AGENCIES

- ▶ City of Sacramento
- ▶ Sacramento Air Quality Management District
- ▶ Sacramento Municipal Utility District

3 PROCEDURAL HISTORY

- ▶ DGS prepared and, on April 11, 2019, filed a Notice of Preparation (NOP) for an EIR for the Capitol Annex Project. The NOP was sent to the California State Clearinghouse, responsible agencies, nearby landowners, interested parties and organizations, and private organizations and individuals that could have interest in the project. The NOP was available at the Sacramento Central Library at 828 I Street and at DGS's Environmental Services Section office at 707 3rd Street in West Sacramento. In addition, availability of the NOP was advertised in the *Sacramento Bee*.
- ▶ A scoping meeting was held on May 7, 2019, from 4:30 p.m. to 6:30 p.m. at the Sheraton Grand Hotel, located at 13th and J Streets, Sacramento, California. At the meeting, a presentation was given to describe the proposed project and discuss key environmental issues identified in preliminary analyses, and public agencies and members of the public were given an opportunity to provide input on the scope of issues that should be addressed in the EIR.
- ▶ DGS prepared the Draft EIR for the Capitol Annex Project in collaboration with the JRC, the entity that would implement the project. DGS distributed the Draft EIR on September 9, 2019 for public review and comment for a 45-day period, which concluded on October 24, 2019. The Draft EIR was posted at the State Clearinghouse, and the Notice of Availability (NOA) of the EIR was mailed to relevant public agencies, responsible agencies, nearby property owners, and interested parties. The Draft EIR was available at the Sacramento Central Library at 828 I Street; at DGS's Environmental Services Section office at 707 3rd Street, West Sacramento; and on the project website: <http://bit.ly/DGSCEQA>. In addition, availability of the Draft EIR was advertised in the *Sacramento Bee*.
- ▶ DGS held an informational meeting on the project and the Draft EIR on September 17, 2019, between 4:30 p.m. and 6:30 p.m. at the DAW Training Room, 925 L Street, Sacramento, CA 95814.
- ▶ DGS held a public hearing on the Draft EIR on October 15, 2019, between 4:30 p.m. and 6:30 p.m. at the Tsakopoulos Library Galleria (East Room), 828 I Street, Sacramento, CA 95814.
- ▶ During the review period, written and oral comments were received on the Draft EIR. DGS received a total of 10 letters from eight agencies and two organizations. In addition, two of the agencies that submitted letters also submitted oral comments at the public hearing. The agencies and organization are listed in Table 4-1 of the Final EIR. The Final EIR contains responses to these comments, including a transcription of each comment and the complete comment letter. In response to the comments received, edits were made to the Draft EIR as set forth in Chapter 6 of the Final EIR. Responses to agency comments were provided to each commenting agency on July 20, 2021.
- ▶ After the end of the Draft EIR public review period, the design of the new visitor/welcome center was further developed with an approach to the entry to the visitor/welcome center that was substantially different from what

was analyzed in the Draft EIR. CEQA requires recirculation of an EIR when the lead agency adds “significant new information” related to the project description or the environmental setting after public notice is given of the availability of a draft EIR for public review but before EIR certification. For this reason, DGS prepared a Recirculated Draft EIR. The redesign of the new visitor/welcome center led to the revision and recirculation not only of Chapter 3, “Project Description,” but of three technical sections: Section 4.4, “Utilities and Service Systems”; Section 4.12, “Archaeological, Historical, and Tribal Cultural Resources”; and Section 4.15, “Aesthetics, Light, and Glare.”

- ▶ DGS released the Recirculated Draft EIR on January 17, 2020, for public review and comment for a 45-day period, which concluded on March 2, 2020. The Recirculated Draft EIR was posted at the State Clearinghouse, and the NOA of the Recirculated Draft EIR was mailed to relevant public agencies, responsible agencies, nearby property owners, and interested parties. The Recirculated Draft EIR was available at the Sacramento Central Library at 828 I Street; at DGS’s Environmental Services Section office at 707 3rd Street, West Sacramento; and online at <http://bit.ly/DGSCEQA>. In addition, availability of the Recirculated Draft EIR was advertised in the *Sacramento Bee*.
- ▶ DGS held an informational meeting on the project and the Recirculated Draft EIR on January 22, 2020, between 4:30 p.m. and 6:30 p.m. at the Tsakopoulos Library Galleria (West Room), 828 I Street, Sacramento, CA 95814.
- ▶ DGS held a public hearing on the Recirculated Draft EIR on February 26, 2020, between 4:30 p.m. and 6:30 p.m. at the Tsakopoulos Library Galleria (West Room), 828 I Street, Sacramento, CA 95814.
- ▶ During the review period, written and oral comments were received on the Recirculated Draft EIR. DGS received 89 comment letters. Eleven additional comments were received during the February 26, 2020, public hearing. The agencies, organizations, and individuals that provided comments are listed in Table 5-1 of the Final EIR. The Final EIR contains responses to these comments, including a transcription of each comment and the complete comment letter. In response to the comments received, edits were made to the Recirculated Draft EIR as set forth in Chapter 6 of the Final EIR. Responses to agency comments were provided to each commenting agency on July 20, 2021.

4 RECORD OF PROCEEDINGS

In accordance with CEQA Section 21167.6(e), the record of proceedings for DGS's decision on the proposed Capitol Annex Project includes, without limitation, the following documents:

- ▶ the NOP (April 11, 2019) and all other public notices issued by DGS in conjunction with the scoping period for the Draft EIR on the proposed project (provided in Appendix A of the Draft EIR);
- ▶ all comments submitted by agencies, organizations, or members of the public during the scoping comment period in response to the NOP (provided in Appendix A of the Draft EIR);
- ▶ the Draft EIR (September 9, 2019) for the project (State Clearinghouse No. 2019049066);
- ▶ all comments submitted by agencies, organizations, or members of the public during the comment period on the Draft EIR (provided in Chapter 4 of the Final EIR);
- ▶ responses to agency comments on the Draft EIR provided to each commenting agency on July 20, 2021;
- ▶ the Recirculated Draft EIR (January 17, 2020) for the project (State Clearinghouse No. 2019049066);
- ▶ all comments submitted by agencies, organizations, or members of the public during the comment period on the Recirculated Draft EIR (provided in Chapter 5 of the Final EIR);
- ▶ responses to agency comments on the Recirculated Draft EIR provided to each commenting agency on July 20, 2021;
- ▶ the Final EIR for the project (July 30, 2021), including comments received on the Draft EIR and Recirculated Draft EIR and responses to those comments, as well as revisions to the Draft EIR and Recirculated Draft EIR;
- ▶ documents cited or referenced in the Draft EIR, Recirculated Draft EIR, and Final EIR;
- ▶ the MMRP for the project (Attachment A to these findings);
- ▶ all findings and resolutions adopted by DGS in connection with the project and all documents cited or referred to therein;
- ▶ all reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by DGS, consultants to DGS, or responsible or trustee agencies with respect to DGS's compliance with the requirements of CEQA and with respect to DGS's action on the project;
- ▶ all documents submitted to DGS by other public agencies or members of the public in connection with the project up through final consideration of project approval;
- ▶ all minutes and/or verbatim transcripts, as available, of all public meetings held by DGS or JRC in connection with the project;
- ▶ any documentary or other evidence submitted to DGS at such public meetings; and
- ▶ any other materials required to be in the record of proceedings by CEQA Section 21167.6(e).

The official custodian of the documents that make up the record of proceedings is DGS's Environmental Services Section, located at 707 3rd Street, West Sacramento, CA 95605. All files have been available to the Director of DGS (Director) and the public for review in considering these findings and whether to approve the project.

5 FINDINGS REQUIRED UNDER CEQA

Sections 5.1 through 5.4, below, present DGS's findings with respect to the environmental impacts of the project pursuant to the requirements of CEQA Section 21081 and State CEQA Guidelines Sections 15091 and 15097.

The Final EIR, consisting of the Draft and Recirculated Draft EIRs, comments on the Draft and Recirculated Draft EIRs, responses to comments on the Draft and Recirculated Draft EIRs, and revisions to the Draft and Recirculated Draft EIRs, and remaining contents of the Final EIR, is hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for associated significant and unavoidable impacts.

5.1 LESS-THAN-SIGNIFICANT IMPACTS AND AREAS OF NO IMPACT

The Director agrees with the characterization in Section 4.1.1, "Effects Found Not to be Significant" of the Draft EIR with respect to the resource areas for which the project would result in no impact. The Director agrees with the characterization of impacts identified as less than significant in Chapters 4 and 5 of the Draft EIR and Recirculated Draft EIR and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. The Director also agrees with determinations made in "Issues or Potential Impacts Not Discussed Further" sections in Chapter 4 of the Draft EIR and Recirculated Draft EIR that identified issues or thresholds of significance that are not applicable or that would have no impact due to the Capitol Annex Project.

This finding applies to the following impacts evaluated in the Final EIR, each determined to be less than significant (no mitigation required).

5.1.1 Land Use and Planning, Draft EIR Section 4.2

- ▶ Impact 4.2-1: Potential to Divide an Established Community
- ▶ Impact 4.2-2: Consistency with Land Use Plans and Documents

5.1.2 Transportation and Circulation, Draft EIR Section 4.3

- ▶ Impact 4.3-1: Impacts on Intersection Operations
- ▶ Impact 4.3-2: Impacts on Transit
- ▶ Impact 4.3-3: Impacts on Bicycle Facilities
- ▶ Impact 4.3-4: Impacts on Pedestrian Facilities
- ▶ Impact 4.3-5: Construction-Related Impacts

5.1.3 Utilities and Service Systems, Recirculated Draft EIR Section 4.4

- ▶ Impact 4.4-1: New or Expanded Utility Infrastructure
- ▶ Impact 4.4-2: Adequacy of Water Supplies
- ▶ Impact 4.4-3: Wastewater Infrastructure and Treatment Capacity
- ▶ Impact 4.4-4: Landfill Capacity and Compliance with Solid Waste Regulations

5.1.4 Air Quality, Draft EIR Section 4.5

- ▶ Impact 4.7-1: Impact 4.5-1: Generate Construction-Related Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 4.5-2: Create Long-Term Operational Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 4.5-3: Exposure of Sensitive Receptors to TACs

5.1.5 Greenhouse Gas Emissions and Climate Change, Draft EIR Section 4.6

- ▶ Impact 4.6-1: Project-Generated GHG Emissions

5.1.6 Energy, Draft EIR Section 4.7

- ▶ Impact 4.7-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation
- ▶ Impact 4.7-2: Conflict with or Obstruction of a State or Local Plan for Renewable Energy or Energy Efficiency

5.1.7 Noise and Vibration, Draft EIR Section 4.8

- ▶ Impact 4.8-1: Short-Term Construction Noise

5.1.8 Geology and Soils, Draft EIR Section 4.9

- ▶ Impact 4.9-1: Seismic Hazards
- ▶ Impact 4.9-2: Liquefaction
- ▶ Impact 4.9-3: Subsidence and Dynamic Compaction
- ▶ Impact 4.9-4: Expansive Soils

5.1.9 Hydrology and Water Quality, Draft EIR Section 4.10

- ▶ Impact 4.10-1: Construction-Related Water Quality Impacts
- ▶ Impact 4.10-2: Substantially Alter the Existing Drainage Pattern of the Site or Area, Resulting in Substantial Erosion, Siltation, Flooding, or Additional Sources of Polluted Runoff

5.1.10 Hazardous Materials and Public Health, Draft EIR Section 4.11

- ▶ Impact 4.11-1: Storage, Use, Disposal, Transport, or Upset of Hazardous Materials
- ▶ Impact 4.11-2: Exposure of Construction Workers and Others to Hazardous Materials
- ▶ Impact 4.11-3: Impaired Implementation of or Physical Interference with an Adopted Emergency Response Plan or Emergency Evacuation Plan

5.1.11 Public Services and Recreation, Draft EIR Section 4.14

- ▶ Impact 4.14-1: Increased Demand for Fire Protection Services, Facilities, and Equipment
- ▶ Impact 4.14-2: Increased Demand for Fire Flow

- ▶ Impact 4.14-3: Increased Demand for Law Enforcement Services, Facilities, and Equipment
- ▶ Impact 4.14-4: Increased Demand for Recreational Facilities

5.1.12 Aesthetics, Light, and Glare, Recirculated Draft EIR Section 4.15

- ▶ Impact 4.15-1: Adverse Effect on a Scenic Vista
- ▶ Impact 4.15-2: Substantial Degradation of Existing Visual Character or Quality and Potential Conflicts with Applicable Zoning and Other Regulations Governing Scenic Quality
- ▶ Impact 4.15-3: Introduction of New Sources of Light and Glare that Adversely Affect Day or Nighttime Views

5.1.13 Cumulative Impacts, Draft EIR and Recirculated Draft EIR Chapter 5

- ▶ Cumulative land use impacts
- ▶ Cumulative impact on intersection operations
- ▶ Cumulative impact on vehicle miles traveled
- ▶ Cumulative impact on transit, bicycle, and pedestrian facilities
- ▶ Cumulative impact on construction traffic
- ▶ Cumulative demand for water supply and water delivery infrastructure
- ▶ Cumulative demand for stormwater and wastewater conveyance and wastewater treatment)
- ▶ Cumulative impact related to electricity and natural gas
- ▶ Cumulative impact related to solid waste
- ▶ Cumulative short-term construction-related air quality impact
- ▶ Cumulative long-term operational-related air quality impact
- ▶ Cumulative impact related to greenhouse gas (GHG) emissions and climate change
- ▶ Cumulative impact related to energy
- ▶ Cumulative impact related to noise or vibration
- ▶ Cumulative traffic noise impact
- ▶ Cumulative long-term exposure of people or property to strong seismic shaking
- ▶ Cumulative long-term exposure of people or property to seismically induced hazards
- ▶ Cumulative flood protection impact
- ▶ Cumulative groundwater quality impact
- ▶ Cumulative surface water quality impact
- ▶ Cumulative hazardous materials and public health effects
- ▶ Cumulative effects on public services (school, fire, police, emergency, and parks and recreation facilities)
- ▶ Cumulative impacts on visual resources

5.2 SIGNIFICANT IMPACTS SUFFICIENTLY REDUCED THROUGH MITIGATION MEASURES

The Director agrees with the characterization in the Final EIR with respect to all impacts identified as “significant” or “potentially significant” that would be reduced to a less-than-significant level with implementation of the mitigation measures identified in the Final EIR and MMRP. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below.

5.2.1 Noise and Vibration, Draft EIR Section 4.8

IMPACT 4.8-2: SHORT-TERM CONSTRUCTION-RELATED VIBRATION LEVELS

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 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 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.

Finding: Implementation of Mitigation Measure 4.8-1, which has been required, will reduce the impact related to the generation of excessive short-term construction-related vibration levels to a less-than-significant level. Specifically, this mitigation measure requires 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. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.8-15 through 4.8-17)

5.2.2 Archaeological, Historical, and Tribal Cultural Resources, Recirculated EIR Section 4.12

IMPACT 4.12-1: POTENTIAL FOR IMPACTS ON SIGNIFICANT HISTORIC ARCHAEOLOGICAL RESOURCES

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 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 assess 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.

Finding: Implementation of Mitigation Measure 4.12-1, which has been required, will reduce potential impacts on significant historic archaeological resources to a less-than-significant level. Specifically, this mitigation measure requires cultural resources awareness training for all personnel active on the project site during earthmoving activities, 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. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Recirculated Draft EIR pages 4.12-25 and 4.12-26)

IMPACT 4.12-2: POTENTIAL FOR IMPACTS ON SIGNIFICANT PREHISTORIC ARCHAEOLOGICAL RESOURCES AND TRIBAL CULTURAL RESOURCES

Mitigation Measure 4.12-2: Develop 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. 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" (Treatment Plan). The 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 Treatment Plan shall be completed prior to construction. The 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 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 archaeological material is present in imported soil. Furthermore, 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. Tribal Monitors shall have the opportunity to inspect 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 Treatment Plan and shall provide 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. Tribal Monitors and monitoring archaeologists shall be provided the contact information for the individual who tracks the disposal location(s) for excavated material.

Consulting 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 shall work with the 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 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 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 archaeological features or deposits is discovered during construction-related earth-moving activities (e.g., lithic, 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 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 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 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 CMR onsite. 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 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 Treatment Plan elements applicable to excavation shall be applied to any excavation and earth moving at the reburial location. The 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 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.

Finding: Implementation of Mitigation Measure 4.12-2, which has been required, will reduce potential impacts on significant prehistoric archaeological resources and tribal cultural resources to a less-than-significant level. Specifically, this mitigation measure requires cultural resources awareness training for all construction personnel active on the project site during earthmoving activities, construction monitoring, and, in the case of a discovery, preservation options (including data recovery, mapping, capping, or avoidance) and proper care if significant artifacts are recovered. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Recirculated Draft EIR pages 4.12-26 through 4.12-28)

IMPACT 4.12-3: POTENTIAL DISCOVERY OF HUMAN REMAINS

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, 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.

Finding: Implementation of Mitigation Measure 4.12-3, which has been required, will reduce potential impacts on previously undiscovered human remains to a less-than-significant level. Specifically, this mitigation measure requires 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. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Recirculated Draft EIR pages 4.12-28 and 4.12-29)

5.2.3 Biological Resources, Draft EIR Section 4.13

IMPACT 4.13-1: POTENTIAL DISTURBANCE TO SWAINSON'S HAWK, WHITE-TAILED KITE, OTHER NESTING RAPTORS, AND OTHER NATIVE NESTING BIRDS

Mitigation Measure 4.13-1: Protect Nesting Swainson's Hawks, White-Tailed Kites, Other Raptors, and Other Native Birds

DGS and JRC shall require that the following measures are implemented before and during construction:

- ▶ To minimize the potential for loss of nesting raptors and other native nesting birds, tree removal and other construction activities, to the maximum extent feasible, will be conducted during the nonbreeding season

(September 1 through January 31). If tree removal and other construction activities are completed during the nonbreeding season, no further mitigation will be required.

- ▶ If tree removal and other construction activities must occur during the breeding season (February 1 through August 31), a qualified biologist will conduct a survey of the trees in the project footprint to assess whether any trees contain nesting Swainson's hawk, white-tailed kite, other nesting raptors, or other nesting native bird species. If construction activities that could result in disturbance to nesting raptors lapse for greater than 14 days during the breeding season, then an additional survey will be required prior to restart of construction.
- ▶ If no active Swainson's hawk, other raptor, or other native bird nests are present, tree removal and other construction activities may commence, and no further mitigation is required.
- ▶ If an active Swainson's hawk, white-tailed kite, other raptor, or other native bird nest is present in a tree planned for removal, the nest tree will not be removed until the young have fledged, as confirmed by the qualified biologist.
- ▶ If an active raptor nest is present in the project footprint, in a tree that is not planned for removal, the qualified biologist, in coordination with CDFW, will determine whether excavation, demolition, or other construction activities are likely to result in disturbance to the nest. A no-disturbance buffer may be established around the nest. The size of the no-disturbance buffer will be determined by the qualified biologist in coordination with CDFW. Buffer size may be adjusted if the qualified biologist, in coordination with CDFW, determines that reducing the size of the buffer would not result in adverse effects on the nesting raptors. The no-disturbance buffer will be implemented until the young have fledged, as confirmed by the qualified biologist.
- ▶ DGS will coordinate with CDFW regarding the best approach for compliance with Section 3503 of the Fish and Game Code. For example, common species in urban environments, such as house finch, may tolerate some increase in noise or other construction activities close to the nest, and presence of these nests may have no effect on nearby construction activity.

Finding: Implementation of Mitigation Measure 4.13-1, which has been required, will reduce the impact on Swainson's hawk, white-tailed kite, other nesting raptors, and other native nesting birds to a less-than-significant level. Specifically, this mitigation measure requires that active nests be identified during preconstruction surveys, active nest trees not be removed until the young have fledged, and no-disturbance buffers be implemented to avoid indirect disturbance to active nests. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR. (Draft EIR pages 4.13-11 through 4.13-13)

IMPACT 4.13-2: DISTURBANCE TO COMMON BAT ROOSTS AND MATERNAL COLONIES

Mitigation Measure 4.13-2: Conduct Preconstruction Surveys for Bats and Exclude Bats from Roosting Site

DGS and JRC shall require that the following measures are implemented before and during construction:

- ▶ Before demolition activities begin, a qualified biologist will conduct a survey of the exterior and interior of the Capitol Annex for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study and no further mitigation will be required.
- ▶ If bat roosts or a confirmed maternity colony are found, bats will be excluded from the roosting site before demolition begins. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during

hibernation or while females in maternity colonies are nursing young). After it is confirmed that bats are not present in the original roost site, demolition activities may commence.

Finding: Implementation of Mitigation Measure 4.13-2, which has been required, will reduce the impact on common bat roosts and maternity colonies to a less-than-significant level. Specifically, this mitigation measure requires that roosts and maternity colonies be identified and that bats be excluded from roosts in a manner that minimizes adverse effects and that exclusion occurs prior to demolition activities. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR. (Draft EIR page 4.13-13)

IMPACT 4.13-3: CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCE PROTECTING BIOLOGICAL RESOURCES

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.

Finding: Implementation of Mitigation Measure 4.13-3, which has been required, will reduce the impact associated with City street tree removal to a less-than-significant level. Specifically, this mitigation measure requires the provision of replacement trees and compliance with the City's Tree Preservation Ordinance. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR. (Draft EIR pages 4.13-13 and 4.13-14)

5.2.4 Cumulative Impacts (Revised), Recirculated EIR Chapter 5

CUMULATIVE IMPACT ON SIGNIFICANT HISTORIC AND PREHISTORIC ARCHAEOLOGICAL RESOURCES AND TRIBAL CULTURAL RESOURCES, RECIRCULATED EIR SECTION 5.3.2

Mitigation Measures

Implement Mitigation Measures 4.12-1 and 4.12-2 (see analysis above regarding these mitigation measures).

Finding: Implementation of Mitigation Measures 4.12-1 and 4.12-2, which have been required, will reduce the project's contribution to cumulative archaeological resource impacts to a less-than-cumulatively-considerable level. Specifically, these mitigation measures require cultural resources awareness training for all personnel active on the project site during earthmoving activities, construction monitoring, and, in the case of a discovery, preservation options (including

data recovery, mapping, capping, or avoidance) and proper treatment if significant artifacts are recovered. Because an opportunity to avoid disturbance, disruption, or destruction of archaeological resources will be provided, implementation of the project would result in a less-than-significant contribution to the significant cumulative impact. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Recirculated Draft EIR page 5-10)

CUMULATIVE IMPACT ON HUMAN REMAINS, RECIRCULATED EIR SECTION 5.3.2

Mitigation Measures

Implement Mitigation Measure 4.12-3 (see analysis above regarding this mitigation measure).

Finding: Implementation of Mitigation Measure 4.12-3, which has been required, will reduce the project's contribution to the cumulative loss of undiscovered or unknown human remains to a less-than-cumulatively-considerable level. Specifically, this mitigation measure requires 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. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Recirculated Draft EIR page 5-10)

CUMULATIVE IMPACT RELATED TO NESTING RAPTORS AND OTHER NATIVE NESTING BIRDS, COMMON BAT ROOSTS AND MATERNAL COLONIES, AND CONFLICTS WITH LOCAL POLICIES OR ORDINANCE PROTECTING BIOLOGICAL RESOURCES, EIR SECTION 5.3.12

Mitigation Measures

Implement Mitigation Measures 4.13-1, 4.13-2, and 4.13-3 (see analysis above regarding these mitigation measures).

Finding: Implementation of Mitigation Measures 4.13-1, 4.13-2, and 4.13-3, which have been required, will reduce the project's potentially significant impacts related to nesting raptors and other native nesting birds, common bat roosts and maternal colonies, and conflict with any local policies or ordinance protecting biological resources (specifically, related to tree removal) to a less-than-significant level by requiring that active nests be identified during preconstruction surveys, active nest trees not be removed until the young have fledged, and no-disturbance buffers be implemented to avoid indirect disturbance to active nests; requiring that roosts and maternity colonies be identified and that bats be excluded prior to demolition activities; and requiring the provision of replacement trees and compliance with the City's Tree Preservation Ordinance. Because the project would result in no impact or very limited impact on biological resources after mitigation, the project would not considerably contribute to an adverse cumulative condition with respect to biological resources. DGS, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-25).

5.3 SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Director agrees with the characterization in the Final EIR with respect to all impacts identified as significant and unavoidable. For this project, the following impacts were identified as significant and unavoidable. That is, these impacts would remain significant despite the incorporation of all feasible mitigation measures to substantially lessen or avoid the impacts. In accordance with State CEQA Guidelines Section 15091(a), a specific finding is made for each significant and unavoidable impact and its associated mitigation measures in the discussions below.

5.3.1 Archaeological, Historical, and Tribal Cultural Resources, Recirculated EIR Section 4.12

IMPACT 4.12-4: POTENTIAL FOR IMPACTS ON HISTORIC ARCHITECTURAL RESOURCES

Mitigation Measure 4.12-4a: Adhere to the Historic Structure Report, 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 Historical 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.

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

Because a major component of the Capitol Annex Project is the demolition of a portion of the State Capitol Complex, the Annex, DGS and the JRC will seek feasible means for salvaging and reusing character-defining 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, 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, 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, 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 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.

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 program should result, at minimum, in the installation of a permanent publicly accessible exhibit in the Annex, Historic Capitol, or the new visitor/welcome center. The content of the interpretive program 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. 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.

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 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.

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, DGS and the JRC shall oversee a SOIS qualified 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 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.

Finding: Implementation of Mitigation Measures 4.12-4a, 4.12-4b, 4.12-4c, 4.12-4d, and 4.12-4e, which have been required, will substantially reduce impacts and compensate for those impacts that cannot be avoided by ensuring adherence to a historic structure report that identifies historic preservation treatment objectives and requirements, requiring preparation and implementation of a detailed salvage plan, requiring development and implementation of an interpretive program, and ensuring protection of Capitol Park resources and the Historic Capitol. However, because the Capitol Annex, which represents approximately half of the monumental building in the National Register of Historic Places-listed (NRHP-listed) complex, would be permanently and—with the exception of elements salvaged pursuant to Mitigation Measure 4.12-4b—completely demolished, and because portions of Capitol Park would be

intensely modified to the point of potentially not conveying its period of significance, DGS finds that this impact would be significant and unavoidable. (Recirculated Draft EIR pages 4.12-29 through 4.12-34)

5.3.2 Cumulative Impacts (Revised), Recirculated EIR Chapter 5

CUMULATIVE IMPACT ON HISTORIC ARCHITECTURAL RESOURCES, RECIRCULATED EIR SECTION 5.3.2

Mitigation Measures

Implement Mitigation Measures 4.12-4a through 4.12-4e (see analysis above regarding these mitigation measures).

Finding: Implementation of Mitigation Measures 4.12-4a, 4.12-4b, 4.12-4c, 4.12-4d, and 4.12-4e, which have been required, will substantially reduce the project's contribution to a cumulative impact on historic architectural resources, including landscapes, but not to a less-than-cumulatively-considerable level. These mitigation measures ensure adherence to an HSR that identifies historic preservation treatment objectives and requirements, require preparation and implementation of a detailed salvage plan, require development and implementation of an interpretive program, and ensure protection of Capitol Park resources and the Historic Capitol. However, because the Capitol Annex, which represents approximately half of the monumental building in the NRHP-listed complex, would be permanently and completely destroyed and because portions of Capitol Park would be intensely modified, to the point of potentially not conveying its period of significance, DGS finds that although changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR, this impact nevertheless would make a cumulatively considerable contribution to a significant cumulative impact. (Recirculated Draft EIR pages 5-10 and 5-11)

5.4 FINDINGS REGARDING PROJECT ALTERNATIVES

CEQA Section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed would still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, before it approves the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

"'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* [1993] 23 Cal.App.4th 704, 715). Thus, even if a project alternative would avoid or substantially lessen any of the significant environmental effects of the project, the decision makers may reject the alternative if they determine that specific considerations make the alternative infeasible or if the alternative does not meet the objectives of the project.

All the environmental impacts associated with the project would be substantially lessened or avoided with adoption of the mitigation measures set forth in these findings, with the exception of Impact 4.12-4 (Potential for Impacts on Historic Architectural Resources) and the cumulative impact on historic architectural resources. DGS's goal in evaluating the

project alternatives was to select an alternative that feasibly attains the project objectives while further reducing the project's significant and unavoidable impacts.

The State CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project" (Section 15126.6[a]). The lead agency has the discretion to determine how many alternatives constitute a reasonable range, and an EIR need not present alternatives that are incompatible with fundamental project objectives. In addition, Section 15126.6(a) states that an EIR need not consider alternatives that are infeasible. Among the factors that may be considered when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries..., and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site" (Section 15126.6[f][1]). Section 15126.6(f) states that 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 Capitol Annex Project EIR analysis considered a reasonable range of alternatives.

5.4.1 Alternatives Considered but not Evaluated in Detail in the EIR

The EIR discloses that DGS considered and rejected the following eight alternatives during the planning or scoping process (see the discussion in Chapter 7, "Alternatives," in the Draft EIR).

FULLY DETACHED/PARTIALLY DETACHED ANNEX

DGS considered construction of a fully detached or partially detached Annex adjacent to the Historic Capitol. The detached Annex would be on the eastern side of the Historic Capitol, like the existing Annex, but it would require State Capitol staff, legislature, and executive branch officials to exit the new Annex and enter the Historic Capitol on the ground level. No interbuilding connections would be constructed. Under this alternative, the Historic Capitol's eastern façade would be restored to its original condition. The new Annex building would be the same size as under the proposed project and would address the necessary building code and fire-safety requirements. The underground visitor/welcome center and underground parking garage would be constructed as proposed for the Capitol Annex Project. The detached Annex alternative would have a building footprint similar to that under the proposed project, but the disturbance area would be larger to allow the Annex to be located further east from the Historic Capitol building. This alternative would have construction and operational impacts similar to those of the proposed project because the alternative and project would have similar levels of demolition and construction activities and would serve the same number of building occupants. However, this alternative would increase the Annex building's encroachment eastward into Capitol Park. This alternative would allow for restoration of the Historic Capitol's eastern façade, providing a potential beneficial effect on historic architecture, as the proposed project would only resort a portion of the eastern façade. Although a detached Annex is a feasible alternative to the proposed project, the physical separation of the Annex from the Historic Capitol is a critical issue because it would disrupt the connectivity between the buildings and impair the ability to meet project objectives. Specifically, a detached Annex building would reduce the accessibility, efficiency, and safety of the Capitol for State employees, elected officials, and the public they serve.

Additional connectivity could be provided through a covered ground-level walkway and/or a "sky bridge" connecting upper floors of the Annex to upper floors of the Historic Capitol. However, a ground-level covered walkway would obstruct north/south pedestrian movement between the buildings. At least one sky bridge connection would need to be provided on every floor to begin to approximate the accessibility of a fully connected building, and these features would dominate the view between the Historic Capitol building and the new Annex. These types of partial or limited connections do not make this alternative any more feasible or desirable. Restoration of the Historic Capitol's entire eastern façade is not necessary to meet the project objectives and would represent substantial additional costs to the State. Furthermore, this alternative would not avoid significant environmental impacts. For these reasons and those mentioned above, the fully detached or partially detached alternative was rejected.

SPLIT ANNEX FUNCTIONS

DGS considered an alternative that involves demolition of the Annex and reconstruction in the same location but at a smaller scale. The Annex would be connected to the Historic Capitol, as proposed for the project. The reduced size of the Annex would be offset by maintaining long-term legislative and executive branch use of the 10th and O Street Office Building. Under this alternative, the parking garage and underground visitor/welcome center would be constructed as proposed for the Capitol Annex Project. The new Annex would address the required building code and fire-life safety improvements. Reducing the size of the new Annex building would reduce the construction activities but would not meaningfully change the project's disturbance footprint. Similar demolition and ground-disturbing activities would be necessary, although building construction would be somewhat reduced. Long-term operation of a smaller Annex building would reduce energy use and associated emissions. However, implementing the proposed Capitol Annex Project would not result in significant environmental impacts related to energy use and emissions; therefore, this alternative would not avoid significant environmental impacts. Also, additional energy use would occur at the 10th and O Street Office Building housing some legislative and executive branch functions. Although this is a feasible alternative to the proposed project, it would disrupt the connectivity between the Historic Capitol, Annex, and 10th and O Street Office Building and affect the ability to meet project objectives. The primary concern related to this alternative is safety concerns associated with the movement of elected officials and staff between the Annex and 10th and O Street Office Building. Implementation of traffic safety measures to address pedestrian flow between the buildings could result in disruption of vehicular traffic on N Street. Splitting functions between the Annex and 10th and O Street Office Building would reduce the accessibility, efficiency, and safety of the Capitol for State employees, elected officials, and the public they serve. For these reasons, this alternative was rejected.

NO PARKING GARAGE

DGS considered an alternative that involves demolition and reconstruction of the Annex and construction of the underground visitor/welcome center, as proposed for the project, but that does not involve construction of new parking for the legislative and executive branches to replace the parking garage below the Annex, which would be abandoned. Construction impacts associated with demolition and construction would be reduced compared to the proposed project because the area of ground disturbance would be reduced. For most environmental issue areas, long-term operation of this alternative would result in impacts similar to those of the proposed project because the Annex would continue to serve the same number of occupants. However, this alternative could result in additional transportation impacts or development-related impacts because it is probable that under this alternative, secure off-site parking would be used or would need to be constructed to serve legislative and executive branch officials. There would also be safety concerns associated with the movement of elected officials and staff between the Annex and wherever parking is provided. Although this is a feasible alternative to the proposed project, the provision of on-site 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, this alternative was rejected.

NO VISITOR/WELCOME CENTER

DGS considered an alternative that involves demolition and reconstruction of the Annex and construction of the underground parking garage, as proposed for the project, but that does not involve construction of a new visitor/welcome center; the existing visitor center, located in the Historic Capitol, would continue to serve those visiting the State Capitol. The entrance to the visitor/welcome center would be located at the Historic Capitol, where existing visitor entry is currently not permitted. Construction impacts associated with demolition and construction would be reduced compared to those of the proposed project because the area of ground disturbance would be reduced. Long-term operation of this alternative would result in impacts similar to those of the proposed project because the Annex would continue to serve the same number of occupants. Although this is a feasible alternative to the proposed project, it would require either permanent modifications to the Historic Capitol building to provide a

covered security checkpoint at one of the Historic Capitol entries or permanent dedication of space in the new Annex for security checkpoints. Permanent security checkpoints in the Historic Capitol would result in increased impacts on historic architecture and permanent dedication of space in the new Annex for security checkpoints would limit available space for other critical functions identified in the project objectives. In addition, services provided by the proposed visitor/welcome center would not be available. For these reasons, this alternative was rejected.

ANNEX REMODEL AND ADDITION

DGS considered an alternative that involves construction of the visitor/welcome center and underground parking garage, as proposed for the project, but that involves renovation and remodel of the existing Annex building. This alternative would retain the Annex's existing exterior structure, but the entire interior structure would be removed and replaced. Space in the Annex would be efficiently planned for the reuse of the existing structure and major Annex building elements. However, this alternative would not address the floor-to-floor height limitations that currently present functional issues in the building. To provide the additional space and facility improvements identified in the project objectives, this alternative would also include the addition of a new building east of the existing Annex. This new building would provide additional office space and would be connected to the existing Annex on the eastern façade. Because the addition would not extend beyond 12th Street, it would expand significantly to the north and south, toward L Street and N Street. Construction and operation of this alternative would represent increased impacts compared to the proposed project. Specifically, increased impacts on biological resources (trees and vegetation) and recreational resources associated with Capitol Park would occur. Also, much of the exterior of the Annex would be covered or obscured by the building addition to provide space and facility improvements consistent with the project objectives. Therefore, any benefits of maintaining the exterior of the existing Annex would not occur or would be substantially reduced. For these reasons, this alternative was rejected.

TWO UNDERGROUND PARKING STRUCTURES

DGS considered an alternative that involves demolition and reconstruction of the Annex and construction of the visitor/welcome center, as proposed for the project, but that involves construction of two separate, smaller underground parking structures, one on the north side of the Historic Capitol and one on the south side. One parking structure would be used by the Assembly, and the other would be used by the Senate and Governor. Access to and egress from the south garage would occur through an entry driveway and exit driveway on N Street, and access to and egress from the north garage would be provided by an entry driveway and an exit driveway on L Street. For many environmental issue areas, this alternative would result in impacts similar to those of the proposed project. Although the garages would be located in different portions of the project site, the size and nature of construction would be similar to those of the parking garage proposed under the project. However, this alternative would require four driveways, one entry and one exit for each parking structure, as opposed to two driveways under the proposed project and under existing conditions. The doubling of parking structures and driveways would also double the security needs and the extent of paved area in Capitol Park. This alternative would also increase the linear feet of excavation and construction adjacent to the foundation of the Historic Capitol, creating a greater risk of damage to the Historic Capitol. An additional (compared to the proposed project) penetration of the Historic Capitol foundation may be required if parking structures are to have an underground connection to the Historic Capitol basement. Because of the extra paved area, risk to the Historic Capitol, and increased requirement for security, this alternative was rejected.

BASEMENT VISITOR/WELCOME CENTER

DGS considered an alternative that involves construction of an underground parking structure as proposed in the Capitol Annex Project but that would provide visitor/welcome center functions in the Historic Capitol basement. Various existing functions in the basement, such as the bill room, travel office, and State Parks storeroom, would be moved to the new Annex to make space for the new uses in the Historic Capitol basement. The square footage of the new Annex would need to be increased to accommodate these functions. As for the no visitor/welcome center

alternative described above, a public entry, with a covered security checkpoint, would need to be established at one of the Historic Capitol entrances and/or in the New Annex. A potential option in the Historic Capitol would be on the south side of the Historic Capitol within and around the south light well. Although this is a feasible alternative to the proposed project, it would require permanent modifications to the Historic Capitol building to provide a covered security checkpoint at one of the Historic Capitol entries, resulting in increased impacts on historic architecture. Shifting the permanent entrance to the new Annex would limit available space for other critical functions identified in the project objectives and the square footage of the new Annex would need to be increased. The footprint of the Annex also would likely need to be expanded to accommodate functions moved from the Historic Capitol basement. For these reasons, this alternative was rejected.

VISITOR/WELCOME CENTER EAST ENTRY

DGS considered construction of the new visitor/welcome center on the eastern façade of the new Annex building. Under this alternative, the size of the Annex building would increase by approximately 30,000–40,000 net square feet. The east-entry visitor/welcome center would be designed to separate visitor traffic from legislative and staff traffic to maintain efficient day-to-day operations in the new Annex. Similar to the proposed project, during demolition and reconstruction of the new Annex, a temporary entry to the Historic Capitol would be required for visitors, student groups, legislative members, and staff. This alternative would result in reduced construction activities and could therefore result in a reduction of impacts associated with biological resources, archaeological resources, and noise and vibration. However, public access through the new Annex would reduce the accessibility, efficiency, and safety of the Capitol for State employees, elected officials, and the public they serve. For these reasons, this alternative was rejected.

RENOVATE CAPITOL ANNEX WITH UNDERGROUND SPACE ON THREE SIDES OF THE BUILDING

In response to an alternative proposed by the Historic State Capitol Commission, DGS considered an alternative 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 (see Final EIR Master Response 2). In this proposed alternative, the visitor/welcome center and underground parking would be constructed; however, the Annex building would not be demolished, but rather would be rehabilitated utilizing SOIS and CHBC standards. 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. Additional excavation 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. 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) in Capitol Park. The increased area of excavation in this alternative may also increase construction-related air emissions, GHG emissions, and noise and vibration. Furthermore, the proposed north/south parking corridor running along the alignment of 12th Street could conflict with the eastward excavation extension proposed under this alternative. The 12th Street alignment for the parking was developed, in large part, to minimize impacts to trees. 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.

Due to the floor-to-ceiling heights of the Historic Capitol, which are large and variable from floor to floor, the existing Annex floors are misaligned to the Historic Capitol and require ramps and mismatched elevator floors. 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. 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.

Although this alternative 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 present serious challenges with Annex renovation to align with the Historic Capitol. For these reasons, this alternative was rejected.

MOVE EXISTING ANNEX BUILDING EAST AND ADD BUILDING SPACE BETWEEN THE ANNEX AND THE HISTORIC CAPITOL

Also in response to an alternative proposed by the Historic State Capitol Commission, DGS considered an alternative that would involve moving the existing Annex building to the east, rehabilitating it to SOIS and CHBC standards, and filling in building space between it and the Historic Capitol (see Final EIR Master Response 3). 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 be at 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 unclear whether the exterior skin could survive the process of removal and relocation. Reassembly of the Annex would be considered a new building; therefore, all materials, finishes, systems, and designs would have to comply with the current building and energy code. 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. 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, the delay and costs of which would be prohibitive.

The 12th Street alignment of the underground parking could conflict with the eastward extension proposed under this alternative. This parking configuration was developed, in large part, to minimize impacts to trees. Although this alternative is anticipated to result in a similar footprint of ground disturbance and similar building operations, therefore resulting in similar environmental impacts to the proposed project, 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.

Because this alternative would not reduce the environmental impacts of the project and would have multiple design, construction, engineering, and structural challenges that would be prohibitive from the standpoint of project cost and schedule, this alternative was rejected.

5.4.2 Alternatives Evaluated in the EIR

The following three alternatives were analyzed in the Draft EIR to determine whether they could meet the project's objectives while avoiding or substantially lessening any of its significant impacts:

- ▶ **Alternative 1: No Project–No Development Alternative** assumes no demolition of the existing Annex, no construction of a new building, no new underground parking, and no new visitor/welcome center. The project site would remain in its current condition.
- ▶ **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 under 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. Additionally, construction of the parking garage would include two underground levels. Construction of the new underground visitor/welcome center would occur as under the proposed project.

In compliance with CEQA, these findings examine these three alternatives and the extent to which they lessen or avoid the project's significant environmental effects while meeting the project objectives.

In addressing the No Project Alternative, DGS followed the direction of the State CEQA Guidelines, which state that the no project analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (Section 15126.6[e][2]).

The Director finds that a good-faith effort was made to evaluate all reasonable alternatives to the project that could feasibly obtain its basic objectives, even when the alternatives might impede attainment of the objectives or might be more costly. The Director also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process for the Final EIR and the ultimate decision on the project.

ALTERNATIVE 1: NO PROJECT - NO DEVELOPMENT ALTERNATIVE

Description: Under Alternative 1, the No Project–No Development Alternative, no actions would be taken by DGS and JRC, and the project site would remain unchanged from current conditions. The existing Annex building and underground parking garage would not be demolished and would remain occupied and in their current conditions. The No Project–No Development Alternative would not meet the project objectives. However, as required by CEQA, the No Project–No Development Alternative is evaluated in this Draft EIR.

Summary of Impacts: Alternative 1, the No Project–No Development Alternative, would avoid the project's significant mitigable impacts and significant and unavoidable impacts, and overall, the environmental impacts would be less than those that would occur under the project because no development would occur. Because this alternative would not disturb the Historic Capitol Building and trees and landscaping in Capitol Park, it would avoid the project's significant and unavoidable impact on historic architectural resources and the associated cumulative impact. Although the impact on GHG emissions and climate change and on energy use associated with construction would be less than under the project, over the long term, this alternative would result in greater GHG emissions and energy use because a more energy-efficient Annex and visitor/welcome center would not be constructed.

Finding: Under Alternative 1, the No Project–No Development Alternative, the project would not be approved, and no development would occur. This would avoid all the environmental effects of the project. Accordingly, Alternative 1 is the environmentally superior alternative. However, the No Project–No Development Alternative would not meet all the project objectives because it would not develop sustainable and energy-efficient facilities or provide modern facilities that meet current construction standards and codes. Pursuant to CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), the Director rejects Alternative 1 because it would not meet the project objectives.

State CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the “no project” alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. In this case, it would be Alternative 2, the Capitol Annex Renovation Alternative, which is discussed below.

ALTERNATIVE 2: CAPITOL ANNEX RENOVATION ALTERNATIVE

Description: Both Alternative 2, the Capitol Annex Renovation Alternative, and the proposed project involve constructing the new visitor/welcome center and parking garage. However, under Alternative 2, the existing Annex would not be demolished. Instead, the Annex would be vacated and renovated to address critical fire and life-safety upgrades. For additional office space under Alternative 2, the existing atrium in the Annex would be converted to provide approximately 30,000 square feet of office uses. The basement level used for parking could also be converted to other uses because parking would be moved to the new underground parking structure. However, even with this extra space, this alternative would provide approximately 100,000 square feet of space less in the Annex than would the proposed project. Therefore, all facilities and functions included in the proposed project could not be accommodated in the renovated building. This alternative does not include construction of, or use of, another building to house the “lost” facilities and functions. As with the proposed project, the Legislature and executive branch would be temporarily housed in the 10th and O Street Office Building, which is under construction, and they would reoccupy the Annex after renovation is complete.

Summary of Impacts: Alternative 2, the Capitol Annex Renovation Alternative, would be the environmentally superior action alternative primarily because it would not demolish the existing Annex and therefore would reduce the project’s significant and unavoidable historic architectural resources impact and the associated cumulative impact related to demolition of the Annex and the impact on the Historic Capitol. However, 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. Because this alternative would involve reduced demolition and ground disturbance compared to the proposed project, impacts associated with air quality, GHG emissions, energy use, noise and vibration, and public services and recreation would be less under this alternative than under the proposed project. No impacts would be greater under the Capitol Annex Renovation Alternative than under the project.

Finding: The Director finds that implementing Alternative 2, the Capitol Annex Renovation Alternative, would provide an accessible 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; continue to provide Annex facilities directly adjacent to the Historic Capitol; and promote education, hospitality, and a welcoming environment for the visiting public. However, because this alternative would provide approximately 100,000 fewer square feet of space in the Annex than would the proposed project, the Director finds that it would not provide an Annex structure large enough to meet the project objectives, such as providing meeting public hearing room 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. Because of these limitations, this alternative would also not meet the project objectives of providing an efficient and safe environment. The Director also finds that Alternative 2 would not avoid the project’s significant and unavoidable historic architecture impact and associated cumulative impact. Although the Annex building would not be demolished under Alternative 2, 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, due to increased complication of engineering the new Annex within the existing building and protecting the exterior of the

building to the extent feasible, the Director finds that Alternative 2 would increase project cost. Furthermore, the ground disturbance associated with the visitor/welcome center and underground parking area would be similar to the proposed project. Therefore, Alternative 2 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. The historic architecture impact would remain significant and unavoidable because the Capitol Annex would be physically altered, and portions of Capitol Park would be modified to the point of potentially not representing its period of significance.

Pursuant to CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), the Director rejects Alternative 2 because it would not meet the project objectives, would increase project cost, and would not avoid the project's significant and unavoidable impact.

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

Description: The proposed project includes a single below-grade basement level for the new Annex building. Similar to the proposed project, this alternative assumes that the Annex would be fully demolished and reconstructed with full connections to the Capitol. However, this alternative proposes that the new Annex would have two basement levels. In addition to the two Annex basement levels, the parking garage would also include two underground parking levels. Construction of the new underground visitor/welcome center to the west would still occur as under the proposed project. This alternative would increase the total interior square footage available for the new Annex building or allow for a smaller building footprint while maintaining the total square footage assumed for the proposed project. A smaller footprint for the parking structure could also be possible.

This alternative would increase project costs and long-term building maintenance because a second basement level and two-level underground parking would encounter groundwater, requiring dewatering during construction, special engineering techniques to minimize groundwater intrusion into the lower basement levels, and continuous collection and pumping of groundwater away from the basement levels. 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 on soil structure and stability, which could result in building settling and cracking. An additional basement and parking garage level would substantially increase construction costs and require ongoing monitoring, maintenance, and costs to pump groundwater away from the lower basement levels as part of ongoing building operations. Although few buildings in the project area contain a second basement level because of these challenges, construction at these depths is feasible and is considered here to provide an alternative that could reduce the Annex and parking structure footprint while also meeting the project objectives.

Summary of Impacts: Alternative 3, the New Annex Building and Parking Garage with Two Basement Levels Alternative, would be similar to the proposed project in that both would involve demolishing and reconstructing the Annex, constructing a new underground visitor/welcome center, and constructing a new underground parking garage. For this reason, most of the impacts of this alternative would be similar to those identified for the proposed project. The primary difference between this alternative and the project is that the Annex would have two basement levels, and the garage would have two underground levels, whereas both the Annex and parking garage would have a single underground level under the proposed project. Constructing the structures at an increased depth would result in greater impacts on subsurface cultural resources and on geology and soils compared to impacts under the proposed project. No impacts would be less under this alternative than under the project.

Finding: The Director finds that implementing Alternative 3, the New Annex Building and Parking Garage with Two Basement Levels Alternative, would 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; and

promote education, hospitality, and a welcoming environment for the visiting public. However, the Director finds that Alternative 3 would not meet the objective of providing an accessible, efficient, and safe environment for State employees, elected officials, and the public they serve. The environment would be accessible and safe, but it would not be efficient. The groundwater-related complications associated with constructing to a depth that would allow two basement levels in the Annex and two levels in the underground parking garage would require greater construction, monitoring, and maintenance costs than would be required by constructing the Annex and parking garage as proposed for the project. Because in many respects this alternative is similar to the proposed project, the Director finds that for most resource areas, the impacts would be similar between this alternative and the project; however, the Director also finds that the greater depth of this alternative would result in greater impacts on subsurface cultural resources and on geology and soils than would occur under the proposed project. Pursuant to CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), the Director rejects Alternative 2 because it would not meet the project objectives, would increase project cost, and would not avoid the project's significant and unavoidable impact.

6 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15093, the Director hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological, and other benefits of the project, as set forth below, independently and collectively outweighs the significant and unavoidable impact and is an overriding consideration warranting approval of the project. Any one of the reasons for approval cited below is sufficient to justify approval of the project. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Director finds that there are significant benefits of the project to support approval of the project in spite of the unavoidable significant impact; therefore, the Director makes this Statement of Overriding Considerations.

One significant and unavoidable environmental impact resulting from the project was identified. Because the Capitol Annex, which represents approximately half of the monumental building in the NRHP-listed State Capitol Complex, would be permanently and (with the exception of salvaged elements) completely destroyed, and portions of Capitol Park would be intensely modified to the point of potentially not conveying its period of significance, the impact on historic architectural resources would be significant and unavoidable (Impact 4.12-4).

Although the Director finds that the project will result in this significant and unavoidable impact, the Director also finds that the project benefits outweigh this impact.

The Director finds that, as part of the process of obtaining project approval, all other significant effects on the environment from implementation of the project have been eliminated or substantially lessened, where feasible. All mitigation measures proposed in the Final EIR that are applicable to the project are adopted as part of this approval action. Furthermore, the Director has determined that the remaining significant effect on the environment found to be unavoidable is acceptable because of the following specific overriding economic, technical, legal, social, and other considerations. Any other alternatives are rejected for the reasons set forth in the EIR and the reasons set forth herein.

The Capitol Annex Project benefits include the following:

- ▶ The project will provide an accessible, efficient, and safe environment for State employees, elected officials, and the public they serve.
- ▶ The project will integrate the new State development with the existing surroundings.
- ▶ The project will develop sustainable and energy-efficient facilities. The project will reduce per capita energy use compared to other similar projects through implementation of energy-efficiency measures that meet Leadership in

Energy and Environmental Design v4 Silver standards and exceed Title 24 requirements, thereby providing an energy-efficient office and commercial project. The project will not result in an inefficient or wasteful consumption of energy.

- ▶ The project will provide modern facilities that meet current construction standards and codes.
- ▶ The project will continue to provide secure parking for legislative and executive branch officials.
- ▶ The project will provide meeting space for legislative and executive functions of sufficient size to support efficient performance of State business and with modern communications technology.
- ▶ The project will continue to provide Annex facilities directly adjacent to the Historic Capitol.
- ▶ The project will promote education, hospitality, and a welcoming environment for the visiting public.
- ▶ The project is consistent with the objectives and purposes of the Capitol Area Plan, the 2015 Capitol Area Plan Progress Report, and with local land use plans. Demolition and reconstruction of the Annex and construction of the visitor/welcome center and underground parking garage will not result in any conflicts with environmental plans, goals, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project will also conform with the Capitol View Protection Act.
- ▶ The project site is located close to multiple light-rail stations. The Archives Plaza station, located one block south of the State Capitol building, serves all three light-rail lines in both directions, and the Cathedral Square Station is located one block north of the Capitol building and serves Blue Line trains in both directions. Multiple Regional Transit (RT) bus lines also serve the study area and have stops close to the project site as well as the multitude of commuter bus routes that have stops within one-quarter mile from the project site.
- ▶ The project site is served by a variety of bicycle facilities. Class II bike lanes exist near the project site along 9th Street and 10th Street in the north/south direction and along Capitol Mall, J Street, I Street, and H Street in the east/west direction. Class III bike routes provide an east/west connection along K Street between 8th Street and 12th Street and connect to Class I bike paths on K Street between 7th Street and 8th Street and between 12th Street and 13th Street. Within Capitol Park, a Class III route on 13th Street serves as the primary north/south bicycle facility within Capitol Park. Class IV parking-protected bikeways are present near the project site on 10th Street (north of L Street), P Street (east of 9th Street), and Q Street (east of 9th Street).

Having considered these benefits, the Director finds that the benefits of the project outweigh the unavoidable adverse environmental effects and that the adverse environmental effects are therefore acceptable. The Director further finds that each of the above considerations is sufficient to approve the project. For each of the reasons stated above, and all of them, the project should be implemented notwithstanding the significant and unavoidable adverse impact identified in the EIR.

7 MITIGATION MONITORING AND REPORTING PROGRAM

DGS has prepared an MMRP for the project (Attachment A). The Director, in adopting these findings, also approves the MMRP. As lead agency under CEQA, DGS is responsible for the overall implementation and management of the MMRP. However, the JRC, as the entity that would implement the project, will ultimately execute many of the mitigation actions. DGS will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the proposed project and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact. In the event of any conflict between these findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control and shall be incorporated automatically into both the findings and the MMRP.

Attachment A

Mitigation Monitoring and
Reporting Program

**Mitigation Monitoring and Reporting Program
for the**

**Capitol Annex Project
State Clearinghouse No. 2019049066**

Prepared for

CALIFORNIA DEPARTMENT OF GENERAL SERVICES

Mailing Address: P.O. Box 989052, West Sacramento, CA 95798

Street Address: 707 3rd Street, MS-509, West Sacramento, CA 95605

Stephanie Coleman, Senior Environmental Planner
(916) 376-1602

Prepared by

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Sean Bechta
Project Manager

July 2021

TABLE OF CONTENTS

Section	Page
1 INTRODUCTION.....	1
2 PROGRAM MANAGEMENT	2
3 PROGRAM PHASES	3
3.1 Design Phase.....	3
3.2 Construction Phase.....	3
3.3 Operational Phase.....	3

Table

1	Applicable Project Phases for Implementation of Mitigation Measures.....	3
---	--	---

Appendices

- A Mitigation Measure Implementation Plan
- B Mitigation Monitoring and Reporting Program Reporting Form

This page intentionally left blank.

1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to adopt a mitigation reporting or monitoring program for all projects for which an environmental impact report has been prepared (Public Resources Code, Section 21081.6; State CEQA Guidelines, Section 15091). This is intended to ensure the implementation of all mitigation measures adopted through the CEQA process. Specifically, Section 21081.6(a)(1) of the Public Resources Code requires a lead or responsible agency to “adopt a reporting or monitoring program for changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment.”

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, accommodating approximately 150 vehicles. The project would also include a new underground visitors/welcome center located between 10th Street and the west steps of the Capitol.

The California Department of General Services (DGS) is the lead agency for this project under CEQA. DGS prepared the Final Environmental Impact Report (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 for the project was certified; Findings of Fact, a Statement of Overriding Considerations, and this mitigation monitoring and reporting program (MMRP) were adopted; and the project was approved on July 30, 2021. DGS also filed a Notice of Determination with the State Clearinghouse on August 2, 2021.

This MMRP includes all mitigation measures adopted in the Final EIR.

2 PROGRAM MANAGEMENT

The MMRP for the Capitol Annex Project will be in place through all phases of the project: design, construction, and operation. As lead agency under CEQA, DGS is responsible for the overall implementation and management of the MMRP. However, the JRC, as the entity that would implement the project, will ultimately execute many of the mitigation actions.

DGS and the JRC are responsible for ensuring that the following procedures and measures are implemented by the appropriate entities. Where noted, DGS and/or the JRC shall include appropriate mitigation measures or conditions in contracts to which the agency is party.

1. As CEQA lead agency and administrator of the MMRP, DGS shall ensure that an implementation plan has been prepared for each mitigation measure that identifies the party responsible for implementation; the timing of compliance, including the applicable project phase(s) and monitoring frequency; and specific details about compliance verification. The mitigation measure implementation plan is attached as Appendix A of this MMRP. An MMRP Reporting Form will be prepared for each mitigation measure. A sample form is attached as Appendix B.
2. DGS or the JRC shall direct a qualified specialist(s) to perform or monitor mitigation activities requiring particular expertise or professional licenses and certifications.
3. Mitigation measures will be included, as appropriate, by the JRC or DGS in applicable design-build and construction bid packages.
4. The MMRP Reporting Forms will be distributed by DGS to the appropriate parties so that specific actions can be developed to carry out the necessary mitigation.
5. The Director of DGS or an assignee will approve by signature and date the completion of each item identified on the MMRP Reporting Form.
7. All MMRP Reporting Forms for an impact issue requiring no further monitoring will be signed off as completed by the Director of DGS or an assignee at the bottom of the MMRP Reporting Form.
8. Unanticipated circumstances requiring the modification or addition of mitigation measures may arise. The Director of DGS or an assignee, in coordination with the JRC, will be responsible for approving any such modifications or additions. An MMRP Reporting Form will be completed by DGS for any such modifications. The completed form will be provided to the appropriate design, construction, or operations personnel for implementation.
10. The Director of DGS has the authority to stop the work of contractors if compliance with any aspects of the MMRP is not occurring after appropriate notifications have been issued.

All active and completed MMRP Reporting Forms will be kept on file at the DGS headquarters. Forms will be available upon request at the following address:

California Department of General Services
707 3rd Street, MS-509
West Sacramento, CA 95605
Contact: Stephanie Coleman

3 PROGRAM PHASES

This MMRP is intended to provide focused yet flexible guidelines for monitoring the implementation of the mitigation measures discussed in the Final EIR and adopted by DGS as well as Environmental Commitment adopted by DGS as Conditions of Approval for the Project. Appendix A lists, by number, each mitigation measure and Environmental Commitment adopted for the project. Table 1 correlates each measure by its assigned number to the phase(s) of the project (i.e., design, construction, and/or operation) to which the measure applies. Each phase will be applied to each major project component. For example, the Annex will have design, construction, and operations phases specific to that facility; the visitor/welcome center will also have design, construction, and operations phases specific to that facility; and so on. The mitigation measures, Environmental Commitments, and MMRP documentation components will be applied to each project component separately, as appropriate. An MMRP Reporting Form (Appendix B) will be completed by the Director of DGS or an assignee for each mitigation measure and Environmental Commitment identified in Appendix A each time that mitigation measure or Environmental Commitment is completed for a separate project component.

3.1 DESIGN PHASE

The design phase includes preparation of engineering design, architectural design, and construction drawings by project design engineers and architects. During this phase, bid packages are also compiled for release to prospective construction contractors. Mitigation activities that may not be directly involved with the design process, but are implemented prior to the initiation of construction, may also be attributed to the design phase.

Before design phase activities are initiated, the measure(s) applicable to each design phase activity are identified by the Director of DGS or assignee and reviewed with the design engineer, architect, or other responsible parties. If the Director of DGS or assignee determines that there is noncompliance with any of the mitigation measures or Environmental Commitments to be implemented during the design phase, corrective actions are required, and a follow-up review is conducted after the design documents are modified in response to the DGS comments. Reporting forms are completed after each activity is performed.

3.2 CONSTRUCTION PHASE

A preconstruction meeting will be held with each contractor before initiation of any construction activity for which a mitigation measure or Environmental Commitment is required. The Director of DGS or assignee will attend the meeting to explain the MMRP, roles and responsibilities, and implementation requirements. Construction activities will be monitored as conditions dictate to ensure that required mitigation measures and Environmental Commitments are implemented. Applicable measures will be discussed with construction contractors periodically as needed to facilitate their implementation.

3.3 OPERATIONAL PHASE

After project construction, the operational aspects of the MMRP will be the responsibility of the JRC; however, DGS will be responsible for monitoring and documenting compliance with MMRP requirements and informing the JRC of any incidents of noncompliance. The Director of DGS or assignee will review the MMRP annually to confirm compliance of the project operation with mitigation measures.

Table 1 Applicable Project Phases for Implementation of Mitigation Measures*

Mitigation Measure	Applicable Phase: Design	Applicable Phase: Construction	Applicable Phase: Operation
Mitigation Measure 4.8-1: Develop and Implement a Vibration Control Plan	X	X	
Mitigation Measure 4.12-1: Implement Monitoring and Response Measures If Significant Historic Archaeological Resources Are Discovered	X	X	
Mitigation Measure 4.12-2: Develop Treatment Plan and Implement Monitoring and Response Measures If Significant Prehistoric Archaeological Resources and Tribal Cultural Resources Are Discovered	X	X	
Mitigation Measure 4.12-3: Implement Response Protocol If Human Remains Are Discovered		X	
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	X		
Mitigation Measure 4.12-4b: Conduct Architectural and Landscape Salvage	X	X	
Mitigation Measure 4.12-4c: Develop and Implement an Interpretive Program	X	X	X
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	X	X	X
Mitigation Measure 4.12-4e: Develop and Implement a Plan for Protection, Monitoring, and Repairs for Inadvertent Damage to the Historic Capitol Building	X	X	
Mitigation Measure 4.13-1: Protect Nesting Swainson’s Hawks, White-Tailed Kites, Other Raptors, and Other Native Birds		X	
Mitigation Measure 4.13-2: Conduct Preconstruction Surveys for Bats and Exclude Bats from Roosting Site		X	
Mitigation Measure 4.13-3: Remove and Replace City Street Trees Consistent with the City of Sacramento Tree Preservation Ordinance	X	X	X

* See Appendix A for implementation phases for Environmental Commitments.

Appendix A

Mitigation Measure
Implementation Plan

Mitigation Measure No.	Noise and Vibration Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
4.8-1	<p>Develop and Implement a Vibration Control Plan</p> <p>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).</p> <p>A vibration control plan shall be developed by the Construction Manager-at-Risk (CMR) (<i>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</i>) 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:</p>	<p>DGS and the JRC to include appropriate provisions in design-build contract</p> <p>CMR to develop vibration control plan before initiating construction activities</p>			X				Once during development of draft design-build contract					
	<ul style="list-style-type: none"> ▶ 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. 	<p>Contractor to implement measures during construction</p>				X			As needed during construction					

Mitigation Measure No.	Noise and Vibration Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	<ul style="list-style-type: none"> 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 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. 	DGS and the JRC to confirm that construction-generated vibration levels are monitored and documented				X		Recorded data will be submitted on a weekly basis to DGS and the JRC					
	<ul style="list-style-type: none"> 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. 	The JRC to identify a point of contact for vibration complaints; point of contact to work with the JRC and the construction team to resolve complaints				X		As needed during construction					

Agency Approval

California Department of General Services, Director or Assignee

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
4.12-1	<p>Implement Monitoring and Response Measures If Significant Historic Archaeological Resources Are Discovered</p> <p>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 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.</p>	DGS and the JRC to confirm compliance prior to and during construction			X	X		Develop program once and present as needed during construction to reach all on-site personnel active on the project site during earth moving activities					
	<p>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 assess 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.</p>	<p>DGS and the JRC to retain qualified archaeologist</p> <p>Contractor to halt work as stipulated and notify DGS</p> <p>Archaeologist to store any significant historic archaeological resources at qualified curation facility; for Native American material, evaluate, treat, and store consistent with Mitigation Measure 4.12-2</p>				X		Once or as needed prior to construction					
						X		As needed during construction					
						X		As needed during construction					

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
4.12-2	<p>Develop Treatment Plan and Implement Monitoring and Response Measures If Significant Prehistoric Archaeological Resources and Tribal Cultural Resources Are Discovered</p> <p>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. 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.</p>	DGS and the JRC to prepare and conduct cultural resources awareness training program			X	X		Develop program once and present as needed during construction to reach all on-site personnel active on the project site during earth moving activities					
	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" (Treatment Plan). The 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 Treatment Plan shall be completed prior to construction. The Treatment Plan may expand upon and reinforce, but may not contradict or weaken, mitigation requirements provided in this EIR.	DGS and the JRC to retain qualified consultant to prepare Treatment Plan			X			Once prior to construction					
	Where ground-disturbing activities occur, a qualified archaeologist meeting the U.S. Secretary of the Interior guidelines for professional archaeologists and a 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 archaeological material is present in imported soil. Furthermore, 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. Tribal Monitors shall have the opportunity to inspect 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	DGS and the JRC to retain qualified archaeologist and Native American monitors			X	X		Provide at least 10 business-days' notice to interested Native American tribes prior to the initiation of ground-disturbing activities and/or concrete slab removal					

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	<p>moving activities. Soil inspection protocols will be included in the Treatment Plan and shall provide 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. Tribal Monitors and monitoring archaeologists shall be provided the contact information for the individual who tracks the disposal location(s) for excavated material.</p> <p>Consulting 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 shall work with the 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 consulting Tribes to find the appropriate compensation for the Tribal Monitors. The State will work with the consulting Native American 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 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.</p>							Monitoring as needed during construction					
	<p>If evidence of any subsurface precontact archaeological features or deposits is discovered during construction-related earth-moving activities (e.g., lithic, 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 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 Tribal Monitor has returned to the site.</p> <p>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</p>	Contractor to halt work as stipulated and notify DGS and the JRC				X		As needed during construction					

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	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 CMR onsite. 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 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 Treatment Plan elements applicable to excavation shall be applied to any excavation and earth moving at the reburial location. The 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 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.												
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, 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	Contractor to halt work as stipulated and notify DGS, the JRC, and coroner Archaeological and/or Native American monitor to notify CHP upon discovery of suspected human remains Coroner to contact NAHC if remains are				X		As needed during construction					

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	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.	determined to be those of a Native American											
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 to confirm that historic preservation planners prepare an updated HSR			X			Once during project design					
	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,	DGS and the JRC to ensure that the HSR's historic preservation objectives and treatment requirements meet SOIS and CHBC standards and that they are incorporated into the design and construction specifications			X			Once during design					

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
	<p>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.</p> <p>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.</p>													
4.12-4b	<p>Conduct Architectural and Landscape Salvage Because a major component of the Capitol Annex Project is the demolition of a portion of the State Capitol Complex, the Annex, DGS and the JRC will seek feasible means for salvaging and reusing character-defining 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, 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, 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, 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 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.</p>	<p>DGS and the JRC to seek feasible means for salvaging character-defining features from the Capitol Complex</p> <p>DGS, the JRC, or SOIS-qualified consultants to confirm that a detailed salvage plan is provided</p> <p>DGS and the JRC to incorporate salvage material into project as appropriate</p>			X			As needed during design to identify material for salvage						
					X			Once before any demolition, site, or construction permit is issued for the project						
						X		As needed during construction to incorporate salvage material into the project						

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments		
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date			
4.12-4c	<p>Develop and Implement an Interpretive Program</p> <p>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 program should result, at minimum, in the installation of a permanent publicly accessible exhibit in the Annex, Historic Capitol, or the new visitor/welcome center. The content of the interpretive program 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. 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.</p>	DGS, the JRC, and the Capitol Museum or SOIS-qualified consultants to develop an interpretive program			X				As needed during design						
						X			Include interpretive features in facility construction.						
								X	Maintain exhibit during operation						
4.12-4d	<p>Develop and Implement a Landscape Treatment Report for Capitol Park including Protection, Restoration, or Replacement of Commemorative Trees, Plantings, or Other Memorials</p> <p>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).</p> <p>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</p>	<p>DGS and the JRC to develop a report to protect, restore, or replace commemorative trees, plantings, or other memorials in Capitol Park</p> <p>DGS and the JRC to complete report and implement the report requirements</p>			X				As needed during design						
					X	X			Complete report once prior to initiation of construction activities						
								X	Complete implementation of report requirements within 2 years after completion of construction (except where the report identifies that longer						

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	<p>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.</p> <p>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 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.</p>												

Mitigation Measure No.	Archaeological, Historical, and Tribal Cultural Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design ¹	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
4.12-4e	<p>Develop and Implement a Plan for Protection, Monitoring, and Repairs for Inadvertent Damage to the Historic Capitol Building</p> <p>Prior to commencement of any ground disturbing activities, DGS and the JRC shall oversee a SOIS qualified 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 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.</p>	<p>DGS and the JRC to confirm preparation of a Plan for the Protection, Monitoring, and Repair of Inadvertent Damage to the Historic Capitol Building</p> <p>DGS and the JRC to confirm the plan is implemented during construction</p>			X	X		<p>Prepare plan once prior to any ground-disturbing activities that could cause vibration that could damage the Historic Capitol Building</p> <p>Implement plan during ground-disturbing activities that could damage the Historic Capitol Building</p>					

Agency Approval

California Department of General Services, Director or Assignee

Mitigation Measure No.	Biological Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
4.13-1	<p>Protect Nesting Swainson's Hawks, White-Tailed Kites, Other Raptors, and Other Native Birds</p> <p>DGS and JRC shall require that the following measures are implemented before and during construction:</p> <ul style="list-style-type: none"> To minimize the potential for loss of nesting raptors and other native nesting birds, tree removal and other construction activities, to the maximum extent feasible, will be conducted during the nonbreeding season (September 1 through January 31). If tree removal and other construction activities are completed during the nonbreeding season, no further mitigation will be required. 	DGS and the JRC to confirm compliance prior to and during construction				X		Once, prior to the initiation of ground-disturbing activities						
	<ul style="list-style-type: none"> If tree removal and other construction activities must occur during the breeding season (February 1 through August 31), a qualified biologist will conduct a survey of the trees in the project footprint to assess whether any trees contain nesting Swainson's hawk, white-tailed kite, other nesting raptors, or other nesting native bird species. If construction activities that could result in disturbance to nesting raptors lapse for greater than 14 days during the breeding season, then an additional survey will be required prior to restart of construction. If no active Swainson's hawk, other raptor, or other native bird nests are present, tree removal and other construction activities may commence, and no further mitigation is required. If an active Swainson's hawk, white-tailed kite, other raptor, or other native bird nest is present in a tree planned for removal, the nest tree will not be removed until the young have fledged, as confirmed by the qualified biologist. If an active raptor nest is present in the project footprint, in a tree that is not planned for removal, the qualified biologist, in coordination with CDFW, will determine whether excavation, demolition, or other construction activities are likely to result in disturbance to the nest. A no-disturbance buffer may be established around the nest. The size of the no-disturbance buffer will be determined by the qualified biologist in coordination with CDFW. Buffer size may be adjusted if the qualified biologist, in coordination with CDFW, determines that reducing the size of the buffer would not result in adverse effects on the nesting raptors. The no-disturbance buffer will be implemented until the young have fledged, as confirmed by the qualified biologist. DGS will coordinate with CDFW regarding the best approach for compliance with Section 3503 of the Fish and Game Code. For example, common species in urban environments, such as house finch, may tolerate some increase in noise or other construction activities close to the nest, and presence of these nests may have no effect on nearby construction activity. 	<p>DGS and the JRC to retain a qualified biologist, if necessary</p> <p>Contractor to halt construction, if necessary</p>				X		Once, prior to the initiation of ground-disturbing activities						
						X		Ongoing throughout construction						

Mitigation Measure No.	Biological Resources Mitigation Measure	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
4.13-2	<p>Conduct Preconstruction Surveys for Bats and Exclude Bats from Roosting Site DGS and JRC shall require that the following measures are implemented before and during construction:</p> <ul style="list-style-type: none"> ▶ Before demolition activities begin, a qualified biologist will conduct a survey of the exterior and interior of the Capitol Annex for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study and no further mitigation will be required. ▶ If bat roosts or a confirmed maternity colony are found, bats will be excluded from the roosting site before demolition begins. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). After it is confirmed that bats are not present in the original roost site, demolition activities may commence. 	DGS and the JRC to retain a qualified biologist				X		Once, prior to the initiation of ground-disturbing activities						
4.13-3	<p>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:</p> <ul style="list-style-type: none"> ▶ 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 the JRC to include appropriate provisions in design-build contract City arborist to approve plan			X			Survey of trees to be completed prior to construction. Tree removal, protection, replanting, and replacement plan to be prepared and submitted to City arborist during development of draft design-build contract						
	DGS and JRC will ensure implementation of the tree removal, protection, replanting, and replacement plan during project construction and operation.	Contractor to implement measures during construction DGS and the JRC to confirm compliance				X	X	As needed during construction and operation						

Agency Approval

California Department of General Services, Director or Assignee

Environmental Commitment No.	Environmental Commitment Adopted as Conditions of Approval for the Project	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
EC-1	ANSI A300 standards for tree protection will be implemented during all phases of project construction.	Contractor to implement measures during construction DGS and the JRC to confirm compliance				X			Ongoing throughout construction					
EC-2	As part of the design and construction of the Project, disturbance of the perimeter palm trees will be minimized to the extent possible.	Design team then contractor to implement measures during construction DGS and the JRC to confirm compliance			X	X			During project design and ongoing throughout construction					
EC-3	Impacts to trees and memorials in Capitol Park will be minimized to the extent possible.	Design team then contractor to implement measures during construction DGS and the JRC to confirm compliance			X	X			Ongoing throughout construction					
EC-4	During project construction, landscape irrigation will be maintained in portions of Capitol Park to be retained in current condition, such that, there would be no risk of harm related to reduced landscape watering during project construction.	Contractor to implement measures during construction DGS and the JRC to confirm compliance				X			Ongoing throughout construction					
EC-5	Impacts will be minimized to the historic elements of the West Wing during the temporary uses while the Capitol Annex project is constructed. Historic furniture in appropriate rooms of the Historic Capitol will be restored after project construction is complete.	Contractor to implement measures during construction DGS and the JRC to confirm compliance				X			Ongoing throughout construction					

Environmental Commitment No.	Environmental Commitment Adopted as Conditions of Approval for the Project	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
EC-6	Minimize curb cuts on N Street.	Design team then contractor to implement measures during construction DGS and the JRC to confirm compliance			X	X			During project design and ongoing throughout construction					
EC-7	Security infrastructure (e.g., bollards) and checkpoints (e.g., underground parking entry gate) will be established to comply with the Capitol Area Plan, minimize their potential impacts to historic landscape resources, and minimize their aesthetic impact.	Design team then contractor to implement measures during construction DGS and the JRC to confirm compliance			X	X			During project design and as needed during construction					
EC-8	Remove and temporarily store the historic doors at 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 historic doors shall be replaced on the north and south entrances of the Historic Capitol after project construction is complete and the north and south entrances are no longer in primary use.	Contractor to implement measures during construction DGS and the JRC to confirm compliance				X			At the beginning of construction and once construction activities are complete					
EC-9	Environmental Commitments from Government-to-Government Consultation. DGS has agreed to multiple commitments and actions that have arisen out of AB 52 consultation and included those commitments and actions as enforceable environmental commitments in the environmental review process (and in some cases, also included them in the language of mitigation measures). These environmental commitments include actions to assess whether there is potential for subsurface material related to California Native American tribal use and occupation to be present on site, measures to minimize and avoid adverse effects on culturally significant subsurface material if it is encountered, and actions to recognize and promote the historical and contemporary uses of the project area by California Native American tribal people. These commitments are listed in more detail below:													

Environmental Commitment No.	Environmental Commitment Adopted as Conditions of Approval for the Project	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments	
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date		
EC-9a	Utilizing the Institute for Canine Forensics to complete non-ground-disturbing surveys of the project area to assess whether forensic canines detected the potential presence of subsurface human remains.	DGS and the JRC to retain forensic canines for surveys and confirm compliance			X				Prior to ground-disturbing activities					
EC-9b	Completing non-ground disturbing GPR surveys to assess the potential for physical evidence of Native American tribal presence below the ground surface in the project area.	DGS and the JRC to retain contractor for GPR surveys and confirm compliance			X				Prior to ground-disturbing activities					
EC-9c	Evaluating soil cores collected as part of geotechnical investigations for the presence of material that might indicate Native American tribal presence.	DGS and the JRC to oversee soil core evaluations and confirm compliance			X				Prior to ground-disturbing activities					
EC-9d	Including both Native American and archaeological monitors during excavation to determine the significance of any cultural materials that may be encountered.	DGS and the JRC to retain Tribal and Archaeological monitors during project excavation				X			Ongoing during project excavation					
EC-9e	The provision of monetary compensation for Tribal Monitors while monitoring construction, as well as when conducting other activities agreed to as part of the AB 52 consultation process.	DGS and the JRC to retain and compensate Tribal and Archaeological monitors during project construction				X			Ongoing during project construction					
EC-9f	Collaborative preparation of, and completion of the Research Design and Treatment Plan (Treatment Plan) prior to initiating ground-disturbing activities. Among the purposes of the Treatment Plan is to memorialize agreed-upon procedures for the identification, protection, and treatment of cultural materials that may be encountered during excavations prior to project construction being initiated.	DGS and the JRC to collaboratively prepare Treatment Plan with Tribal groups			X				Prior to construction					
EC-9g	Preparation of a cultural resources awareness training program in consultation with the consulting Tribes. The training program will be presented to all construction personnel and contractors associated with the Capitol Annex Project and will describe the types of subsurface resources that may be encountered during construction and methods to respectfully protect and treat these resources. Members of the consulting Tribes will also be	DGS, in consultation with consulting Tribes, to prepare cultural resources awareness			X	X			Prior to and ongoing during construction to include mobilization					

Environmental Commitment No.	Environmental Commitment Adopted as Conditions of Approval for the Project	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	provided the opportunity to participate in developing and presenting the training if desired.	training program Contractor to require training prior to construction crew admittance on project site DGS and the JRC to confirm compliance											
EC-9h	During project construction a room will be set aside in the construction trailer area for the Tribal monitors and archaeological monitors. Secure storage for any artifacts (if found) that is only accessible to Tribal monitors will also be provided.	DGS and the JRC to identify and provide space for any found artifacts DGS and the JRC to confirm compliance				X		During construction					
EC-9i	Prior to starting construction, a site for reburial of any Native American material that may be found during construction will be identified in coordination with the consulting Tribes as a contingency should avoidance not be possible. The same forensic canine and GPR surveys identified in items a) and b) above will be implemented at potential reburial areas to attempt to confirm the absence of subsurface Native American material prior to approving the site. If Native American material is found during project construction, consulting Tribes may elect to have DGS bury the material at the reburial site in a dignified and culturally appropriate manner, at the project proponent's cost, consistent with the Treatment Plan.	DGS and the JRC, in consultation with consulting Tribes DGS and the JRC to confirm compliance				X		Prior to construction					
EC-9j	Development, display, and expression of prominent and permanent land acknowledgement statement(s). A display will be put in the Annex, West Wing, and visitor/welcome center.	DGS and consulting Tribes to develop land acknowledgement statement text DGS and the JRC to confirm compliance			X	X	X	Physical land acknowledgement statements identified in project design and installed during construction. Verbal statements expressed during key events.					

Environmental Commitment No.	Environmental Commitment Adopted as Conditions of Approval for the Project	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
EC-9k	DGS will work with the Native American Heritage Commission (NAHC) and the consulting Tribes to coordinate their participation during each of the ground-breaking and ribbon-cutting ceremonies for the individual phases of the project. Wording, format, and protocols will be determined through consultation with the consulting Tribes.	DGS and the JRC, NAHC, and the consulting Tribes DGS and the JRC to confirm compliance			X		X	Ongoing during groundbreaking ceremonies prior to construction during ribbon cutting ceremonies after construction is complete.					
EC-9l	DGS will manufacture one or more temporary and durable display board(s), to place in a respectful location(s) visible to the public during project construction. The display board(s) will address topics of importance to the consulting Tribes. DGS will coordinate with the consulting Tribes regarding the content, format, and locations(s) of the display board(s).	DGS and consulting Tribes DGS and the JRC to confirm compliance				X		Ongoing during construction					
EC-9m	DGS will coordinate with consulting Tribes, the NAHC, and any interested tribes to develop a prominent and permanent public interpretative display to be located in a room on the first floor of the Capitol building which will be viewable and accessible to the public and members of the legislature. DGS will submit the proposed design and location for the interpretative display to the JRC for JRC's review and approval. This commitment is separate from and in addition to the exhibit identified in Mitigation Measure 4.12-4c.	DGS and consulting Tribes Project design team DGS and the JRC to confirm compliance			X	X	X	Incorporate display into project design. Create display space as appropriate during construction. Complete once construction has been completed and maintain during operation					
EC-9n	Protection guidelines and protocols specifically for the removal, storage, and replacement of the bronze "California Indian Seal" will be completed prior to the initiation of construction of the visitor/welcome center as part of the Treatment Plan. This commemorative seal is currently inlaid on the west steps of the Capitol with the "Spanish-Mexican Seal" and the "Great Seal of California."	DGS and the JRC to establish protection guidelines DGS and the JRC to confirm compliance			X	X		Develop protection protocols prior to construction and implement during construction					
EC-9o	Update the Sacramento Area Ethnography and Ethnohistory of the Sacramento Area Tribes. In 1984, a report entitled "American Indians in the Sacramento Area" was completed for the Sacramento Ethnic Communities Survey, Sacramento Museum and History Division. This document encompassed a study of Native groups originating from the Sacramento area, as well as the 20th-century influx of others of Native American ancestry from other regions. As the 1984 ethnography describes, the Sacramento region is home to indigenous Nisenan, Plains Miwok, and Northern Miwok, as well as geographic Tribal neighbors and other California Native Americans, and non-California Native												

Environmental Commitment No.	Environmental Commitment Adopted as Conditions of Approval for the Project	Party Responsible for Implementation	Verification of Implementation (Responsible Party)		Timing of Compliance				Verification of Compliance				Comments
			Initials	Date	Design	Construction	Operation	Frequency	Name and Affiliation	Method of Compliance Verification	Signature	Date	
	<p>Americans. The Sacramento region has many landscapes and sites of cultural and religious significance to these groups. Anthropologists wrote the 1984 ethnography with a colonial-anthropological viewpoint. The update will emphasize, relative to the Sacramento area:</p> <ul style="list-style-type: none"> ▶ Tribal perspectives and iterations of their own history, including significant persons ▶ Post-1984 events that resulted in federal and state recognition of Tribal entities ▶ The agency of Tribal groups and people in survivance and maintaining their cultural traditions ▶ Post-1984 laws and policies that emphasize Native American stewardship and values and government-to-government consultation ▶ Tribal and Native American affiliations; and ▶ Identification of sites, places, and landscapes of Tribal significance. <p>The Update shall be done in partnership with the consulting Tribes. The Update shall be compiled by an entity hired by the State, directly in coordination with the consulting Tribes on the selection process. Such consultation shall include, but not be limited to, the proper scope of work, the minimum and desirable qualifications of the consultant, the selection process to be followed, and on the actual proposals submitted to the State.</p> <p>The Update will be conducted, researched, written, reviewed, and formatted in a collaborative manner with consulting Tribes and shall include being provided drafts of the Update for review and comment.</p> <p>The Update shall not be published without the approval of all the consulting Tribes. Once completed, a copy is to be provided to the Legislature, the Office of Historic Preservation, the Department of General Services, the California State Library, and the consulting Tribes. The State shall not further distribute the Update without the agreement of all consulting Tribes.</p> <p>This requirement may be satisfied through the Update, as described above, being undertaken pursuant to authorization in the 2021 State Budget Act, standalone legislation on the subject, or through an alternate means agreed upon by the Joint Rules Committee and all of the consulting Tribes.</p>												

Agency Approval

California Department of General Services, Director or Assignee

LIST OF ABBREVIATIONS

AB	Assembly Bill
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHBC	California State Historical Building Code
CHP	California Highway Patrol
City	City of Sacramento
DGS	California Department of General Services
EIR	environmental impact report
JRC	Joint Rules Committee
MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
SHPO	State Historic Preservation Officer
SOIS	Secretary of the Interior's Standards
TCR	tribal cultural resource

Appendix B

Mitigation Monitoring and Reporting
Program Reporting Form

California Department of General Services
MITIGATION MONITORING AND REPORTING PROGRAM
REPORTING FORM

PROJECT:

DATE:

Location:

Onsite

Offsite

(give location)

Project Phase:

Design

Construction

Operation

Impact Issue(s):

Transportation and Circulation

Utilities and Infrastructure

Noise

Cultural Resources and
Tribal Cultural Resources

Biological Resources

Applicable Mitigation Measure(s)/Environmental Commitment(s):

Description of Implementation Activity:

Specialist: _____
Name Discipline Firm

Specialist: _____
Name Discipline Firm

Implementation Action Items:	Scheduled for Completion	Completion Date	Approved by
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Disposition:

- Mitigation measure(s)/environmental commitment(s) implemented. No further action required.
 - Mitigation measure(s)/environmental commitment(s) partially implemented. Further action required.
Explain below; attach additional sheets if necessary.
 - Mitigation measure(s)/environmental commitment(s) partially implemented. No further action required.
Explain below; attach additional sheets if necessary.
 - Noncompliance with mitigation measure(s)/environmental commitment(s). Further action required.
Explain below; attach additional sheets if necessary.
 - Mitigation unnecessary. No further action required.
Explain below; attach additional sheets if necessary.
 - Verification of environmental compliance for project.
-

Comments/Revisions:

Completed by:
Name _____
Title _____
Date _____

Approved by:
Name _____
Title _____
Date _____