

Findings of Fact and
Statement of Overriding Considerations
for the
Capitol Annex Project
Revised Environmental Impact Report
State Clearinghouse No. 2019049066

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September 2023

TABLE OF CONTENTS

ACRONYMS AND OTHER ABBREVIATIONS.....	ii
1 INTRODUCTION.....	1
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 HISTORY	6
3.1 2019 EIR.....	6
3.2 2021 Recirculated Draft EIR.....	6
3.3 2023 Revised EIR.....	7
4 RECORD OF PROCEEDINGS.....	9
5 FINDINGS REQUIRED UNDER CEQA.....	11
5.1 Less-Than-Significant Impacts and Areas of No Impact.....	11
5.2 Significant Impacts Sufficiently Reduced Through Mitigation Measures.....	11
5.3 Significant and Unavoidable impacts.....	11
5.4 Findings Regarding Project Alternatives	15
6 STATEMENT OF OVERRIDING CONSIDERATIONS.....	19
7 MITIGATION MONITORING AND REPORTING PROGRAM.....	22
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
ANSI	American National Standards Institute
CEQA	California Environmental Quality Act
CHBC	California State Historic Building Code
DGS	California Department of General Services
Director	Director of DGS
Draft EIR	Draft Environmental Impact Report
Draft REIR	Draft Revised Environmental Impact Report
EIR	environmental impact report
Final REIR	Final Revised Environmental Impact Report for the Capitol Annex Project, including the Draft REIR, comments on the Draft REIR, responses to those comments, and Draft REIR edits.
2021 EIR	Final Environmental Impact Report certified in 2021 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.
HSR	historic structure report
JRC	Joint Committee on Rules of the California State Senate and Assembly
MMRP	Mitigation Monitoring and Reporting Program
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
REIR	Revised Environmental Impact Report
SB	Senate Bill
SOIS	Secretary of the Interior's Standards
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 a revised environmental impact report (REIR) was prepared pursuant to CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and to address the 3rd Appellate District Court's Ruling (Ruling) (See *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655.). As a result, these findings, like the REIR, specifically address the deficient portions of the EIR identified in the Ruling. Contents of the Capitol Annex Project 2021 EIR, consisting of the 2019 Draft EIR, the 2020 Recirculated Draft EIR, and the 2021 Final EIR, that the Ruling found to be adequately addressed, and/or that were not subject to the lawsuits, are not included in these findings.

DGS prepared the REIR 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 REIR.
- **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 REIR. 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 REIR. 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 REIR.
- (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 REIR.

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 REIR (which includes the Draft REIR) 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 3-3 in the Draft REIR) 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 will be temporarily located in the new 10th and O Street Office Building. The building site is located between 10th Street and 11th Street, north of O Street.

Portions of the Annex were 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. Once the Annex was closed for demolition, these functions were 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 have been moved to the 10th and O Street Office Building.

Before closure of the existing Annex in preparation for its demolition, the existing north and south entrances of the Historic Capitol were established as temporary entrances/exits. Temporary ramps were constructed at the steps to provide ADA access and portable security screening equipment was placed near the doorways. Visitor access is provided at the pedestrian entry on the north side of the Historic Capitol (from L Street) and the south entrance is 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 will 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 approximately 150 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 or other uses if needed in the future.

The project also includes 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 30,000 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 and would consist of a gently sloped and universally accessible (ADA compliant) walkway/ramp leading down to entrance doorways below ground level. The lower plaza would have stairs, as well as stepped seating areas incorporated into the landscape. 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) A300 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.

- Central Valley Regional Water Quality Control Board
- City of Sacramento

- Sacramento Air Quality Management District
- Sacramento Municipal Utility District

3 PROCEDURAL HISTORY

3.1 2019 DRAFT EIR

- 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. 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.

3.2 2020 RECIRCULATED DRAFT EIR

- 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. 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.

3.3 CERTIFICATION OF 2021 EIR

- The Final EIR was certified, and the project was approved by the DGS on July 20, 2021. The Draft EIR, Recirculated Draft EIR, Final EIR, and supporting documentation are collectively referred to as the 2021 EIR.

3.4 2023 REVISED EIR

- After the project was approved in July 2021, the groups Save our Capitol! and Save the Capitol, Save the Trees (Plaintiffs) challenged DGS's approvals, filing petitions for writ of mandate contending the EIR analysis did not comply with the California Environmental Quality Act (CEQA) for numerous reasons. The Sacramento County Superior Court rejected all of Plaintiffs' arguments and upheld the adequacy of the EIR. Plaintiffs appealed the decision. On January 18, 2023, the Third District Court of Appeal partially reversed the trial court's decision. The ruling directed the trial court to enter a new judgement issuing a preemptory writ of mandate directing DGS to vacate partially its certification of the EIR and to revise and recirculate the deficient portions of the EIR consistent with the Court of Appeal's ruling (Ruling) (See *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655.) The Ruling identified deficiencies with regard to the EIR's project description, its analysis of the project's impacts on historical resources and aesthetics, and its analysis of alternatives. In all other respects, the Ruling affirmed the Superior Court's judgement.
- On April 7, 2023, DGS distributed to public agencies and the general public a Draft Revised Environmental Impact Report (Draft REIR) to address the CEQA adequacy issues in accordance with the direction provided by the Ruling. Under CEQA and other legal doctrines, including res judicata, DGS did not need to address comments on issues that were covered in the 2021 Final EIR and that were not overturned by the Ruling.
- A 45-day public review period was initially identified extending from April 7, 2023 to May 22, 2023. However, on May 1, 2023, supplemental information was made available to the public. Visual renderings showing the new visitor/welcome center were added to the Draft REIR as Appendix C. In addition, minor technical edits were made to the Draft REIR itself. To provide the public and interested parties with sufficient time to review the supplemental information and determine whether this clarifying information would influence their comments on the Draft REIR, the public review period for the Draft REIR was extended to June 15, 2023 to allow for a full 45-day review period from the date the supplemental information was made available. During the total 69-day public review period extending from April 7, 2023 to June 15, 2023, 39 comment letters were received. In addition, during a public hearing held on May 16, 2023, four individuals provided oral comments and six written

comment letters were hand delivered. During a second public hearing held on June 6, 2023, nine individuals provided oral comments and six written comment letters were hand delivered. In response to the comments received, edits were made to the Draft REIR as set forth in Chapter 5 of the Final REIR. Responses to agency comments were provided to each commenting agency on August 29, 2023.

3.5 CERTIFICATION OF REVISED EIR

- The Final REIR was certified, and the project was approved by the DGS on September 8, 2021. The Draft REIR, Final REIR, and supporting documentation are collectively referred to as the Final REIR.

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 2021 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;
- the Draft REIR (April 7, 2023) 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 REIR (provided in Chapter 4 of the Final EIR);
- responses to agency comments on the Draft REIR provided to each commenting agency on August 29, 2023;
- the 2021 Final REIR for the project (September 8, 2023), including comments received on the Draft REIR and responses to those comments, as well as revisions to the Draft REIR;
- documents cited or referenced in the Draft EIR, Recirculated Draft EIR, 2021 Final EIR, Draft REIR, and 2023 Final REIR;
- the 2021 MMRP and 2023 MMRP for the project (Attachment A to the respective 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(c).

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 made 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 REIR, consisting of the Draft REIR, comments on the REIR, responses to comments on the Draft REIR, revisions to the Draft REIR, remaining contents of the Final REIR, and all applicable portions of the 2021 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 approach taken in the REIR, that consistent with the requirements of PRC Section 21168.9(b), which addresses court rulings, revised EIRs need only address those issues specified in the Ruling. Therefore, it is appropriate that the REIR only provide an impact analysis on identified deficiencies with regard to the EIR's project description, analysis of the project's impacts on historical resources and aesthetics, and analysis of alternatives. The Director agrees with the characterization of impacts identified as less than significant in Chapter 4 of the Draft REIR and finds that those impacts have been described accurately and are less than significant as so described in the Final REIR.

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

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

- Impact 4.15-1: Adverse Effect on a Scenic Vista
- Impact 4.15-3: Introduction of New Sources of Light and Glare that Adversely Affect Day or Nighttime Views

5.2 SIGNIFICANT IMPACTS SUFFICIENTLY REDUCED THROUGH MITIGATION MEASURES

The Director agrees with the characterization of the REIR in which topics related to the EIR's project description, analysis of the project's impacts on historical resources and aesthetics, and analysis of alternatives in accordance with the 2023 Ruling are addressed. However, in the REIR there are no impacts identified as "significant" or "potentially significant" that would be reduced to a less-than-significant level with implementation of the mitigation measures. Therefore, there are no findings to be made for this category of impact.

5.3 SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Director agrees with the characterization in the Final REIR with respect to all impacts identified as significant and unavoidable. For this project, the impact on historic architectural resources would be significant and unavoidable (Impact 4.12-4). That is, this impact would remain significant despite the incorporation of all feasible mitigation measures to substantially lessen or avoid the impact. In accordance with State CEQA Guidelines Section 15091(a), a specific finding is made for this significant and unavoidable impact and its associated mitigation measures in the discussions below.

5.3.1 Archaeological, Historical, and Tribal Cultural Resources, Draft Revised EIR Section 4.12

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

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 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 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 the 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 the 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 stateowned 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) identify structural deficiencies that make the building vulnerable to project construction related damage, such as vibration, and (3) 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 preservation treatments, preparing a detailed salvage plan, development 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 NRHP-listed complex, would be permanently and completely destroyed, and the West Lawn of Capitol Park would be intensely modified, to the point of potentially not conveying its period of significance, DGS finds that this impact would be significant and unavoidable. (Draft REIR pages 4.12-20 through 4.12-27)

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). 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 REIR analysis considered a reasonable range of alternatives.

5.4.1 Background

The REIR provides an additional analysis of alternatives as required by the Court of Appeal’s Ruling in *Save Our Capitol v. Department of General Services* (2023) 87 Cal.App.5th 655 (Ruling). The Ruling identifies one item related to the analysis of project alternatives (i.e., Chapter 7 of the 2021 EIR) as requiring discussion and analysis; that is, the consideration of alternatives to the proposed visitor/welcome center that would both feasibly attain most of the project’s objectives while also lessening the project’s significant impacts on the historic landscape of the Capitol Park, and specifically, the portion identified in the 2021 EIR as the West Lawn.

As identified in the Ruling, petitioners faulted the 2021 EIR for introducing the new location for the underground parking garage, on the east side of the new Annex along the 12th Street alignment, for the first time in the Final EIR, and not using this as an opportunity to consider an alternative location for the visitor/welcome center on the south side of the Historic Capitol. Petitioners argued that an alternative locating the visitor/welcome center on the south side of the Historic Capitol would reduce the project’s impacts on the Historic Capitol’s West Lawn area. They further

argued that because the new location for the underground parking was introduced in the Final EIR, the public was precluded from suggesting this visitor/welcome center alternative during the comment period. The court agreed in part. The Ruling concluded that because the relevant information was included only in the Final EIR, rather than in the draft document, this did not foster informed public decision-making. In addition, the court found that in order to evaluate a "reasonable range of alternatives," the EIR should consider alternatives to the visitor/welcome center that would feasibly attain most of the project objectives while also lessening the project's significant impacts on the West Lawn. (see the discussion in Chapter 7, "Alternatives," in the REIR).

5.4.2 Alternatives Considered but not Evaluated in Detail in the REIR

The following alternatives were considered by DGS but are not evaluated further in this REIR. Only alternatives related to the visitor/welcome center are provided here as this is the only portion of the 2021 EIR alternatives analysis addressed in the Ruling. Alternative discussions for "No Visitor/Welcome Center," "Basement Visitor/Welcome Center," and "Visitor/Welcome Center East Entry" include information from the 2019 Draft EIR, but update the text to address changes to the project description since the Draft EIR was published; primarily the moving of the underground parking garage to the 12th Street alignment location and the change of project phasing, with work on the Annex beginning prior to work on the visitor/welcome center

NO VISITOR/WELCOME CENTER

DGS considered demolition and reconstruction of the Annex and construction of the underground parking garage, as proposed in the Capitol Annex Project (see Chapter 3, "Project Description," of the REIR). However, under this alternative, a new visitor/welcome center would not be constructed and the original visitor center, located within the Historic Capitol, would continue to serve those visiting the State Capitol. Entrance to the Historic Capitol would either be located at the Historic Capitol, where existing visitor entry is currently not permitted, or through the new Annex. Construction impacts associated with demolition and construction would be reduced compared to the proposed project because the area of ground disturbance would be reduced. Long-term operation of this alternative would result in similar impacts as the proposed project, because the Annex would continue to serve the same number of occupants. Although this is a feasible alternative to the proposed project, if entry were provided at the Historic Capitol, then permanent physical modifications to the Historic Capitol building would be required to provide ADA access and a covered security checkpoint at one or more of the Historic Capitol entries, resulting in increased impacts to historic architecture. If entry were provided at the new Annex, the goal of providing separate entries to the Capitol for visitors and those doing business the Capitol would not be met and the project objective of an "efficient...environment for State employees, elected officials, and the public that they serve" would not be achieved. In addition, the footprint of the new Annex would likely have to be increased to provide security checkpoints with sufficient capacity to address both visitors and those doing business at the Capitol. In addition, services provided by the proposed visitor/welcome center would not be available, reducing the ability to meet the project objective of promoting education and hospitality for the visiting public. For these reasons, DGS and the JRC are not considering the No Visitor/Welcome Center alternative and this alternative was rejected.

BASEMENT VISITOR/WELCOME CENTER

DGS considered an alternative that involves construction of a new Annex and underground parking structure as proposed in the Capitol Annex Project (see Chapter 3, "Project Description," of the REIR). Under this alternative, visitor/welcome center functions would be provided 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. Like the No Visitor/Welcome Center alternative described above, public entries, with ADA compliant facilities and a covered security checkpoint, would need to be established at one or more

of the Historic Capitol entrances. Although this is a feasible alternative to the proposed project, this alternative would require permanent modifications to the Historic Capitol building to provide ADA compliant and secure public entry, resulting in increased impacts to historic architecture. Reconfiguration of most, if not all, of the Historic Capitol basement to remove existing uses and support visitor/welcome center functions could also result in additional impacts to historic architecture. If public entry were provided at the new Annex rather than the Historic Capitol, the goal of providing separate entries to the Capitol for visitors and those doing business the Capitol would not be met and the project objective of an "efficient...environment for State employees, elected officials, and the public that they serve" would not be achieved.

Under this alternative, the footprint of the new Annex would likely have to be increased to provide security checkpoints with sufficient capacity to address both visitors and those doing business at the Capitol. The footprint of the Annex would also need to be expanded to accommodate functions moved from the Historic Capitol basement. Therefore, although effects on the West Lawn would be decreased with the absence of a visitor/welcome center, disturbance on the east side of Historic Capitol would increase. The area east of the Historic Capitol and Annex is also part of the historic landscape of Capitol Park; therefore, impacts on the historic landscape would still occur, although the severity of the effect may be less by fully avoiding disturbance of the West Lawn area. Keeping new ground disturbance all to the east of the historic capitol building would have the benefit of concentrating the impacts on State Capitol Complex to one area of the landscape component of the historical resource, rather than introducing new construction to two different areas (i.e., the West Lawn and the area east of the existing Annex). This alternative also has the benefit of avoiding the disruption to the important visual and pedestrian circulation relationship between the west façade of the Historic Capitol building, the West Lawn, and the open space of the West Lawn that provides a defining vista both to and from the long, linear views down Capitol Mall. Although there may be some decrease in overall effects on the historic landscape under this alternative. Impacts on the Historic Capitol building itself would increase and project objectives related to access and operational efficiency would not be met. For these reasons, this alternative was rejected.

VISITOR/WELCOME CENTER EAST ENTRY

DGS considered an alternative that construction of a new Annex and underground parking structure as proposed in the Capitol Annex Project (see Chapter 3, "Project Description," of the REIR), but with construction of the new visitor/welcome center directly east of these facilities. Constructing the visitor/welcome center in this location would require removal of existing elements of Capitol Park, including the trout pond and historic Civil War Grove, resulting in increased effects on the historic landscape of Capitol Park when compared with the effects on the landscape of the new Annex and underground parking alone. Co-locating all three of the new facilities (annex, parking garage, and visitor/welcome center) to the east of the historic capitol building would have the benefit of concentrating the impacts on State Capitol Complex to one area of the landscape component of the historical resource, rather than introducing new construction to two different areas (i.e., the West Lawn and the area east of the existing Annex). This alternative also has the benefit of avoiding the disruption to the important visual and pedestrian circulation relationship between the west façade of the Historic Capitol building, the West Lawn, and the open space of the West Lawn that provides a defining vista both to and from the long, linear views down Capitol Mall. However, this alternative still creates a scenario where any benefit from preserving the West Lawn area must be compared against the permanent loss of the trout pond and historic Civil War Grove. Under this alternative a pathway through the underground parking garage and the new Annex would need to be established to allow visitors to move from the visitor/welcome center to the Historic Capitol. As part of this alternative the visitor/welcome center continues to be an underground facility to avoid placing a new aboveground building in Capitol Park. Therefore, visitors would need to pass through the parking garage to reach the Historic Capitol. Pedestrians, including large groups, crossing the parking garage on a regular basis would generate a safety risk for the pedestrians and traffic controls necessary to allow safe pedestrian passage would hinder the efficient functioning of the garage. Unless a pathway was designed as part of the new Annex to provide passage for visitors from visitor center through the parking garage and Annex to the Historic Capitol, visitor traffic would not be separated from Legislative and staff traffic and would conflict with efficient day-to-day operations within the new Annex. Whether due to the crossing of the parking garage or pedestrian traffic in the Annex, the objective of promoting accessibility,

efficiency, and safety of the Capitol for State employees, elected officials, and the public they serve would not be achieved. For these reasons, this alternative was rejected.

5.4.3 Alternatives Evaluated in the REIR

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

- **Alternative 4: Visitor/Welcome Center North Entry** assumes that construction of a new Annex and underground parking structure would occur as in the proposed project; however, the visitor/welcome center would be constructed immediately north of the Historic Capitol.
- **Alternative 5: Visitor/Welcome Center South Entry** assumes that construction of a new Annex and underground parking structure would occur as in the proposed project; however, the visitor/welcome center would be constructed immediately south of the Historic Capitol.

These alternatives respond to the Ruling's direction to consider alternatives to the visitor/welcome center that would feasibly attain most of the project objectives while also lessening the project's significant impacts on the West Lawn. In compliance with CEQA, these findings examine these two alternatives and the extent to which they lessen or avoid the project's significant environmental effects while meeting the project objectives.

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 REIR and the ultimate decision on the project.

ALTERNATIVE 4: VISITOR/WELCOME CENTER NORTH ENTRY

Description: Alternative 4 considers construction of a new Annex and underground parking structure as proposed in the Capitol Annex Project (see Chapter 3, "Project Description," of the REIR); however, under this alternative, the visitor/welcome center would be constructed immediately north of the Historic Capitol. This alternative would require changes to the facility design to provide ADA compliant access for the mobility impaired, which would result in greater ground disturbance and disruption to the Capitol Park landscape and the Historic Capitol basement as well as significant underground utility reconfiguration compared to the proposed visitor/welcome center design evaluated in the REIR.

Summary of Impacts: Alternative 4 would avoid the project's significant and unavoidable historic architectural resource impacts related to alterations to the West Lawn resulting from locating the visitor/welcome center on the west lawn. However, impacts related to utilities and service systems, air quality, greenhouse gas emissions, and geology and soils would be greater as a result of increased ground disturbance and construction activities that would be required to locate the visitor/welcome center along the northern portion of the Historic Capitol. Impacts related to aesthetics, light, and glare would be less because views of the Capitol west steps and from Capitol Mall would not be altered by constructing a visitor/welcome center on the west side of the Historic Capitol. However, impacts from the alteration in views resulting from the proposed project are less than significant.

Finding: Under Alternative 4, the Visitor/Welcome Center North Entry Alternative, the proposed visitor/welcome center would be constructed immediately north of the Historic Capitol. The Director finds that implementation of Alternative 4 is feasible and would meet the objectives of the proposed project and would lessen the significant impact on the Capitol Complex by shifting the visitor/welcome center from the West Lawn area. However, Alternative 4 would only lessen a significant impact (rather than remove a significant impact) as Impact 4.12-4 would remain significant and unavoidable due to removal of Annex. In addition, Alternative 4 would result in greater impacts to utilities and service systems, air quality, greenhouse gas emissions, and geology and soils as a result of increased ground disturbing and construction activities. Pursuant to CEQA Section 21081(a)(3) and State CEQA Guidelines

Section 15091(a)(3), the Director rejects Alternative 4 because it would result in increased impacts compared to the proposed project and would not eliminate the project's significant and unavoidable impacts.

ALTERNATIVE 5: VISITOR/WELCOME CENTER SOUTH ENTRY

Description: Alternative 5 considers construction of a new Annex and underground parking structure as proposed in the Capitol Annex Project (see Chapter 3, "Project Description," of the REIR); however, under this alternative, the visitor/welcome center would be constructed immediately south of the Historic Capitol. Constraints associated with placing the visitor/welcome center south of the Historic Capitol are very similar to those described above for a visitor/welcome center placed north of the Historic Capitol. Specifically, this alternative would require changes to the facility design to provide ADA compliant access for the mobility impaired. Design features such as loop ramps could be provided, similar to the visitor/welcome center ramp design provided in 2020 Recirculated Draft EIR. However, this would result in greater ground disturbance and disruption to the Capitol Park landscape than the current visitor/welcome center design evaluated in the REIR. Additionally, the size of the underground portion of the visitor/welcome could be reduced and reconfigured under this alternative to provide more space for a universal access ramp, however, this would limit available education and hospitality elements of the facility; impeding the ability to meet the project objectives of promoting education and hospitality for the visiting public. Further, the design and shape of the underground portion of the visitor/welcome center would be required to accommodate placement along the south entry, which would result in greater ground disturbance and tree removal along the southern edge of the Historic Capitol.

Summary of Impacts: Similar to Alternative 4, described above, Alternative 5 would lessen, but not eliminate, the significant and unavoidable impact on historic architectural resources resulting from the proposed project (Impact 4.12-4). Alternative 5 would lessen the proposed project's less than significant impacts related to aesthetics, light, and glare. However, impacts related to air quality, greenhouse gas emissions, and noise would be greater as a result of increased ground disturbance and construction activities that would be required to locate the visitor/welcome center along the southern portion of the Historic Capitol.

Finding: Under Alternative 5, the Visitor/Welcome Center South Entry Alternative, the proposed visitor/welcome center would be constructed immediately south of the Historic Capitol. The Director finds that implementation of Alternative 5 is feasible and would meet the objectives of the proposed project and would lessen the significant and unavoidable historic architectural resources impact on the Capitol Complex by shifting the visitor/welcome center from the West Lawn area. However, Alternative 5 would only lessen a significant impact (rather than remove a significant impact) as Impact 4.12-4 would remain significant and unavoidable due to removal of Annex. In addition, Alternative 5 would result in greater impacts to air quality, greenhouse gas emissions, and noise as a result of increased ground disturbing and construction activities. Pursuant to CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), the Director rejects Alternative 5 because it would result in increased impacts compared to the proposed project and would not eliminate the project's significant and unavoidable impacts.

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 REIR 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, including the West Lawn area, 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 REIR that are applicable to the project are adopted as part of the project 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 REIR 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 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 significant and 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 approved notwithstanding the significant and unavoidable adverse impact identified in the REIR.

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 REIR 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