



SAVE OUR CAPITOL!

**“The State Capitol . . .
doesn’t belong to the Legislature or the Executive.
It belongs to the people of California.”**

—California Court of Appeal

Save Our Capitol! v. Dept. of Gen'l Servs., Case No. C096617 (Nov. 14, 2022).



Photo by Stan Drury

Defending the People’s Capitol

This site—the West Lawn, West Plaza, and West Steps—has been hallowed by the people of California exercising their constitutional rights including freedom of speech, freedom of the press, the right peaceably to assemble, and to petition the government for redress of grievances.

This hallowed ground must not be desecrated.

It must not be decimated by the proposed visitor center, the design of which is completely incompatible with the historic Capitol.

The visitor center will impede the ability of Californians to gather in large numbers at this designated site to celebrate, to protest, and to participate in self-governance as they have for more than 100 years.

As the Court of Appeal recognized in its published decision, “The view of the Historic Capitol’s west façade when looking east from Capitol Mall is a protected scenic vista.”

The existing laws and mandates to safeguard the historic Capitol in perpetuity must be upheld and defended.

Mandates Requiring Preservation of California's Historic Capitol

The people of the state of California, through their elected representatives in the Legislature, have expressed repeatedly and unequivocally their desire to protect and to preserve their historically significant landmarks.

The Capitol Building—the most significant historical building in the state—has been the subject of special legislation designed specifically to preserve its architectural integrity for future generations:

- The California Constitution, Article 4, Section 28 which limits the Legislature's ability to alter or to modify certain historically restored portions of the state Capitol;
- The Historic State Capitol Commission, created for advisory review of any changes to the Capitol in order to preserve the original building and grounds;
- The State Historical Building Code containing special regulations for Health and Safety compliance.

The importance of the historic California State Capitol was underscored by Justice Harry E. Hull, Jr. at the November 14, 2022 hearing on the challenge to the Capitol Annex Project brought by Save Our Capitol! under the California Environmental Quality Act ("CEQA").

“We’re not dealing with an apartment complex or a shopping center here. We’re dealing with the State Capitol It doesn’t belong to the Legislature or the Executive. It belongs to the people of California.”

Save Our Capitol! v. Dept. of Gen'l Servs., Case No. C096617 (Nov. 14, 2022).

CEQA Safeguards California's History

Commenting on this case, *Los Angeles Times* political columnist George Skelton wrote:

“CEQA is often pesky and blatantly abused. But in this case, it’s a godsend.”

The state **“didn’t truthfully describe”** its **“monstrous state Capitol construction project.”**

“Nor did they mention that a new east wing ‘annex’ would have a glass exterior incompatible aesthetically with the 148-year-old granite Capitol.”

“They never explained that the Capitol’s picturesque, majestic west front lawn and plaza—the site of protests, rallies and gubernatorial inaugurations over many generations—would be practically obliterated by installation of a visitors center.”

“The court voided the state’s approval of the project. It ordered a new EIR with more candid details and to assess realistic alternatives.”

George Skelton, Column, “A costly project showed California politicians think they own the Capitol. A court reminded them they don’t.”

LOS ANGELES TIMES (Dec. 11, 2022).

CEQA is a “Godsend”

As George Skelton noted, CEQA is a “godsend” to citizens committed to protecting and preserving California’s historic Capitol in perpetuity. Because of CEQA and the lawsuit by Save Our Capitol!—which is forcing the Department of General Services (“DGS”) to comply with the law—the public now has another opportunity to challenge parts of the Capitol Annex Project.

For more than 50 years, CEQA has provided important safeguards for California’s natural and historical resources.

“The Environmental Impact Report (EIR), which is ‘the heart of CEQA,’ serves as the “environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”

County of Inyo v. Yorty (1973) 32 Cal. App. 3d 795, 810.

The EIR provides the public with “the information needed to make informed decisions, thus protecting not only the environment but also informed self-government.”

In re Bay-Delta Etc. (2008) 43 Cal.4th 1143, 1162.

More than 100 Trees will be Damaged or Destroyed



The state admits that it will remove 64 trees as part of the Capitol Annex Project. However, according to Paula Peper, an Urban Ecologist formerly with the U.S. Forest Service, more than a hundred trees will be damaged or destroyed.

The full scope of the destruction will not be known for several years. Notably, Ms. Peper resigned her position on the Historic State Capitol Commission on March 16, 2020 in protest against the state’s decision to shroud the Capitol Annex Project—including the full scope of its environmental devastation—in secrecy.

This dying Senegal date palm was scheduled to be held in a box until construction of the project is completed in 3-4 years. However, tree shock from inadequate preparation of the root ball and a shallow box too small for the needs of the tall palm killed it within months.

The state quickly removed this evidence of its gross negligence from the site.



Photos by Paula Peper taken February 1, and April 1, 2022

The Visitor Center Will Irreparably Damage the West Side of the Capitol

The proposed visitor center will destroy the most important façade of the Capitol—the main entrance which includes the West Lawn, West Plaza, and West Steps.

The west side of the Capitol is the designated site where the people are permitted in large numbers peaceably to assemble, to celebrate, to protest, and to participate in self-governance. It is the site most chosen by past Governors, and our current Governor, who have taken their oaths of office on the historic west side of the Capitol.

The proposed visitor center must be re-located elsewhere—potentially underneath the final replacement of the historic Annex, leaving the west side to retain its historical significance.

The battle which citizens currently are waging to save our Capitol is about protecting and preserving the physical site of the east side Annex, the open, expansive historic West Lawn, West Plaza, and West Steps, and all of the trees throughout Capitol Park.

Save Our Capitol! Preserve Self-Governance!

Save Our Capitol! also is dedicated to upholding the principles upon which our nation is founded and upon which self-government is to be preserved. The following are three essential principles which speak to informed governance.

- The First Amendment in the Bill of Rights of our Constitution grants:

**“Freedom of religion, freedom of speech, freedom of the press,
the right peaceably to assemble, and to petition the government
for redress of grievances.”**

U.S. CONST., amend. I.

- Another cornerstone of our heritage in self-governance is memorialized by President Abraham Lincoln at the dedication of the cemetery on the battlefield of Gettysburg during the Civil War:

**“—that we here highly resolve that these dead shall not have died in vain
—that this nation, under God, shall have a new birth of freedom
—and that government of the people, by the people, for the people,
shall not perish from the earth.”**

Abraham Lincoln, President of the United States, Gettysburg Address (Nov. 19, 1863).

- In addition, Dr. Carl G. Jung, pioneering Swiss physician and researcher into the nature of the human psyche maintained that, not the state, but rather

“The individual is the carrier of life,” and with that life is given . . .

**“the eternal right to freedom and the equally eternal duty of
individual responsibility.”**

C. G. JUNG, THE UNDISCOVERED SELF 38-39 (1957).

You Can Help Save Our Capitol!

From the beginning, Save Our Capitol! has been advocating for the people’s right to truth, transparency, and the ability to exercise the right to self-governance.

The recent ruling by the California Court of Appeal, Third Appellate District reaffirms that the Capitol belongs to “the people of California.” The people have a pivotal place in the stewardship of “the people’s Capitol.”

It is the eleventh hour—not yet too late—for the people and elected representatives to work together to enforce existing constitutional and statutory mandates to preserve both the historic site and the historic principles upon which our democratic form of self-governance is built.

In concluding his article by citing the published opinion of the Court of Appeal, Mr. Skelton highlighted the Court’s affirmation that the historic Capitol belongs, not to the state, but to the people of California:

“The politicians have acted as if the Capitol belongs to them and it’s solely their business. The court reminded them in writing that it *is truly the people’s Capitol.*”

George Skelton, Column, “A costly project showed California politicians think they own the Capitol. A court reminded them they don’t.”
LOS ANGELES TIMES (Dec. 11, 2022)
(quoting Opinion, *Save Our Capitol! v. Dep’t of Gen. Servs.*
(2023) 87 Cal.App.5th 655, 676).

The historic California State Capitol and its incomparable Park, listed in the National Register of Historic Places and the California Register of Historical Resources are of singular historical significance.

The historic Capitol is the heart of the mile-long Capitol Historic District, from the west side of the iconic 1935 Tower Bridge designed by State Architect Alfred W. Eichler to the east side of the California State Capitol World Peace Rose Garden.

**The historic Capitol—a beacon of democracy—
must remain a reflection of our architectural heritage.**

**Sacramento, as California’s capital city and the “City of Trees,”
must remain a living legacy of freedom through self-governance.**

The People's Capitol in Photographs

Historic, Current, and Proposed as of June 15, 2023



Photo by Neil Moura, Sactown Magazine

Both the 1952 East Wing Annex and the 1935 Tower Bridge were designed by State Architect Alfred W. Eichler. Both the Capitol and the Tower Bridge are today's symbols of Sacramento as the Capital City of California.





Photo by Preservation Architect Mark Hulbert

The historic East Wing Annex (at right) is consistent with the restored West Wing, allowing the Capitol Dome to remain preeminent.



Photo by Steve Davis Media Services

For decades, the Legislature failed to fund necessary repairs and maintenance of the East Wing Annex and ultimately is responsible for its demolition by neglect.

The historic Annex could have been rehabilitated using the State Historical Building Code to provide health and safety compliance.

The Design of the Proposed Capitol Annex Project is Incompatible with the Restored 1874 Historic Capitol



Rendering released by California Department of General Services, March 22, 2021

The Legislature’s proposed new glass Capitol Annex building will overpower the historic Capitol. The project lacks a security assessment confirming that the proposed glass building would be safer than the historic stone Annex.

“It is difficult to conceive of an instance where the nature of a project would dictate a greater degree of specificity and analysis of a project’s visual impacts than this project with its significant effects on the Historic Capitol, the seat of state government.”

Opinion on Rehearing, *Save Our Capitol! v. Dep’t of Gen. Servs.*
(2023) 87 Cal.App.5th 655, 676.

**“This [proposed glass building] is a slap in the face to history.
We must protect the history of our state,
the history of our freedom of speech,
and the history of our buildings which deserve our protection and care,
not our destruction.”**

**“This entire compound of our State Capitol and our Capitol Park is on the National Register of Historic Places for a reason.
This is the heart of California, and it must be saved.”**

**“That building could go anywhere within the state.
It should not be vandalizing our historic State Capitol.”**

Victoria Kastner, Architectural Historian
Hearst Castle’s Official Historian, 1996-2018
[Capitol Annex Project: The Facts](#)

The Annex Design is Still Changing— Becoming More and More Incompatible with the Historic Capitol



The rendering above was not disclosed until the state published its original decision and Final EIR, in July of 2021, precluding public input and imposing the glass monstrosity on all Californians. By April of 2023, the building again had been redesigned as shown below, and was shown in the Revised EIR document for the first time.





Photo by Stan Drury



Photo by Stan Drury

“The California Capitol building, including the mid-20th century East Wing, is indisputably the heart of a mile-long Capitol Historic District.”

—Preservation Architect Mark Hulbert, October 8, 2021 Letter to Governor Gavin Newsom



“The historic Capitol is an irreplaceable landmark, the most important historical building of its kind in California, and is a monument to the art, architecture, and craftsmanship of our past.”

—Historical Architect Raymond Girvigan FAIA letter to Governor Newsom, January 26, 2022



Heroic events achieved and long remembered include the 340-mile march by farm workers led by Cesar Chavez from Delano, California to the West Steps of the Capitol in 1966.



The Capitol Mall and the west side of the Capitol have been hallowed and consecrated by the people of California exercising their constitutional right to petition the government for redress of grievances.



Photo by Margaret Morneau

The Women's March in January 2017 was a worldwide event advocating for women's rights and civil rights. It was the largest demonstration in United States history and the second largest event worldwide.

Participants in California filled most of Capitol Mall and the entire west side of the Capitol.



Photo by Stan Drury

The west side of the historic Capitol is the site most chosen by California Governors to take their oaths of office.



Capitol West Lawn Photo by Stan Drury

The construction of the visitor center on the west side would negatively impact the roots and ultimately the survival of the historic Deodar cedars, planted in 1872 at the origination of Capitol Park.



Capitol Annex Project Draft REIR Rendering, May 1, 2023



Capitol Annex Project Draft REIR Rendering, May 1, 2023

This Draft REIR rendering from DGS of the visitor center, shown shrouded by trees, has been revised by Public Accountability for Our Capitol as seen on the next page to illustrate the enormity of the negative impact to the entire Capitol site.

“ . . . A Large, Modern Intrusion into the Historic Landscape.”

Opinion on Rehearing, *Save Our Capitol! v. Dep’t of Gen. Servs.*
(2023) 87 Cal.App.5th 655, 676.



Revisions made by Public Accountability for Our Capitol to the May 1, 2023 Capitol Annex Project Draft REIR Rendering

The Court of Appeal, Third Appellate District, has ordered the state to provide more details about the impact of the proposed visitor center. The “intrusion” illustrates the destruction of the historic West Lawn, West Plaza, and West Steps.

“Overall, the new visitor/welcome center would alter historic landscape features of the West Lawn of the Capitol and reduce the ability of the resource to communicate its period of significance.”

Opinion on Rehearing, *Save Our Capitol! v. Dep’t of Gen. Servs.*
(2023) 87 Cal.App.5th 655, 676.

The Capitol Annex Project would put the restored 1874 Capitol at risk of removal from the National Register of Historic Places and the California Register of Historical Resources.