

# California Historic State Capitol Commission

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February 28, 2020

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SENT VIA EMAIL: [environmental@dgs.ca.gov](mailto:environmental@dgs.ca.gov)

**RE: Capitol Annex Project Recirculated Draft Environmental Impact Report**

Dear Ms. Coleman:

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

### **CAPITOL PARK TREES**

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

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

### **WEST SIDE AND VIEW PROTECTION**

The RDEIR has committed to returning the "landscaping back to original" after project excavation and construction are complete. Huell Howser called the area between the Capitol and 10<sup>th</sup> Street "California's front porch." It is the place where political voices are heard, and celebrations of events and history occur. After the creation of the Visitor/Welcome Center, where will the front porch be? It appears the RDEIR does not address this question. Can the terracing, which affords the current excellent view from the west, be put back to original? We

suggest that restoration of historically used plants and trees should take priority over "drought tolerant" plants even if they originate from out of state.

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

#### **PARKING GARAGE**

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

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

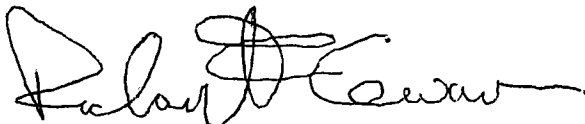
#### **DEMOLISH THE EAST ANNEX?**

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Cowan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard Cowan, Chair

## Historic State Capitol Commission Comments on Recirculated Draft Environmental Impact Report for the East Annex project

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### *Fig.3-3: Project Components Revised*

COMMENT: The map is missing areas of work potentially impacting city street trees & public rights-of-way for the proposed Visitor/Welcome Center and the proposed “underground” parking, and is missing areas of work potentially impacting existing north access to existing parking under existing Annex building, that (which?) includes proposed project impacts (potentially good impacts) on Capitol Park and city street trees & rights-of-way. The map boundary for the proposed Visitor/Welcome Center project components does not extend into the public rights-of-way to the west, nor the portion of the map boundary for the proposed “underground” parking to the south, nor the portion of the map boundary for the proposed annex project to the north, but it appears that the proposed projects may actually include proposed impacts in those areas, including removal of city street trees and driveway/loading/sidewalk/curb alterations...?

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

Page 3-6

### *3.4.2 Project Phasing*

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

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

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

*the primary entrance for visitors to the Capitol. After the construction of the new Annex is complete, the temporary modifications to the north and south entrances would be removed.*

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

Page 3-7

### *3.4.5 Visitor/Welcome Center*

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

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

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

Pages 3-9 & 3-10

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

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

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

Page 3-10

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

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

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

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

Page 3-11

#### *3.4.9 Landscaping, Lighting, and Memorials*

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

COMMENT: Please indicate:

- 1) whether the three levels will be maintained in areas outside the proposed Visitor/Welcome Center project area, and how the transition would be handled between the two areas, at both the north and south sides of the proposed Visitor/Welcome Center project area: and,

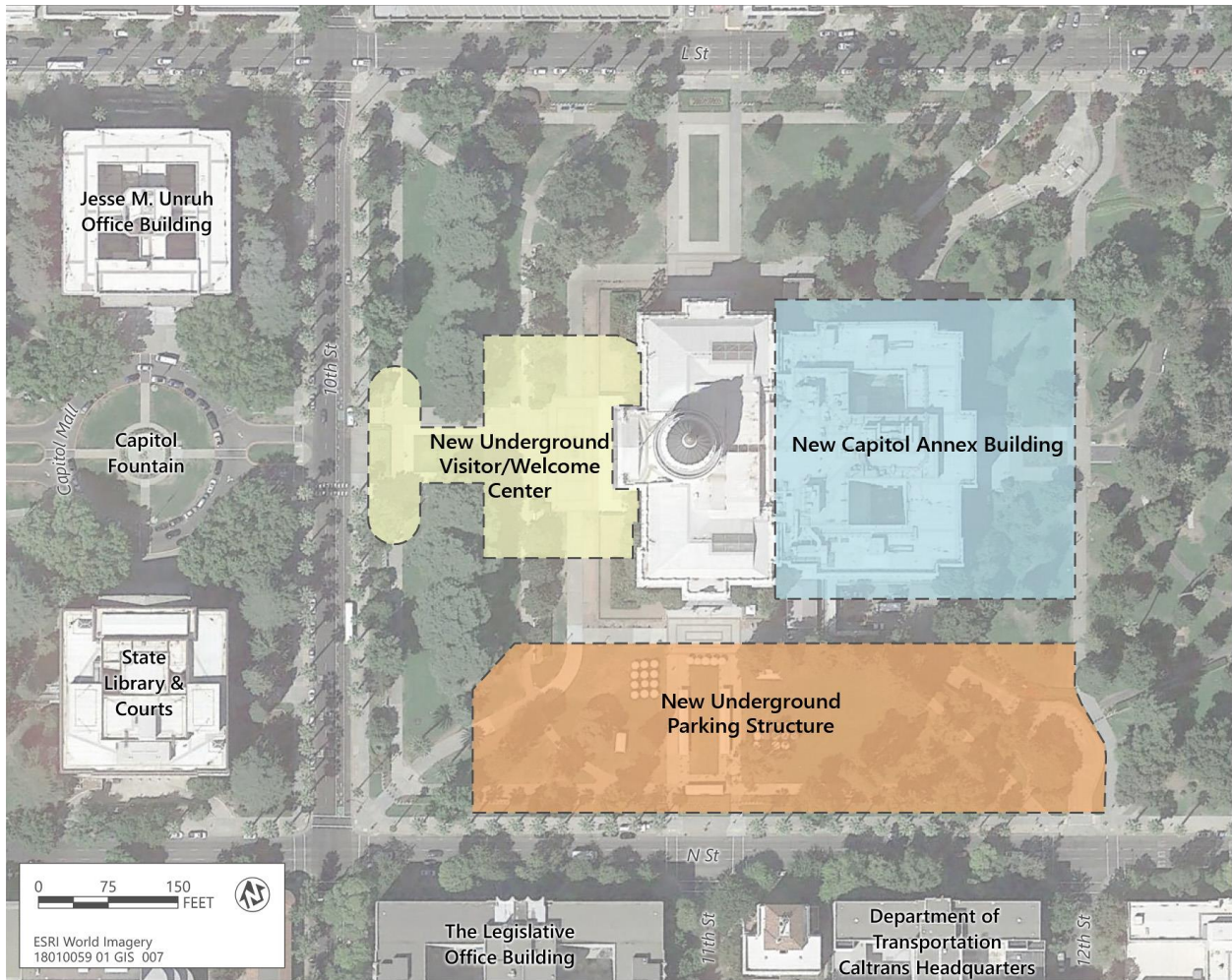
- 2) how the drought-tolerant and California native plants will be appropriate to the historic landscape features and characteristics of Capitol Park.
- 3) Again, this seems to conflict with “landscaping back to original”.
- 4) The earlier DEIR Option 2 for the Visitor/Welcome Center in the POS would greatly reduce the impact to the landscape and Historic Capitol while also reducing costs.

Page 4-12.29

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

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

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



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

The guidelines that should be adhered to are the *ANSI A300 (Part5)-2012, the American National Standard for Tree Care Operations: Tree, Shrub, and Other Woody Plant Management—Standard Practices (Management of Trees and Shrubs during Site Planning, Site Development, and Construction)* and its companion publication *Best Management Practices: Managing Trees during Construction*.

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

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



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

There are over 100 trees affected by this construction as well as other landscape plants, with 20-30 trees to be removed by new construction, and many more to be “relocated.” The Certified Arborists with knowledge of tree root systems of mature trees should be involved in pre-planning for construction, monitoring during all phases of construction, and determining all remediation methods per the *ANSI A300 Standards*:

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

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

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

**Demolition.**

**Grading.**

**Building construction.**

**Walkway and path construction.**

**Excavation.**

**Trenching and boring.**

**Drainage system installation; and**

**Landscaping.**

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

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

## **HISTORIC STRUCTURES AND LANDSCAPES**

*Mitigation Measure 4.12-4d requires the protection, restoration, and replacement of commemorative trees, plantings, and memorials at Capitol Park, which would reduce some of the effects on the Capitol Park historic landscape. Mitigation Measure 4.4-14e requires the protection of the Historic Capitol from damage during nearby construction, and repair of any damage that does occur. This would prevent inadvertent harm to the Historic Capitol building during construction. Although the project implementation of Mitigation Measures 4.12-4a through 4.12-4e would help protect and preserve historic architectural and landscape features of the project site, the demolition of the Annex and project site disturbance would remain significant and unavoidable and the project*



would make a cumulatively considerable incremental contribution to the significant cumulative impact of the loss and degradation of historic structures and landscapes.

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

Page 4-12.30

New Visitor/Welcome Center.

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

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

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

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

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

We recommend as a mitigation measure the creation now of an early "schematic" landscape design for the Visitor/Welcome Center and equipment vault area on the west side. Instead of

advancing the architectural plan until it is so developed it would be difficult to change, and THEN starting the landscape design after the fact, why not reverse that sequence?

Page 4.12-31

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

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

Page 4.12-32

California State Government Building District

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

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

Page 4.12-33

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

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

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

Page 4.15-15

#### *THRESHOLDS OF SIGNIFICANCE*

*An impact on aesthetics, light, and glare would be significant if implementation of the Capitol Annex Project would:*

*have a substantial adverse effect on a scenic vista.*

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

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

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

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

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

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

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

#### *HISTORIC STRUCTURES AND LANDSCAPES*

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

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

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

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