City of Sacramento

Sacramento Commons

Final Environmental Impact Report

State Clearinghouse No. 2014042032

Prepared for:

City of SACRAMENTO

Community Development Department
Environmental Planning Services

Prepared by:

AECOM

June 2015

City of Sacramento

Sacramento Commons
Final Environmental Impact Report

State Clearinghouse No. 2014042032

Prepared for:

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ACRONYMS AND OTHER ABBREVIATIONS

°C	degree Celsius
AB	Assembly Bill
ACTM	Airborne Toxic Control Measure
afy	acre-feet per year
ARB	Air Resources Board
ATCM	Airborne Toxic Control Measure
B.P	Before Present
Basin Plan	Water Quality Control Plan for the Sacramento River and San Joaquin River Basins
BMP	best management practice
CAA	Clean Air Act
CAAQS	California ambient air quality standards
CalEEMod	California Emissions Estimator Model
CALGreen Code	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	climate action plan
CARB	California Air Resources Board
CBD	Central Business District
CCAA	California Clean Air Act
CCCP	Central City Community Plan
CCUDG	Central City Urban Design Guidelines
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
Central Basin	Central Groundwater Basin
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFMP	Comprehensive Flood Management Plan
cfs	cubic feet per second
CHRIS	California Historical Resource Information System
City	City of Sacramento
CIWMA	California Integrated Waste Management Act
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	Carbon monoxide
CO_2e	CO_2 equivalents
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CSH	Center for Sacramento History
CSS	combined sewer system

CVFPP	Central Valley Flood Protection Plan
CWA	Clean Water Act
dbh	diameter at breast height
DDT	dichlorodiphenyltrichloroethane
DOF	Department of Finance
DPM	diesel PM
EIR	environmental impact report
EPA	Environmental Protection Agency
ERM	Environmental Resource management
ESA	Endangered Species Act
ESC	Entertainment and Sports Center
ESD	equivalent single-family dwelling
FAA	Federal Aviation Administration
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FWTP	Fairbairn Water Treatment Plant
GHG	greenhouse gas
GWP	Global warming potential
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HAP	hazardous air pollutant
HARP	Hotspots Analysis and Reporting Program
HCM	Highway Capacity Manual
HFCs	hydrofluorocarbons
HOV	high occupancy vehicle
LEED	Leadership in Energy & Environmental Design
IOUs	investor-owned utilities
IVI	IVI Assessment Services Inc.
JRP	JRP Historical Consulting, LLC
Keeper	Keeper of the National Register
LHMP	*Local-Hazard Mitigation Plan*
LID	low impact development
LOS	Levels of Service
Master EIR	Sacramento 2030 General Plan Master EIR
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MMT	million metric tons
MOU	memorandum of understanding
MS4 permit	joint Municipal Separate Storm Sewer System NPDES permit
MT	metric tons
MTP	Metropolitan Transportation Plan
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy

NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NO_2	Nitrogen dioxide
NOP	Notice of Preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Services'
NRHP	National Register of Historic Places
OEHHA	Office of Environmental Health Hazard Assessment
OHP	Office of Historic Preservation
OPR	Office of Planning and Research
PCBs	polychlorinated biphenyls
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	Particulate matter
PM_{10}	coarse particles
$PM_{2.5}$	fine PM
ppd	pounds per day
PRMP	*Parks and Recreation Master Plan 2005–2010*
proposed project	Sacramento Commons project
PUD	Planned Unit Development
PUD	Planned Unit Development
REL	reference exposure level
Reporting Rule	Greenhouse Gas Reporting Rule
ROG	reactive organic gases
RT	Regional Transit District
RWD	Reports of Waste Discharge
RWQCB	Regional Water Quality Control Board
SACOG	Sacramento Area Council of Governments
Sacramento Register	Sacramento Register of Historic & Cultural Resources
SAFCA	Sacramento Area Flood Control Agency
SB	Senate Bill
SCEA	Sustainable Communities Environmental Assessment
SCH	State Clearinghouse
Scoping Plan	*Climate Change Scoping Plan*
SCS	Sustainable Communities Strategy
SCUSD	Sacramento City Unified School District
SFD	Sacramento Fire Department
SHPO	State Historic Preservation Officer
SHRC	State Historical Resources Commission

SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District
SO_2	Sulfur dioxide
SQIP	*Stormwater Quality Improvement Plan*
SR 99	State Route 99
SRCSD	Sacramento Regional County Sanitation District-
SRWTP	Sacramento Regional Wastewater Treatment Plant
SRWWTP	Sacramento Regional Wastewater Treatment Plant
SSQP	Sacramento Stormwater Quality Partnership
stratosphere	upper atmosphere
Sump	Pump Station
SWA	Solid Waste Authority
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TDM	transportation demand management
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035
TMDL	total maximum daily load
TPAs	transit priority areas
tpd) of solid waste	tons per day
TPP	Transit Priority Project
troposphere	pollutant in the lower atmosphere
U.S. 50	U.S. Highway 50
UCMP	University of California Museum of Paleontology
ug/L	micrograms per liter
USACE	U.S. Army Corps of Engineers
USFWS	U. S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan
VMT	vehicle miles traveled
VOCs	Volatile Organic Compounds
WBE	Wurster, Bernardi, and Emmons
WDR	Waste Discharge Requirement
WSA	Water Supply Assessment

1 INTRODUCTION

The City of Sacramento (City) has directed the preparation of an environmental impact report (EIR) to evaluate the potential environmental effects of the proposed Sacramento Commons project (proposed project) in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

In accordance with Section 15088 of the State California Environmental Quality Act (CEQA) Guidelines, the City of Sacramento, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (Draft EIR) for the Sacramento Commons project and has prepared written responses to the comments received.

The City has asked for input from federal, state, and local agencies; organizations; and members of the public regarding the issues that should be evaluated in the EIR. The City circulated a Notice of Preparation (NOP) for a Sustainable Communities Environmental Assessment (SCEA), but ultimately concluded that an EIR should be prepared. The City issued a NOP for the EIR in August 6, 2014 and a scoping meeting was held on August 27, 2014. The Notice of Preparation for the EIR included an initial study, as well, to help identify key issues that would be evaluated in the EIR.

The Draft EIR (State Clearinghouse Number 2014042032) was circulated through the State Clearinghouse on March 9th, 2015 for a 45-day public review period that concluded on April 24th, 2015. This section of the Final EIR includes all agency and public comments received on the Draft EIR up through the close of the Planning and Design Commission review and comment public hearing on April 30, 2015, even though the public comment period closed on April 24, 2015.

Chapter 2 of this Final EIR includes the written and oral comments received on the Draft EIR and responses to environmental topics raised in these comments (as required by the State CEQA Guidelines Section 15132) and to non-environmental topics included in these comments. The responses to comments and the associated master responses respond to the verbatim comments received on the Draft EIR. To assist the reader, each response to a comment also includes a brief summary of the comment.

In some instances, responses to comments may warrant modification of the text of the Draft EIR. In those cases, the text of the Draft EIR is revised and the changes compiled in Chapter 3, Revisions to the Draft EIR. The text deletions are shown in strikeout (~~strikeout~~) and additions are shown in underline (<u>underline</u>). The revisions summarized in Chapter 3 of this EIR do not change the findings presented in the Draft EIR. This document and the Draft EIR together constitute the Final EIR that is being considered by the City of Sacramento.

1.1 USE OF THE FINAL EIR

The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR and the Responses to Comments. The Final EIR serves as the environmental document to inform the City

Council's consideration of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090(a)(1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.

2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.

3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

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

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

2 COMMENTS AND RESPONSES TO COMMENTS

This section of the Final EIR contains comment letters received during the public review period for the Draft EIR, which concluded on April 24, 2015. The Planning and Design Commission held a public hearing for review and comment on April 30, 2015.

The EIR is an informational document intended to disclose to the City and the public the environmental consequences of approving and implementing the Sacramento Commons Project (proposed project) or one of the alternatives to the project described in the Draft EIR. In conformance with CEQA Guidelines Section 15088(a), the City has prepared written responses to all comments that address environmental issues related to the project. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines.

2.1 LIST OF COMMENTERS ON THE DRAFT EIR

Comments on the Draft EIR were received in two ways: (1) as written comments submitted to the City of Sacramento Community Development Department during and shortly following the public review comment period; and (2) verbally at a Preservation Commission hearing held on April 15, 2015 at 5:30 p.m., and Planning and Design Commission review and comment public hearing held on April 30, 2015, at 5:30 p.m. **Table 2-1**, below, indicates the numeric designation for each comment letter received, the author of the comment letter, and the date received. Verbal comments provided at public hearings for the proposed project are shown in **Table 2-2**. Note that the letter before each numbered grouping of written letters/emails or verbal Public Hearing comments represents the following: A=Agencies, O=Organizations, I=Individuals, H=Hearing Commenter.

Table 2-1
Written Comments Received on the Draft EIR

Letter	Commenter	Date
Agencies		
A1	California Department of Transportation (Caltrans)	4/24/2015
A2	California Department of General Services (DGS)	4/8/2015
A3	California Office of Historic Preservation (OHP)	4/21/2015
A4	Central Valley Regional Water Quality Control Board	4/21/2015
A5	Governor’s Office of Planning and Research, State Clearinghouse	4/23/2015
A6	Chair of the Sacramento Preservation Commission	4/28/2015
Organizations		
O1	Bridgeway Towers Owners Association	4/24/2015
O2	Environmental Council of Sacramento (ECOS)	4/23/2015
O3	National Trust for Historic Preservation	4/24/2015
O4	Neighbors of Capitol Towers and Villas 1	4/10/2015

Table 2-1 Written Comments Received on the Draft EIR		
Letter	Commenter	Date
O5	Neighbors of Capitol Towers and Villas 2	4/10/2015
O6	Neighbors of Capitol Towers and Villas 3 (including Arborist Report attachment)	4/24/2015
O7	Preservation Sacramento	4/24/2015
O8	Sacramento Modern	4/20/2015
O9	Trees Sacramento	4/10/215
O10	American Institute of Architects (AIA), Central Valley	4/22/2015
O11	Pioneer Tower Residents' Council	7/1/2014
O12	Preservation Sacramento	4/27/2015
Individuals		
I1	Adrienne Kandel	Undated
I2	Betty Louie	4/24/2015
I3	Carr Kunze 1	4/27/2015
I4	Carr Kunze 2	4/24/2015
I5	Dan Pskowski	Undated
I6	Jim Pachl 1	4/12/2105
I7	Jim Pachl 2	4/13/2015
I8	Jim Pachl 3	4/14/2015
I9	Jim Pachl 4	4/24/2015
I10	James Reece	4/16/2015
I11	Kathleen Green 1	4/12/2015
I12	Kathleen Green 2	4/13/2015
I13	Kathleen Green 3	4/24/2015
I14	Dr. Knox Mellon	4/27/2015
I15	Josh Croft	4/9/2015
I16	Jane Kryski Morris	4/12/2015
I17	Louise E. Jackson	4/12/2015
I18	Kathy Les	4/13/2015
I19	Kent and Mary Schroeder	4/15/2015
I20	Heather Fargo	4/15/2015
I21	Kathleen Green 4	4/28/2015
I22	Judith Lamare 1	4/8/2015
I23	Jim Pachl 5	4/29/2015
I24	Melisa Gaudreau	4/30/2015
I25	Becky Ferguson	4/27/2015

Table 2-1 Written Comments Received on the Draft EIR		
Letter	Commenter	Date
I26	Judith Lamare 2	4/28/2015
I27	Michael Galizio	4/29/2015
I28	Tommy Leung	4/29/2015
I29	Julie Mumma	4/30/2015

Table 2-2 Public Hearing Comments	
Preservation Commission Hearing, April 15th, 2015	
Comment #	Commenter
H1-1	Chairman Fuller, Elise Gumm
H1-2	Chairman Fuller, Gretchen Steinberg
H1-3	Chairman Fuller, William Burg
H1-4	Chairman Fuller, Judy Stanley
H1-5	Chairman Fuller, Susan Ballew
H1-6	Chairman Fuller, Barry Wasserman
H1-7	Chairman Fuller, Carr Kunze
H1-8	Chairman Fuller, Karen Jacques
H1-9	Chairman Fuller, Jim Pachl
H1-10	Chairman Fuller, Don Cox
H1-11	Chairman Fuller, Commissioner Marshack, Roberta Deering
H1-12	Chairman Fuller
H1-13	Commissioner Piner, Chairman Fuller
H1-14	Chairman Fuller, Commissioner Moffett
H1-15	Chairman Fuller, Mike Voss, Evan Compton
H1-16	Chairman Fuller, Gretchen Steinberg, Commissioner Marshack, Roberta Deering, Scott Johnson
H1-17	Commissioner Marshack, Scott Johnson, Evan Compton, Chairman Fuller
H1-18	Commissioner Marshack, Scott Johnson, Ellie Ewigleben
H1-19	Chairman Fuller, Commissioner Forrest, Evan Compton
H1-20	Commissioner Forrest, Evan Compton, Chairman Fuller, Commissioner Marshack
H1-21	Chairman Fuller, Commissioner Marshack, Evan Compton
H1-22	Chairman Fuller, Commissioner Huck, Evan Compton
H1-23	Chairman Fuller, Gretchen Steinberg
H1-24	Gretchen Steinberg

Table 2-2 Public Hearing Comments	
Preservation Commission Hearing, April 15th, 2015	
Comment #	Commenter
H1-25	Gretchen Steinberg
H1-26	Gretchen Steinberg
H1-27	Chairman Fuller, William Burg
H1-28	William Burg
H1-29	William Burg
H1-30	Chairman Fuller, Jim Pachl
H1-31	Jim Pachl
H1-32	Chairman Fuller, Barry Wassermann
H1-33	Barry Wassermann
H1-34	Chairman Fuller, Karen Jacques
H1-35	Karen Jacques
H1-36	Karen Jacques
H1-37	Karen Jacques
H1-38	Karen Jacques
H1-39	Karen Jacques, Chairman Fuller, Dave Eadie, Roberta Deering
H1-40	Chairman Fuller, Carr Kunze
H1-41	Carr Kunze
H1-42	Carr Kunze
H1-43	Carr Kunze
H1-44	Carr Kunze
H1-45	Chairman Fuller, Commissioner Marshack, Gretchen Steinberg, William Burg
H1-46	Chairman Fuller, Commissioner Marshack
H1-47	Chairman Fuller, Commissioner Forrest
H1-48	Commissioner Forrest
H1-49	Commissioner Forrest
H1-50	Commissioner Forrest, Chairman Fuller
H1-51	Commissioner Huck
H1-52	Commissioner Huck
H1-53	Commissioner Huck
H1-54	Commissioner Huck
H1-55	Chairman Fuller
H1-56	Chairman Fuller
H1-57	Chairman Fuller

Table 2-2 Public Hearing Comments	
Preservation Commission Hearing, April 15th, 2015	
Comment #	Commenter
H1-58	Commissioner Moffett, Chairman Fuller
H1-59	Chairman Fuller, Commissioner Moffett
H1-60	Commissioner Moffett
H1-61	Commissioner Moffett, Commissioner Forrest, Roberta Deering
H1-62	Commissioner Moffett
H1-63	Chairman Fuller, Commissioner Marshack
H1-64	Commissioner Marshack
H1-65	Commissioner Marshack, Commissioner Huck, Commissioner Moffett
H1-66	Commissioner Huck, Commissioner Moffett
H1-67	Commissioner Moffett
H1-68	Commissioner Moffett
H1-69	Commissioner Moffett
H1-70	Chairman Fuller, Commissioner Huck, Mike Voss, Commissioner Forrest, Roberta Deering, Commissioner Forrest
H1-71	Chairman Fuller, Commissioner Moffett, Commissioner Huck, Commissioner Forrest
H1-72	Chairman Fuller, Commissioner Piner, Commissioner Bowns, Commissioner Huck, Commissioner Moffett, Commissioner Marshack, Roberta Deering
H1-73	Chairman Fuller, Roberta Deering, Commissioner Moffett, Commissioner Piner, Commissioner Huck, Commissioner Bowns, Commissioner Forrest, Commissioner Marshack
H1-74	Commissioner Marshack
H1-75	Chairman Fuller, Commissioner Forrest, Commissioner Marshack, Mike Voss, Roberta Deering, Commissioner Piner, Commissioner Moffett
Planning and Design Commission Hearing, April 30th, 2015	
H2-1	Commissioner Chandler 1
H2-2	Evan Compton
H2-3	Commissioner Kaufman 1
H2-4	Chairman Nybo and Commissioner Kaufman
H2-5	Commissioner Bodipo-Memba 1
H2-6	Commissioner Bodipo-Memba 2
H2-7	Commissioner Bodipo-Memba 3
H2-8	Commissioner Bodipo-Memba 4
H2-9	Commissioner Burke
H2-10	Vice-Chair LoFaso 1
H2-11	Vice-Chair LoFaso 2

Table 2-2 Public Hearing Comments	
Preservation Commission Hearing, April 15th, 2015	
Comment #	Commenter
H2-12	Commissioner Burchill 1
H2-13	Commissioner Chandler 2
H2-14	Jane Kryski-Morris
H2-15	Ty Hudson
H2-16	Pete Noak
H2-17	Emile Cameron
H2-18	Glenn Snyder
H2-19	Keith Dias
H2-20	Rob Fong
H2-21	Brian Sehnert and Mike Novak 1
H2-22	Brian Sehnert and Mike Novak 2
H2-23	Brian Sehnert and Mike Novak 3
H2-24	Commissioner Chandler 3
H2-25	Patrick Stelmach 1
H2-26	Patrick Stelmach 2
H2-27	Patrick Stelmach 3
H2-28	Hashim Kahn
H2-29	Justin Wood 1
H2-30	Justin Wood 2
H2-31	Justin Wood 3
H2-32	Justin Wood 4
H2-33	Justin Wood 5
H2-34	Justin Wood 6
H2-35	Justin Wood 7
H2-36	Justin Wood 8
H2-37	Eva Nunez 1
H2-38	Eva Nunez 2
H2-39	Judy Kay Stanley 1
H2-40	Judy Kay Stanley 2
H2-41	Judy Kay Stanley 3
H2-42	Judy Kay Stanley 4
H2-43	Vivian Gerlach 1
H2-44	Vivian Gerlach 2

Table 2-2 Public Hearing Comments	
Preservation Commission Hearing, April 15th, 2015	
Comment #	Commenter
H2-45	Vivian Gerlach 3
H2-46	Vivian Gerlach 4
H2-47	Carr Kunze 1
H2-48	Carr Kunze 2
H2-49	Dan Pskowski
H2-50	Karen Jacques 1
H2-51	Karen Jacques 2
H2-52	Karen Jacques 3
H2-53	Karen Jacques 4
H2-54	Karen Jacques 5
H2-55	Adrienne Kandel 1
H2-56	Adrienne Kandel 2
H2-57	Adrienne Kandel 3
H2-58	Paula Boghosian
H2-59	Don Cox
H2-60	George Salerno 1
H2-61	George Salerno 2
H2-62	George Salerno 3
H2-63	Jim Pachl 1
H2-64	Jim Pachl 2
H2-65	Jim Pachl 3
H2-66	Susan Bellow
H2-67	Judith Lamare 1
H2-68	Judith Lamare 2
H2-69	Commissioner Kaufman 2
H2-70	Vice-Chair LoFaso 3
H2-71	Commissioner Burchill 2
H2-72	Commissioner Chandler 4
H2-73	Commissioner Burchill 3
H2-74	Commissioner Kaufman 3
H2-75	Commissioner Kaufman 4
H2-76	Commissioner Bodipo-Memba 5
H2-77	Vice-Chair LoFaso

Table 2-2 Public Hearing Comments	
Preservation Commission Hearing, April 15th, 2015	
Comment #	Commenter
H2-78	Commissioner Mack
H2-79	Commissioner Chandler 5
H2-80	Commissioner Chandler 6
H2-81	Commissioner Chandler 8
H2-82	Chairman Nybo 1
H2-83	Chairman Nybo 2
H2-84	Chairman Nybo 3
H2-85	Chairman Nybo 4

2.2 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

The written comments received on the Draft EIR and the responses to those comments are provided in this section. Each comment letter is reproduced in its entirety and is followed by the response(s) to the letter. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

Master Responses (Section 2.3) have been prepared that respond to recurring topics and comments. These are referenced in individual comments, when appropriate.

2.2.1 AGENCY COMMENTS AND RESPONSES TO COMMENTS

COMMENT LETTER A1 – CALIFORNIA DEPARTMENT OF TRANSPORTATION

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY ED

Letter A1

DEPARTMENT OF TRANSPORTATION
DISTRICT 3 – SACRAMENTO AREA OFFICE
2379 GATEWAY OAKS DRIVE, STE 150 – MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0635
FAX (916) 263-1796
TTY 711

Serious drought.
Help save water!

April 24, 2015

032015-SAC-0045
03-SAC-5 / 23.49
SCH# 2014042032
P14-012

Mr. Scott Johnson
Community Development
City of Sacramento
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Sacramento Commons – Draft Environmental Impact Report (DEIR)

Dear Mr. Johnson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Caltrans previously sent comments on May 12 and September 4, 2014 for the Notices of Preparation for Sustainable Communities Environmental Assessment and DEIR. Caltrans also appreciates the opportunities to meet with the City of Sacramento, the Sacramento Area Council of Governments (SACOG), and project proponents on July 16, 2014, and April 16, 2015. A1-1 The proposed residential mixed use project is designed to qualify as a transit priority project that will provide 1400 to 1500 dwelling units (including the existing 203-unit Capitol Tower building) of various types and densities on a 10-acre infill site in downtown Sacramento. A1-2 The proposed project will also provide new parking structures for 1600 to 1700 parking spaces that will serve project site uses, including approximately 70,000 square feet (sqft) of retail and/or support uses (with at least 30% set aside as support uses for residents), and 44,000 sqft of live-work space within the boundaries of 5th St., 7th St., N St., and P St. A1-3

Caltrans new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development project for impacts to the State Highway System in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. A1-4

Regional Transportation Network Impacts

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

Caltrans is supportive of transit-oriented development and improving the jobs/housing balance throughout the region. However, the appropriate transportation infrastructure that supports more compact land uses (such as enhanced transit, bicycling, and pedestrian facilities) must be in place in order to support the viability of more compact development. Making infrastructure and operational improvements to these modes of travel will reduce vehicle miles travelled (VMT) on the SHS and realize the vision of the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). We commend the project proponent for making improvements to the pedestrian and bicycling infrastructure near the project site, and for potentially providing funding for the Streetcar project by payment for the proposed local tax measure. A1-5

In accordance with Senate Bill (SB) 375 streamlining provisions, there was no analysis of the SHS in the DEIR. However, the DEIR does provide enough information to show that there will be vehicle trips generated from this development that use the SHS.

The net new automobile trip generation total during morning commutes for the proposed project with hotel, condos, and retail scenario is 310 vehicle trips; in the evening commute period trip generation under this scenario is 665 vehicle trips. For the proposed project, during morning commutes, with condos and retail scenario is 227 vehicle trips; in the evening commute period trip generation under this scenario is 558 vehicle trips.

The DEIR also determined that up to 14% of trips shown above will use the SHS to travel toward Natomas, up to 13% toward Elk Grove, up to 17% toward Davis, and 5% toward El Dorado County.

A1-6

Based on the information shown above, there will be a large increase in VMT on the SHS due to any scenario of the proposed project. Though Caltrans is not contesting the adequacy of the information presented in the DEIR, we still encourage the City to condition the project to pay into a subregional fee program to reduce VMT on the SHS as a good regional partner. One approach used by a recent local development (the Sacramento Entertainment Center and Sports Complex Project--ESC) was payment to the I-5 Subregional Impact Fee Program. Furthermore, the I-5 Subregional Fee Program and nexus study in its current form is a "smart growth" type of structure. Extensive modeling was completed for the fee program's nexus study to show the effects of placing certain types of development in various locations in the study area and its effects on the SHS. Residential projects in downtown Sacramento would pay less fees than projects in more suburban settings of the program area because it helps improve the regional jobs/housing balance. The modeling showed, and it is also consistent with this project's traffic study, that there will still be significant increase in VMT on the SHS from large infill projects such as this one. However, the study also showed that by paying the fees toward several of the projects in the project list, VMT on the SHS is reduced.

One option to help improve the ability for infill projects to move forward without needing to pay for impacts to the SHS is to structure the updated nexus study in such a way so that infill and smart growth projects would not pay fees into the program, and projects that increased regional VMT would be subject to higher fees to offset the costs of the infill/smart growth projects not paying fees. This would shift the burden of costs onto those projects which negatively affect the jobs/housing balance and/or encourage sprawl. Caltrans would like to have discussions with the City of A1-7

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

Sacramento, SACOG, and the cities of Elk Grove and West Sacramento to explore the possibility of a fee program heading in this direction. A1-7 cont.

Traffic Management Plan (TMP) as Mitigation

Caltrans concurs with the TMP mitigations. Please coordinate with the Caltrans District 3 Traffic Manager Bob Mcnew at (916) 859-7978. A1-8

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development. A1-9

If you have any questions regarding these comments or require additional information, please contact Arthur Murray, Intergovernmental Review Coordinator, at (916) 274-0616 or by email at: arthur.murray@dot.ca.gov. A1-10

Sincerely,

ERIC FREDERICKS, Chief
Office of Transportation Planning – South

c: Scott Morgan, State Clearinghouse
Kirk Trost, Sacramento Council of Governments

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

RESPONSE TO COMMENT A1-1

The commenter provides background regarding the environmental review process and meetings with the City of Sacramento on the proposed project.

The comment does not raise specific questions regarding the adequacy of the environmental analysis provided in the DEIR. The City acknowledges this comment and notes that previous comments from Caltrans on the Notice of Preparation (NOP) have been addressed in the DEIR and are available in their entirety in Appendix B of the DEIR. Please see pages 4.11-2 and 4.11-3 of the DEIR for a summary of transportation related comments on the NOP.

RESPONSE TO COMMENT A1-2

The commenter summarizes the proposed project.

The DEIR provides a comprehensive description of the proposed project in Chapter 2 of the DEIR.

RESPONSE TO COMMENT A1-3

The commenter summarizes the proposed project.

The DEIR provides a comprehensive description of the proposed project in Chapter 2 of the DEIR.

RESPONSE TO COMMENT A1-4

The commenter describes the approach for review of projects in the context of Caltrans' mission, vision, and goals.

The comment does not raise specific questions regarding the adequacy of the environmental analysis provided in the DEIR and the City acknowledges Caltrans' mission, vision, and goals related to sustainability, livability, economic development, and public safety and health.

RESPONSE TO COMMENT A1-5

The commenter describes transit-oriented development and transportation facilities needed to support such development. The comment commends the project for making bicycle and pedestrian improvements.

The comment does not raise specific questions regarding the adequacy of the environmental analysis provided in the DEIR, and the City confirms the City's and Caltrans' mutual interest in reducing vehicle miles traveled (VMT).

RESPONSE TO COMMENT A1-6

The commenter describes state legislation related to VMT and an approach to transportation impact fees that would reflect infill projects' benefits related to travel demand management.

The comment reflects agreement with the information presented in the DEIR, including the absence of an impact analysis for the state highway system (SHS), and indicates that the project would generate substantial vehicle trips on the SHS. The comment includes references to regional fee programs and an invitation to participate in ongoing discussions regarding new approaches. The City acknowledges these comments. The comment encourages the City to condition the project to pay into a subregional fee program to reduce VMT on the SHS. This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

While not required to address transportation impacts pursuant to CEQA, the proposed project will be required to pay the Downtown Development Impact Fee established by Chapter 18.36 of the City Code. As explained in the Railyards/Richards/Downtown Nexus Study, the fee is designed to fund improvements to freeways, major roads, and rail/transit. The Downtown Development Impact Fee provides funding for freeway improvements such as the Richards I-5 interchange and I-5 auxiliary lanes. See also Master Response 2.3.12.3 for further discussion regarding mitigation for regional transportation network impacts.

RESPONSE TO COMMENT A1-7

The commenter suggests restructuring the updated I-5 Subregional Fee nexus study in such a way that infill and smart growth projects would not pay fees into the program and projects that increase regional VMT would be subject to higher fees to offset the costs of the infill/smart growth projects not paying fees.

The comment does not raise specific questions regarding the adequacy of the environmental analysis provided in the DEIR. The City acknowledges Caltrans' comments related to the structure of development impact fees. This comment is provided here for City Council consideration. See also Master Response 2.3.12.3 for further discussion regarding mitigation for regional transportation network impacts.

RESPONSE TO COMMENT A1-8

The commenter supports the project's traffic management plan as mitigation.

This mitigation measure is described on pages 4.11-59 and 4.11-60 of the DEIR.

RESPONSE TO COMMENT A1-9

The commenter requests information related to future actions on the project.

The City will provide notification of future actions related to the project and will circulate these responses to comments to each agency, organization, and individual that commented on the DEIR.

RESPONSE TO COMMENT A1-10

The commenter indicates where questions should be routed.

The City acknowledges this contact information. The Traffic Management Plan will be reviewed and approved by the City's Department of Public Works, and staff will provide appropriate ongoing status and information to Caltrans, as requested.

COMMENT LETTER A2 – CALIFORNIA DEPARTMENT OF GENERAL SERVICES

Letter A2

DGS CALIFORNIA DEPARTMENT OF GENERAL SERVICES

Governor Edmund G. Brown Jr.

April 8, 2015

Scott Johnson
City of Sacramento, Community Development
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Dear Mr. Johnson:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Sacramento Commons Project (P14-012) (SCH# 2014042032).

The State Department of General Services (DGS) oversees approximately 18.9 million square feet of office space in both state-owned and leased facilities in the Sacramento region and is responsible for administering the Capitol Area Plan, which guides the development of state facilities and new residential units on state-owned land within 42 blocks in downtown Sacramento known as the Capitol Area. The Capitol Area is bounded by 5th Street to the west, 17th Street to the east, L Street to the north, and R Street to S Street to the south (from 10th to 19th Streets up to the railroad right-of-way). A2-1

DGS recognizes the proposed residential mixed-use infill development project would be consistent with key planning objectives contained in the Capitol Area Plan by providing a higher density of residential units near public transportation, including neighborhood-serving retail uses in the development, enhancing pedestrian walkways, and providing opportunities for live-work space. A2-2

The State of California has a vested interest in the proposed project as it may potentially affect not only the Central Plant, which provides heating and cooling for a total of 23 state office buildings as pointed out in the NOP (located immediately south of the project site), including a number of state office buildings located at various points around the perimeter of the approximate four-block area that contains the proposed project site. These state office buildings include the Employment Development Department (EDD) Solar and Subterranean buildings to the north and east (751 and 750 N Street), the Board of Equalization Headquarters to the northwest (450 N Street), Office Building 8 to the southwest (714 P Street), Block 204 between 7th, 8th, O, and P Streets, a future state office development site (located east of the project site), and the California Public Employees Retirement System building to the southeast (400 P Street). A2-3

Many of the issues raised in DGS' April 28, 2014, comment letter on the Notice of Preparation of a Sustainable Communities Environmental Assessment for the project are addressed in the DEIR, including potential impacts of the proposed project related to land use (onsite open space and recreation amenities); public services (fire protection and law enforcement service levels); recreation; traffic and circulation; city review of architectural design plans for solar reflectivity issues; project phasing; and location of construction staging areas. A2-4

Given the proximity of nearby state office buildings and facilities to the project site, close coordination with DGS is requested from the city and/or project construction manager during

Real Estate Services Division/Asset Management Branch | *State of California* | *Government Operations Agency*
707 3rd Street, 5th Floor | West Sacramento, CA 95605 | t 916.376.1800 f 916.376.1833

project construction phases to minimize potential construction-related impacts to state employees and staff in these buildings. There may also be major repair projects occurring in one or more of the nearby state-owned buildings during the anticipated 5-year construction window (between late fall 2015 through fall 2021) for the phased Sacramento Commons project. If the timeframes for large construction projects overlap, it may be necessary to adjust or refine the traffic management plan for the project, and coordinate on a variety of other items to minimize disruption within the neighborhood. A2-4 cont.

Project review should also include consideration of incorporating some component of affordable housing units within the proposed housing mix in the development.

If you have any questions please do not hesitate to call Jane Hershberger on my staff at (916) 375-4677.

Sincerely,

Angela Verbaere

Angela Verbaere
Assistant Chief
Asset Management Branch

cc: Cathy Buck, Supervising Real Estate Officer, Real Estate Services Division, Asset Management Branch
Valerie Keisler, Energy and Environmental Unit Manager, Project Management and Development Branch

RESPONSE TO COMMENT A2-1

The commenter provides background on Department of General Services' oversight of offices in downtown Sacramento.

The comment does not raise specific questions regarding the adequacy of the environmental analysis provided in the DEIR, and the City acknowledges the role of DGS and facilities, as referenced in the correspondence.

RESPONSE TO COMMENT A2-2

The commenter notes that the project would be consistent with planning objectives in the Capitol Area Plan.

The City acknowledges the consistency of the project with the Capitol Area Plan in relation to the provision of higher-density residential development near public transportation, neighborhood serving retail, pedestrian walkways, and the provision of live-work space.

RESPONSE TO COMMENT A2-3

The commenter references the State's Central Plant, which is located in proximity to the proposed project site.

The City acknowledges the location of the Central Plant, as stated in various sections of the DEIR, starting with Chapter 2 (page 2-4). The project does not propose to use the Central Plant for heating or cooling of on-site buildings and does not propose any changes that would adversely impact the Central Plant.

RESPONSE TO COMMENT A2-4

The commenter notes that the DEIR addresses many of the issues raised in the DGS NOP comment letter.

As noted by the commenter, the DEIR addresses impacts related to on-site open space and recreation (see Section 4.10), public services (see Section 4.10), traffic (see Section 4.11), architectural review (see Section 4.1), project phasing (see Chapter 2), and the location of construction staging areas (see Chapter 2).

The comment indicates that if there is construction involving nearby state facilities at the same time as one or more phase of the proposed project, it may be necessary to coordinate on the traffic management plan to avoid disruption in the vicinity of the proposed project site. See Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction, Master Response 2.3.6.2 for discussion of traffic management during construction. In the DEIR, impacts of construction were defined and Mitigation Measure 4.11-5 requires the applicant to prepare and implement a Construction Traffic Management Plan before commencement of demolition and construction on the

project site. The Construction Management Plan is required to comply with Sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code and subject to review and approval by the City Department of Public Works. The City will coordinate with DGS if project phases are anticipated to overlap with construction involving state facilities that would require coordination of the traffic management plan.

The comment suggests that the project review should include consideration of some component of affordable housing units. The DEIR includes a comprehensive discussion of land use, population, and housing in Chapter 3 of the DEIR. See also Master Responses 2.3.4.5 and 2.3.10, which address consistency with general plan policy, including the City's policies for encouraging infill development in the Central City area. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

COMMENT LETTER A3 – STATE OFFICE OF HISTORIC PRESERVATION

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

Letter A3

April 21, 2015

Scott Johnson
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811
SRJohnson@cityofsacramento.org
Sent via email on April 21, 2015

Dear Mr. Johnson,

RE: **DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO COMMONS PROJECT (P14-012)**

Thank you for including the California Office of Historic Preservation (OHP) in the environmental review process for the Sacramento Commons Project (proposed project). Pursuant to the National Historic Preservation Act and the California Public Resources Code, the State Historic Preservation Officer (SHPO) and the OHP have broad responsibility for the implementation of federal and state historic preservation programs in California. We have a long history working with the City of Sacramento (Lead Agency) through our Certified Local Government Program. Our comments are offered with the intent of protecting historic and cultural resources, while allowing the Lead Agency to meet its program needs. The following comments are based on the information included in the Draft Environmental Impact Report (DEIR) for the proposed project. A3-1

The buildings and landscape features that occupy the project site collectively form Capitol Towers Historic District. The Historic District is a large-scale, multi-family residential complex comprising clusters of low-rise garden apartment buildings, a high-rise residential tower, pedestrian-oriented designed landscape, and a mature tree canopy. The Capitol Towers development was the first redevelopment project in California. The project was designed and constructed by a talented group of architects and developers, including Wurster, Bernardi, and Emmons, Edward Larabee Barnes, DeMars & Reay, and Lawrence Halprin. The complex was evaluated and determined to be a historically significant local and state-wide example of successful urban redevelopment housing from the mid-twentieth century. A3-2

The Historic District has been nominated for listing on the National Register of Historic Places, and is listed on the California Register of Historical Resources. The City of Sacramento's Historic Resources Commission determined the Historic District meets the eligibility criteria to be locally listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Sacramento Register. This action has triggered review under the city's Municipal Code § 17.64.100. A3-3

Lawrence Halprin designed the landscape elements of the historic district. The designed landscape and tree canopy are unique historic landscape elements. The landscape design of the Historic District is defined by public common spaces, semi-public shared lawns, secondary courtyards between buildings, landscaped courts, and private outdoor spaces like patios and balconies. Some existing site and street trees were retained and incorporated at the time of construction, while new trees were planted and have matured, creating full canopies on the site. A3-4

The DEIR describes two proposals for the 10-acre project site: 1) a Hotel/Condo/Retail Scenario, and 2) a Condo/Retail Scenario. Both options would demolish the 206 existing garden apartments on the site and associated designed landscaping and much of the mature tree canopy. These existing improvements would be replaced with an increased number of dwelling units and increased commercial square footage. The project objectives in the DEIR are:

- To intensify an existing urban downtown residential community;
- Support investment and reinvestment in downtown;
- Intensify an existing infill development project with a new project;
- Provide high-density residential uses;
- Enhance pedestrian movement through the site;
- Provide additional housing choices and supporting retail and other commercial services;
- Provide open space areas that support residences and provide places for community gathering, activity, privacy, and connectivity;
- Provide development that is consistent with the City of Sacramento's General Plan and the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS); and
- Incorporate sustainability features that help the City and region achieve its sustainability targets.

A3-5

The DEIR explores four project alternatives:

1) No project alternative;
2) 15-story core retention alternative;
3) 24-story core retention alternative; and
4) Retention of eastern half alternative.

A3-6

The DEIR rightly treats the Historic District as a historic resource for the purposes of CEQA. However, the DEIR also states, "[d]isagreement exists between historical experts concerning the historical value of the project site (see Appendix D)..." This statement is misleading to decision makers who will be asked to certify the environmental document. To be clear, disagreement previously existed between two conflicting historic resource evaluations. Arguments for and against historic resource designation were presented to the State Historical Resources Commission (SHRC) on November 7, 2015. The SHRC voted unanimously that the Historic District met the

A3-7

criteria for listing on the National Register. The determination was forwarded to the Keeper of the National Register, who concurred with the SHRC findings of historic significance and integrity. This process put to rest any disagreement that previously existed regarding the significance of the Historic District. This fact needs to be at the forefront of the historic-environmental analysis in the DEIR so decision makers do not misunderstand the validity of the determination of historic significance. A3-7 cont.

The two proposed project scenarios both demolish the 206 garden apartments associated landscape features, and much of the mature tree canopy, a significant environmental impact to the historic resource. One of the project objectives listed in the DEIR is compatibility with the City of Sacramento's General Plan. The City of Sacramento's recently updated 2035 General Plan states:

> *The City of Sacramento recognizes the importance of its historic and cultural resources, which create a distinct sense of place for residents and visitors, as well as tell the story that differentiates Sacramento from other cities….Preservation of historic and cultural resources is important to promote understanding between cultures and because cities with distinctly identifiable places and history are generally more livable for residents and more attractive to new businesses that sustain the economy. Preservation and adaptive re-use of historic structures also promote sustainability by reducing the need for new construction materials.*

A3-8

The proposed project is inconsistent with the above section of the city's 2035 General Plan, and therefore does not achieve the project objective to "[p]rovide development that is consistent with the City of Sacramento's General Plan". Moreover, because preservation and adaptive re-use of historic structures promotes sustainability by reducing the need for new construction materials, neither project scenario achieves the project objective to help the City and region achieve its sustainability targets.

The City of Sacramento Municipal Code § 17.64.100: Historic Preservation states the following:

> *The city council finds and declares that significant aspects of the city's rich and diverse historic resources deserve recognition and preservation to foster an understanding of our heritage, and to promote the public health and safety and the economic and general welfare of the people of the city. The preservation and continued use of historic resources are effective tools to sustain and revitalize neighborhoods and business districts within the city, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability and urban character.*

A3-9

Both the 2035 General Plan and Sacramento Municipal Code § 17.64.100 are important planning documents, not simply arbitrary or honorary declarations to respect historic and cultural resources by the Lead Agency. These inconsistencies with the provisions codified in the General Plan and Municipal Code need to be discussed and reflected in the DEIR.

According to CEQA Guidelines § 15126.6(c) "[t]he range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." Of the four project alternatives discussed in the DEIR, only the *No Project Alternative* has the ability to avoid impacts to historic and cultural resources. The Lead Agency has made a commitment to the preservation of historic and cultural resources and that should be demonstrated in the alternatives section of the DEIR by focusing on at least one alternative, beyond the No Project Alternative, that has the ability to avoid or substantially lessen the significant impacts to historic and cultural resources (see CEQA Guidelines § 15126.6(a)). A3-10

The DEIR focuses on three alternatives that maximize density of the site and return on investment for the project proponent. As established in *Penn Central Transportation Co. vs. New York City, 438 U.S. (1978),* the project proponent is entitled to a "reasonable return" from their investment, but not necessarily the highest and best return. Therefore, in order to allow the decision making body enough information to weigh the significant environmental impacts against the project benefits, the DEIR should focus on a restoration/reuse project alternative that could avoid significant impacts to the historic district. This might involve constructing new buildings on the surface parking lot and/or garage site along 7th street, and restoring the garden apartments and high-rise tower (see *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* 210 Cal.App.4th (2012) regarding considering a reasonable range of project alternatives). As is, the DEIR chooses to analyze alternatives only if the alternative will also provide site-density equal to the proposed project. This omission is a serious flaw within the alternatives section of the DEIR and must be addressed by including a preservation alternative in the Final EIR (FEIR) that is capable of avoiding impacts to the Historic District. A3-11

Despite the Lead Agency's previous commitments to protect historic and cultural resources, the Lead Agency has chosen not to explore an off-site alternative. The DEIR cites § 21225.2(c)(2) of the Public Resources Code (PRC) as the reason it did not explore an off-site alternative. This section of the Public Resources Code was adopted to allow "transit priority projects" certain reasonable exemptions from CEQA. The intent of the exemptions in Section 21225.2 of the PRC is to allow infill projects with proximity to public transit, priority over other sites that may reduce the project's public transit benefits. However, classifying the proposed project as an "in-fill" project is a dubious characterization. In-fill projects imply a vacant or underutilized urban parcel is being developed. In this case, the parcels are occupied by a functional residential Historic District and need-not be developed further to meet the Lead Agency's goals for the Central Business District. Furthermore, given the many under-utilized parcels in the vicinity of the project site, we encourage the Lead Agency to explore the feasibility of off-site alternatives that would be equally transit oriented, while avoiding impacts to historical resources. A3-12

An off-site alternative could achieve all of the project objectives (and retain proximity to transit), while avoiding the impacts to historic resources. Simply because the Lead A3-13

Agency is "not required" to analyze alternative sites, does not mean the Lead Agency is restricted from using its discretion to explore another site that might satisfy the project objectives while avoiding significant impacts if it so chooses. Given the project impacts to historic resources, by choosing not to explore an off-site alternative, the Lead Agency ignores its previous commitments to protect historic and cultural resources and misses true transit-oriented, in-fill opportunities in the immediate area. This omission is a serious flaw within the alternatives section of the DEIR and must be addressed by including an off-site alternative in the Final EIR (FEIR) that is capable of avoiding impacts to the Historic District. A3-13 cont.

If the Lead Agency certifies the EIR as an adequate environmental document, and selects one of the proposed project scenarios, the decision making body will be asked to adopt a *Statement of Overriding Consideration* pursuant to CEQA Guidelines § 15093(b). This statement should include reference of why the project benefits outweigh the significant environmental impacts of the proposed project. The statement should include reference to both the Lead Agency's 2035 General Plan and the Municipal Code regarding the city's commitments to protect historic resources and provide specific information explaining why the project benefits supersede these commitments. A3-14

If the Lead Agency adopts a project scenario or alternative that has an impact to the Historic District, we recommend mitigation measures that have a public benefit component. Some mitigation measures to consider may include sponsoring surveys of similar resource types in other areas of the City of Sacramento, or repairs to similar resource types that are in-need of stabilization or restoration. As a condition to project approval, any mitigation measures should be fully funded and enforceable through a mitigation monitoring and reporting plan prior to the issuance of a demolition permit. Simply adopting mitigation measures from the General Plan EIR is not adequate. The mitigation should have an identifiable nexus and be roughly proportionate to the impacts of demolishing the Capitol Towers Historic District, contributing landscape features, and mature tree canopy. Determining the nexus and rough proportionality standard is the responsibility of the Lead Agency, but we suggest community outreach to interested groups regarding proposed mitigation measures. The Lead Agency should also involve the City's Preservation Commission in reviewing and approving mitigation measures that involve historic resources. A3-15 A3-16 A3-17 A3-18 A3-19

If you have questions, please contact Sean de Courcy of the Local Government and Environmental Compliance Unit, at (916) 445-7042 or at Sean.deCourcy@parks.ca.gov. A3-20

Sincerely,

Carol Roland-Nawi, Ph.D.

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

CC:
Sacramento City Council
Sacramento Modern
Preservation Sacramento

RESPONSE TO COMMENT A3-1

The commenter provides background on the California Office of Historic Preservation's inclusion in the environmental review of the proposed project.

The City acknowledges the role of the Office of Historic Preservation (OHP) and its history of working with the City through its Certified Local Government Program.

RESPONSE TO COMMENT A3-2

The commenter summarizes the historic district and its significance on the site of the proposed project.

The existing setting relative to historical resources is also summarized in Section 4.4.1 of the DEIR.

RESPONSE TO COMMENT A3-3

The commenter summarizes the historic district nomination to, listing in, and recommendation for listing in the National Register, California Register and Sacramento Register, respectively, of the project site and the status of the project site related to eligibility for listing on the Sacramento Register.

The regulatory setting, including eligibility criteria is summarized comprehensively in Section 4.4.2 of the DEIR. The DEIR confirmed the status of the project site as a historic resource. In the course of concluding that the project would have a significant and unavoidable effect on historic resources, the DEIR stated:

> …for the purposes of this EIR, the Capitol Towers property, which comprises the existing built environment on the project site, including the designed landscape, is considered an historical resource for the purposes of pursuant to CEQA. Demolition of all of the existing 206 garden apartment units, landscape and site features, and other physical elements of the property, as well as renovation of the Capitol Towers high-rise, constitutes a substantial adverse change to the historical resource because the resource's physical characteristics that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources would be materially impaired (DEIR, Impact 4.4-2, page 4.4-22).

The DEIR has confirmed the project site's status as a historical resource, and included that status in the environmental analysis.

See also Master Response 2.3.4.3 regarding the status of the project site as an historic resource for the purposes of CEQA. As stated in the comment, on April 15, 2015, after publication of the DEIR, the Preservation Commission held a hearing regarding the eligibility of Capitol Towers and Capitol Villas for listing on the Sacramento Register. The Preservation Commission recommended the City Council list the site on the Sacramento Register. Pursuant to the City Code, the City Council shall hold at least one public hearing on the nomination as recommended by the Preservation Commission. At the conclusion of the hearing, the City Council may adopt, modify or reject the action recommended by the

Preservation Commission or direct further hearings, consideration or study. (City Code, § 17.604.220(C).)

RESPONSE TO COMMENT A3-4

The commenter describes the historic landscape elements of the historic district.

The comment discusses landscape features, and appears to be consistent with the DEIR discussion in Section 4.4. No further response is required.

RESPONSE TO COMMENT A3-5

The commenter summarizes the proposed project objectives.

The comment summarizes and reiterates portions of the DEIR. The comment is acknowledged.

RESPONSE TO COMMENT A3-6

The commenter summarizes the four alternatives to the proposed project discussed in.

The comment summarizes and reiterates portions of the DEIR. The comment is acknowledged.

RESPONSE TO COMMENT A3-7

The commenter references that the DEIR recognizes the project site as an historical resource for CEQA purposes, but expresses concern about the discussion, relative to evaluations undertaken prior to the publication of the DEIR and questions the DEIR treatment of the relevant studies.

The regulatory setting, including eligibility criteria, is summarized comprehensively in Section 4.4.2 of the DEIR. As noted in the DEIR, JRP Historical Consulting (JRP) prepared an inventory and evaluation of the project site in connection with a previously proposed development project on the property. JRP issued an updated evaluation in May 2014 regarding the historic eligibility of the property. In July 2014, SacMod retained architecture and historic preservation services firm, Page & Turnbull, to prepare a nomination to the NRHP for the Capitol Towers property. The nomination was submitted to the SHPO in July 2014. The nomination was heard before SHRC on November 7, 2014. The SHRC voted to approve the nomination and requested the SHPO forward the nomination to the Keeper for a determination of eligibility. On December 31, 2014, the Keeper made a formal determination that the property is eligible for listing in the National Register of Historic Places, and the property was thereby automatically listed in the California Register of Historical Resources. SacMod submitted a nomination application to the City of Sacramento for listing the property in the Sacramento Register. On February 19, 2015, a Preservation Director public hearing was held in which the Preservation Director reviewed the nomination submittal materials, took public testimony, concurred with the nomination, and forwarded the nomination for consideration by the Preservation Commission to make a recommendation to the City Council for consideration and action.

On April 15, 2015, after publication of the DEIR, the Preservation Commission held a hearing regarding the eligibility of Capitol Towers and Capitol Villas for listing on the Sacramento Register. The Preservation Commission recommended the City Council list the site on the Sacramento Register. Pursuant to Chapter 17.604, the City Council must hold a public hearing to consider the Preservation Commission's recommendation.

The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. The DEIR confirmed the status of the project site as a historic resource:

> Due to the property's formal determination of eligibility for listing in the National Register of Historic Places, and therefore its listing in the California Register of Historical Resources, the property is considered an historical resource for purposes of evaluating impacts of the proposed project pursuant to CEQA (DEIR, page 4.4-1).

Although the EIR determined the project site is an historical resource for purposes of CEQA, the EIR's discussion of background information and the process of reaching that conclusion was proper and is consistent with CEQA Guidelines:

> An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines, Section 15151).

The CEQA Guidelines provide where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, that the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project. By disclosing the disagreement among experts regarding the historic value of the Capitol Towers and garden apartments, the Draft EIR satisfied these requirements. The discussion does not result in confusion and does not adversely affect the impact analysis for historic resources. No further response is required.

RESPONSE TO COMMENT A3-8

The commenter asserts that neither project scenario described in the DEIR is consistent with the City's 2035 General Plan language in relation to preservation of historic resources to promote a distinct sense of place and also sustainability.

Relative to sense of place, please refer to Section 4.1 of the DEIR for an evaluation of visual changes associated with the project, including consistency with City aesthetic policies. The commenter cites policy text in the Historic and Cultural Resources Element of the City's 2035 General Plan and those provisions are acknowledged, and were considered as part of the DEIR process. Please see Master Responses 2.3.4.2, 2.3.4.5, and 2.3.10.2 for responses related to General Plan consistency issues involving a wide range of goals and policies found within the General Plan.

The commenter's opinion regarding the sustainability benefits of preserving structures and reducing the need for new construction materials is noted and will be provided to the City Council as part of this FEIR for consideration.

It is also noted that sustainability benefits can be achieved through a variety of means, including intensification of "development near transit and mixed-use activity centers, and locate jobs closer to housing…" (See, e.g., 2035 General Plan, p. 1-4). These sustainability benefits include "increased walking and reduced automobile use." In addition, "[g]asoline consumption, air pollution, greenhouse gas emissions, and personal commute times will be reduced, which will facilitate and increase the time working parents have to spend with their children and families." (*Ibid*). The proposed project supports the 2030 and 2035 General Plans "grow smarter" sustainability objectives because the project site is located adjacent to transit, in a mixed-use area, and within the City's largest employment center. The ultimate determination regarding consistency with general plan policy guidance is the responsibility of the City Council.

RESPONSE TO COMMENT A3-9

The commenter discusses the City's Municipal Code and General Plan in relation to positive aspects of preserving historic resources.

The DEIR considered the regulatory background in its analysis of potential project impacts on historic resources. See Master Response 2.3.4.5 for responses related to the General Plan and historic resources. The commenter suggests that the proposed project is inconsistent with City Code section 17.64.100, which provides that the city's rich and diverse historic resources deserve recognition and preservation. Section 17.64.100 sets forth general City findings relating to historic resources. Neither City Code section 17.64.100 nor Chapter 17.604 [Historic Preservation] by their terms prohibit the demolition of historic resources. City Code Section 17.808.180(A)(2) sets forth the findings that would need to be met in order for the site plan and design review approval to be granted for a project proposing demolition or relocation of a landmark or contributing resource. The proposed project is not inconsistent with any provision of the City Code. The deliberative process followed by the City's decision-makers accounts for all of the various applicable provisions, including the 2035 General Plan Policy HR 2.1.15 that allows provides criteria under which the City may approve demolition of historic resources as a last resort in the event findings are made that rehabilitation of the resource is not feasible; demolition is necessary to protect the health, safety, and welfare of its residents; or the public benefits outweigh the loss of the historic resource. These provisions were fully discussed and disclosed in the DEIR.

RESPONSE TO COMMENT A3-10

The commenter suggests that the City should focus on at least one alternative, beyond the No Project Alternative, that could avoid or substantially lessen project impacts on historic and cultural resources.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.5, and 2.3.7.6 for a description of the City's obligations for this CEQA document related to historic resources, alternatives including off-site alternatives, significant impacts, and alternatives developed to reduce historic resources impacts. The comment summarizes applicable regulations, and asserts the need for additional analysis of alternatives. The DEIR includes an extensive analysis of alternatives, including factors that were considered in the process. See DEIR Chapter 5.

RESPONSE TO COMMENT A3-11

The commenter suggests that the alternatives evaluated were only those designed to maximize density and other options were suggested.

Please see Chapter 5 of the DEIR for a discussion of alternatives. Please refer to Master Responses 2.3.7.1 and 2.3.7.2 for responses related to the purpose of alternatives analysis and the City's process for developing the alternatives. Please see Master Response 2.3.7.3 for a discussion of alternatives rejected from detailed analysis in the EIR. Please see Master Response 2.3.7.6 regarding additional on-site alternatives proposed by commenters.

RESPONSE TO COMMENT A3-12

The commenter discusses the DEIR's lack of examination of an off-site alternative and asserts that the proposed project site is not an infill site.

Please see Master Response 2.3.7.5 for a response related to off-site alternatives. Please refer to Master Responses 2.3.7.1 and 2.3.7.2 for responses related to the purpose of alternatives analysis and the City's process for developing the alternatives. SB 375 streamlining applies to transit priority projects. The proposed project qualifies as a transit priority project based on its uses, density and location. Public Resources Code section 21155 et seq. does not include a requirement that a project qualify as "infill" as defined by CEQA in order to be eligible for SB 375 streamlining.

Other streamlining provisions of CEQA are limited to infill projects and, in that context, CEQA defines the term. For example, Public Resources Code section 21061.3 defines an "infill site" to include, but not be limited to, a site that "has been previously developed for qualified urban uses." (Public Resources Code, § 21061.3, subd. (b); see also Public Resources Code, § 21094.5, subd. (e)(1)(B) [defining "infill project" to include "an urban area that has been previously developed" for the purposes of SB 226]; see also Public Resources Code, § 21099, subd. (a)(4) [defining "infill site" to include "a lot located within an urban area that has been previously developed…" for the purposes of SB 743]). The project site is located in an area that has been completely developed with urban uses, and is served by all urban services and utilities. The use of the term "infill" is appropriate for the project.

See also Master Response 2.3.9.1 regarding SB 375 CEQA streamlining.

RESPONSE TO COMMENT A3-13

The commenter suggests that an off-site alternative could achieve the project objectives and avoid impacts to historic resources and that one should be explored, beyond what CEQA requires.

The comment suggests that the City could consider an off-site alternative even though that is not required by CEQA. The comment does not assert inadequacy of the document under CEQA, but encourages additional consideration of alternatives as a policy matter. This is a matter for consideration during the public hearing process.

Please see Master Response 2.3.7.5 for a response related to off-site alternatives. Please also see generally Master Response 2.3.9 discussing applicable CEQA streamlining legislation.

RESPONSE TO COMMENT A3-14

The commenter discusses the requirement of adoption of a statement of overriding considerations with reference to why the benefits of the project outweigh the significant environmental impacts.

The comment discusses the requirement of adoption of a statement of overriding considerations in the event of project approval, and suggests the issues that should be considered by the City. The comment is acknowledged.

See Master Responses 2.3.4.5 for responses related to the General Plan and historic resources. See Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT A3-15

The commenter recommends mitigation in the form of historic resources surveys or rehabilitation related to similar types of resources.

The comment includes recommendations for additional mitigation if the project is approved. The comment is acknowledged.

Please see Master Response 2.3.12.4 for a response related to additional historic resource mitigation proposed by commenters.

RESPONSE TO COMMENT A3-16

The commenter notes that a mitigation monitoring and reporting plan that is fully funded and enforceable be a condition of project approval.

Please see Master Response 2.3.12.2 for a response related to the requirement to prepare a mitigation monitoring and reporting program. See Appendix B to this FEIR, which includes the draft mitigation monitoring and reporting program. This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT A3-17

The commenter discusses the requirement of mitigation to have a nexus and proportional relationship to project impacts.

The comment that in order for fees or mitigation to be imposed on a project, there must be a nexus to the project and the fees or mitigation must be roughly proportional to the impacts caused by a project is accurate. See also Master Response 2.3.12.4 for a response related to additional historic resource mitigation proposed by commenters.

RESPONSE TO COMMENT A3-18

The commenter recommends additional community outreach to discuss nexus and proportionality of mitigation.

Both the requirements of CEQA and the City's administrative process associated with review of proposed development projects provide interested agencies, organizations, and members of the public with an opportunity to participate in, and comment on the proposed project and the City's project review process. The City has provided agencies, organizations and members of the public with an opportunity to participate through comment periods provided on the Notice of Preparation, public hearings and meetings held to date, and through comments on the DEIR. Agencies, organizations, and members of the public have additional opportunities to participate during upcoming City Council hearings on the environmental document and the proposed project.

RESPONSE TO COMMENT A3-19

The commenter suggests that the City should involve the City's Preservation Commission in reviewing and approving mitigation measures.

The Chair of the Preservation Commission submitted a letter on the DEIR that included proposed mitigation measures, based on Preservation Commission comments made during the April 15, 2015 Preservation Commission hearing. Responses to this comment letter are included in this Final EIR (see Comment Letter A6). The Preservation Commission has been involved to the full extent required by applicable law and regulations. Further involvement by, or consultation with the Preservation Commission is a policy issue to be determined by the City Council.

RESPONSE TO COMMENT A3-20

The commenter provides contact information for questions on the comment letter.

The City will use this contact information in the event questions related to this comment letter arise.

COMMENT LETTER A4 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Letter A4

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

clear
4/22/15
e

17 April 2015

RECEIVED
APR 21 2015
STATE CLEARING HOUSE

Scott Johnson
City of Sacramento
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

CERTIFIED MAIL
7014 2870 0000 7535 8065

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SACRAMENTO COMMONS PROJECT, SCH# 2014042032, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 9 March 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Sacramento Commons Project, located in Sacramento County. A4-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues. A4-2

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). A4-3

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

RECYCLED PAPER

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. A4-4

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: A4-5
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. A4-6

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. A4-7

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. A4-8

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.
There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov. A4-9

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov. A4-9 cont.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits. A4-10

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak A4-11

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

RESPONSE TO COMMENT A4-1

The commenter acknowledges receipt of the DEIR for review.

The Central Valley Regional Water Quality Board (Water Board) was one of the agencies identified to review the DEIR in the Notice of Completion (NOC) included with the DEIR delivered to the State Clearinghouse. The comment is acknowledged.

RESPONSE TO COMMENT A4-2

The commenter identifies the role of the Water Board.

The role of the Water Board is acknowledged in Section 4.8 of the DEIR. See, in particular, subsection 4.8-2.

RESPONSE TO COMMENT A4-3

The commenter describes existing regulations related to water quality.

Existing water quality regulations are summarized in Section 4.8 of the DEIR. See, in particular, subsection 4.8-2.

RESPONSE TO COMMENT A4-4

The commenter describes existing regulations related to water quality.

Existing water quality regulations are summarized in Section 4.8 of the DEIR. See, in particular, subsection 4.8-2.

RESPONSE TO COMMENT A4-5

The commenter describes existing regulations related to water quality.

Existing water quality regulations are summarized in Section 4.8 of the DEIR. See, in particular, subsection 4.8-2. This particular set of regulations – industrial storm water general permit – is not related to the project.

RESPONSE TO COMMENT A4-6

The commenter describes requirements of Section 404 of the Clean Water Act.

As described in subsection 4.3-2 of the DEIR, Section 404 of the federal Clean Water Act requires a project applicant to obtain a permit from the U.S. Army Corps of Engineers (USACE) before engaging in any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. There are no waterways, wetlands, or aquatic resources on the project site.

RESPONSE TO COMMENT A4-7

The commenter describes requirements of Section 401 of the Clean Water Act. The commenter suggests that the project would require a federal permit due to the disturbance of waters of the United States.

There are no waterways, wetlands, or aquatic resources on the project site. As described in subsection 4.8-2 of the DEIR, Sections 401 and 402 of the Clean Water Act contain general requirements regarding NPDES permits. The proposed project would protect the water quality and beneficial uses during construction by entering into a memorandum of understanding with the City of Sacramento and preparing a site-specific construction dewatering plan. Coverage under SWRCB's Construction General Permit Order No. 2009-0009-DWQ and Order R5-2013-074 or an Individual NPDES Permit or waste discharge requirements would ensure that the proposed project would not violate any waste discharge requirements, exceed water quality objectives, or result in substantial erosion or siltation during construction.

If dewatering is required, the proposed project would be required to comply with City's Engineering Services Policy No. 0001, which requires approval of a MOU for long-term (greater than one week) groundwater dewatering discharges. The MOU would cover proposed dewatering details such as flow rate, system design, and contaminant monitoring plan. Please refer to Mitigation Measure 4.8-1.

The DEIR includes Mitigation Measure 4.8-2, which implements existing City regulations related to the management of water quality during operation of the project. The proposed project would protect water quality and beneficial uses during operation through preparation of drainage plans and implementation of an operational pollutant source control program. Existing regulations require new development to protect the quality of water bodies and natural drainage systems through site design, source controls, stormwater treatment, runoff reduction measures, BMPs and LID features that are consistent with the City's NPDES permit, the Stormwater Quality Improvement Plan for the City and County of Sacramento, and the latest edition of the Sacramento Region Stormwater Quality Design Manual.

These various provisions include performance standards and enforcement mechanisms sufficient to ensure that the objectives of the City's NPDES permit, including protection of water quality, are achieved, and that impacts would be less than significant.

RESPONSE TO COMMENT A4-8

The commenter describes waste discharge requirements.

Mitigation Measure 4.8-1 requires the project to file a notice of intent with the Central Valley RWQCB to obtain coverage under Order R5-2013-074 or an Individual NPDES Permit or waste discharge requirements, and enter into an MOU with the City for construction dewatering activities. Along with the notice of intent and the MOU, the project applicant would be required to prepare a site-specific construction dewatering plan, demonstrating that discharges meet the Sacramento Regional County Sanitation District (SRCSD) and Water Board approved levels.

RESPONSE TO COMMENT A4-9

The commenter describes requirements for commercially irrigated agriculture.

The proposed project does not include irrigated agriculture.

RESPONSE TO COMMENT A4-10

The commenter summarizes requirements related to a low and limited threat General NPDES permit.

Please see the response to A4-7, above.

RESPONSE TO COMMENT A4-11

The commenter provides contact information for questions related to the comment letter.

The City will use this contact information if questions arise that are related to the comment letter.

COMMENT LETTER A5 – GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT

Letter A5

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

April 23, 2015

Scott Johnson
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Subject: Sacramento Commons (P14-012)
SCH#: 2014042032

Dear Scott Johnson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 22, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A5-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2014042032
Project Title Sacramento Commons (P14-012)
Lead Agency Sacramento, City of

Type EIR Draft EIR

Description The proposed project provides for two development options (or scenarios). The Hotel / Condo / Retail Scenario would construct a 300-room hotel, up to 1,171 new dwelling units (increasing the total within project site to 1,374), and up to 70,000 sf of neighborhood support/retail space. The Condo / Retail Scenario would construct up to 1,267 new dwelling units (increasing the total within the project site to 1,470) and up to 52,000 sf of neighborhood support/retail space. Both scenarios would remove 206 existing garden apartments and retain the existing Capitol Towers building (which contains 203 apartments). The project site is approximately 10.13 net acres in land area.

Lead Agency Contact

Name Scott Johnson
Agency City of Sacramento
Phone 916 808 5842 **Fax**
email
Address 300 Richards Boulevard, 3rd Floor
City Sacramento **State** CA **Zip** 95811

Project Location

County Sacramento
City Sacramento
Region
Lat / Long 38° 34' 34.3" N / 121° 30' 4.3" W
Cross Streets 5th / P / 7th / N Street
Parcel No. 006-0300-002, -003, -004
Township 9N **Range** 4E **Section** 35/36 **Base** MDB&M

A5-1 cont.

Proximity to:

Highways I-5, US-50, SR 99, 160,
Airports No
Railways UPRR
Waterways Sacramento River and American Rivers
Schools William Land Elem.
Land Use Residential / R-5 Multi-family / Central Business District

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 3 S; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission

Date Received 03/09/2015 **Start of Review** 03/09/2015 **End of Review** 04/22/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

RESPONSE TO COMMENT A5-1

The commenter acknowledges receipt of the DEIR and describes circulation of this document to relevant state agencies for review and comment.

The City acknowledges that the Governor's Office of Planning and Research State Clearinghouse submitted the DEIR to relevant state agencies for review and will respond in writing to comments received from state agencies that relate to adverse environmental impacts related to the proposed project or other relevant comments pertaining to the DEIR.

COMMENT LETTER A6 – CHAIR OF THE CITY OF SACRAMENTO PRESERVATION COMMISSION

Letter A6

City of SACRAMENTO
Community Development

April 28, 2015

Chair Nybo and Members
City of Sacramento Planning & Design Commission
c/o Community Development Department
Attn: Evan Compton, Senior Planner, Current Planning

RE: **Sacramento Commons Draft Environmental Impact Report**

Dear Chair Nybo and Members of the Planning & Design Commission,

At its duly noticed public meeting held April 15, 2015, the City of Sacramento's Preservation Commission reviewed, took public comments, and passed a motion (moved by Commissioner Moffett; seconded by Commissioner Forrest: approved 7:0:0) to send a letter under Chair Fuller's signature to the Planning & Design Commission listing the Preservation Commission's comments on the Draft Environmental Impact Report (DEIR) for the Sacramento Commons project, including proposed Mitigations and proposed Alternatives: A6-1

Cultural Resources Chapter 4.4

General Plan goals and policies: Balancing the City's General Plan policies to allow demolition of historical resources needs more analysis than just what CEQA requires for the EIR for this project. HCR 2.1.14 in City's General Plan allows demolition of historical resources as a last resort and if public benefits outweigh the loss of the historic resource. If increased density in the downtown area is the public benefit, there is not sufficient rationale for the proposed public benefit at this site, vs. other sites, to allow the demolition of this site's significant historical resources. Alternative sites nearby are available. Off-site alternative analysis is recommended. A6-2 A6-3

Historical resource determination: Clarify throughout the DEIR documents that the project site is a historical resource for CEQA purposes. A6-4

Archaeological resources: Section 4.4-4 Archaeological sensitivity analysis may require additional information and may be inadequate relative to analysis of potential for impacts to archaeological resources. It is likely that the proposed project would involve work below the ten (10) foot depth, which would require more robust analysis or mitigation. A6-5

Mitigation 4.4-2 (a) Documentation. Provide formal Level 1 (one) Historic American Building Survey (HABS) and Historic American Landscape Survey (HALS) documentation for National Park Service submission, and require preparation by qualified professional. The resources are of such significance that this level is needed. A6-6

Mitigation 4.4-2(b) Interpretation. Require oversight and preparation of interpretive materials/exhibits by a qualified Museum professional. A6-7

300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Help Line: 916-264-5011
CityofSacramento.org/dsd

Explore mitigation measures beyond documentation, recordation, interpretation, including:

1. Mitigation measure that would require demolition be allowed only upon securing financing of each phase; A6-8

2. Mitigation measure to establish a Preservation Fund. A6-9

Chapter 5- Alternatives:

1. Alternatives analysis requires additional information:
   a. Evaluate feasible alternatives that meet most of the project objectives and lessen the impacts to historical resources, per CEQA guidelines relative to alternatives analysis.
   b. Evaluate other on-site alternatives that would involve lower-density than the proposed project or the alternatives provided.

2. Evaluate off-site alternatives,
   a. Emphasizing importance of potential lost features of the historic landscape and the buildings that could be maintained if off-site alternatives are considered;
   b. Alternative sites available, even nearby.
   c. Analyze possible transfer-of-development-rights to an alternative site.

   A6-10

3. Modify Alternative 2 or 3: Develop modifications that could meet project objectives, or most objectives, and substantially lessen effects, possibly reduce impacts to less than significant level relative to historical resources:
   a. Evaluate modifications that would preserve more historical resources and add density on existing parking lots or at existing parking garage.
   b. Evaluate modifications, including alternatives to the location of:
      i. Proposed Tower B, evaluate avoiding demolition of resources by turning tower to east/west orientation and move south;
      ii. Proposed parking garages, evaluate consolidating with proposed towers to minimize footprint.

Other:

Project description and related sections/documents: Clarify timing of demolition in proposed project/proposed phases. A6-11

Page 2 of 3

Chapter 6.6.3 Environmental Effects – Quantify energy savings. Analysis needed in discussion about replacement of older buildings with newer buildings' energy savings needs, especially relative to studies that have shown an approximate 80-year payback period for new construction. Also, compare with energy expended from demolition and construction activities. A6-12

Appendix N – Planned Unit Development (PUD) Guidelines: Recommend replace the draft proposed PUD guidelines with the Secretary of the Interior's Standards for the Treatment of Historic Properties, particularly the Rehabilitation Standards, noting that standards 9 and 10 address new construction involving historical properties. A6-13

Sincerely,

Eric Fuller, SE, Chair
Preservation Commission

Cc: David Kwong, Planning Director
Lezlie Ewigleben, Environmental Planning Manager
Bruce Monighan, Urban Design Manager
Roberta Deering, Preservation Director

Page 3 of 3

RESPONSE TO COMMENT A6-1

The commenter provides background regarding the Preservation Commission's review of the proposed project.

The City acknowledges receipt of this letter and has provided written responses below.

RESPONSE TO COMMENT A6-2

The commenter discusses balancing goals and policies of the General Plan related to demolition of historic resources.

Please refer to Master Response 2.3.4.5 for a discussion of consistency of the project with the General Plan in relation to the various General Plan goals and policies, including those related to historic resources. The comment refers to General Plan Policy HCR 2.1.14 (from the 2030 General Plan). As part of the City Council's action on the project, the City Council would make consistency findings related to this policy (this policy is now HCR 2.1.15 in the 2035 General Plan).

RESPONSE TO COMMENT A6-3

The commenter asserts that the DEIR does not include sufficient analysis of the comparison of public benefits for the project site compared to other sites, and recommends analysis of an off-site alternative.

Please see Master Response 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT A6-4

The commenter recommends that the DEIR documents clarify that the project site is an historical resource for CEQA purposes.

The regulatory setting, including eligibility criteria is summarized comprehensively in Section 4.4.2 of the DEIR. The DEIR confirmed the status of the project site as a historic resource:

> Due to the property's formal determination of eligibility for listing in the National Register of Historic Places, and therefore its listing in the California Register of Historical Resources, the property is considered an historical resource for purposes of evaluating impacts of the proposed project pursuant to CEQA (DEIR, page 4.4-1).

This determination is identified as the basis for the impact analysis in the DEIR. No further response is required.

RESPONSE TO COMMENT A6-5

The commenter suggests that archaeological sensitivity analysis may require additional information, analysis, or mitigation for possible excavation work beyond 10-foot depth.

The potential for landforms to harbor buried archaeological components is primarily a function of the landforms age and origin. In general, landforms and associated deposits forming during the Holocene have some potential to contain buried sites, whereas latest Pleistocene or older landforms have virtually no potential. Ongoing work in a variety of settings throughout central California demonstrates the relationship between Holocene landforms, buried soils, and buried archaeological components (Kaijankowski 2015; Martin and Meyer 2005; Meyer 1996, 1998, 1999, 2000, 2001, 2003, 2004, 2005; Meyer and Rosenthal 1997, 2007; Meyer et al. 2010; Rosenthal and Meyer 2004).

The project site occurs along the Sacramento River, near its confluence with the American River. Such fluvial settings are considered highly sensitive for archaeological sites because: (1) these are physical settings that were attractive to human settlement prehistorically and historically; (2) alluvial deposits in proximity to active and relict streams are commonly Holocene in age (<11,700 year) and may contain buried soils and or archaeological components (Holliday 2004); and (3) depositional processes resulting in aggradation of alluvium can be conducive to preserving archaeological contexts (Waters, 1991).

The project area occurs in a flood basin, and surficial deposits at the project site consist of levee and basin deposits of Holocene age, underlain by the Pleistocene Riverbank Formation (ENGEO 2014; Helley and Harwood 1985; Wagner et al. 1987). The Holocene alluvium likely extends several 10's of feet below the ground surface. ENGEO (2014) also reports that approximately the top 10 feet of soil at the project site consists of artificial fill material that was likely placed in the 1860s, though the thickness probably varies across the area. According to online soil data, the NRCS maps the entire project site as "urban" land (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx, accessed 4/22/2015).

Most of the recorded archaeological sites in proximity to the project area are associated with topographically higher ground locations to the east. Excavations at the site of Sacramento City Hall revealed a Late Prehistoric component(s) in the upper part of bar and swale alluvium that is at least six meters thick displaying multiple buried soils. This suggests the alluvium was derived by episodic deposition followed by periods of geomorphic stability, subaerial weathering, and soil formation during which the landform(s) would have been available for occupation.

While no archaeological sites have been recorded in the immediate project area, the Holocene alluvium is considered highly sensitive for harboring buried and intact archaeological components. Based on the age of the alluvium, components could feasibly occur at the contact of the alluvium and underlying Riverbank, or within the alluvium. The DEIR recognized the potential for unanticipated discovery of archaeological resources at the site. See analysis for Impact 4.4-3, DEIR pages 4.4-27 and following. The historic fill has been subjected to substantial disturbance, and the likelihood for intact archaeological deposits is low.

Mitigation Measure 4.4-3 has been amended to require on-site qualified archaeologist monitoring for all project-related excavation below the 10-foot depth, as shown below:

Mitigation Measure 4.4-3: Protect or Mitigate Impacts on Prehistoric and Historic-Era Archaeological Resources and Human Remains

To minimize potential adverse effects on prehistoric and historic-era archaeological resources and human remains, the project applicant shall implement the following measures:

- The project applicant shall retain a qualified archaeologist (i.e., defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology) to carry out all actions related to archaeological resources and human remains.
    - Before the start of any ground-disturbing activities, the qualified archaeologist shall conduct a cultural resources sensitivity training session for all construction personnel working on the project. The training shall include an overview of potential cultural resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action; and shall describe penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.
    - <u>For work involving installation of deep foundations or subsurface building systems that would occur more than 10 feet below the surface, a professional archaeologist shall monitor excavation and shall have the authority to stop work and, in consultation with the City's Preservation Director, direct appropriate actions, consistent with state laws and regulations, if remains or items of archaeological interest are discovered</u>…

Mitigation Measure 4.4-3, establishing procedures to be followed in the event of such discovery, would be implemented as part of project approval. The DEIR concluded that implementation of mitigation would reduce impacts to a less-than-significant level. This analysis was accurate and sufficient to satisfy CEQA requirements. No further response is required.

RESPONSE TO COMMENT A6-6

The commenter suggests that Level I Historic American Building Survey (HABS) and Historic American Landscape Survey (HALS) documentation for submission to the National Park Service is needed.

The comment relates to documentation of historic resources. The Secretary of the Interior Standards for Architectural and Engineering Documentation for historic properties are located online at: http://www.nps.gov/history/local-law/arch_stnds_6.htm (see link to "The HABS/HAER Collections, in particular). These standards concern the development of documentation for historic buildings, sites, structures, and objects. The documentation usually consists of measured drawings, photographs, and written data, and provides important information on a property's significance for use by scholars, researchers, preservationists, architects, engineers, and others interested in preserving and understanding historic properties. Documentation permits accurate repair or reconstruction of parts of a

property, records existing conditions for easements, or may present information about a property that is to be demolished.

The Standards are intended for use in developing documentation to be included in the Historic American Building Survey (HABS) and the Historic American Engineering Record (HAER) Collections in the Library of Congress. HABS/HAER, in the National Park Service, have defined specific requirements for meeting these Standards for their collections. The HABS/HAER requirements include information important to development of documentation for other purposes, such as State or local archives. The standards describe four levels levels of documentation.

The level of effort, content, and format of documentation should be appropriate to the nature and significance of the subject property. The project site was formally determined eligible at the local level of significance and not the national level [Roland-Nawi 2015:3]. As explained in the guidelines: "Generally, Level I documentation is required for nationally significant buildings defined as National Historic Landmarks, and primary historic units of the National Park Service" (Federal Register, Vol. 68, No 139, July 21, 2003). Therefore, a HABS/HALS Level II would typically be prepared for a project site like Capitol Towers (Patricia Ambacher, MA, AECOM Architectural Historian). However, the guidelines further explain that Level I measured drawings may be appropriate where existing drawings are unavailable (Federal Register, Vol. 68, No 139, July 21, 2003).

Mitigation Measure 4.4-2 requires HABS/HALS documentation to be prepared by a professional that meets the Secretary of Interior Standards for Architectural History and has experience with documenting landscapes. [Secretary of the Interior's Professional Qualifications Standards, 36 CFR Part 61, Appendix A.] Additionally, Mitigation Measure 4.4-2 has been revised to require the Level of HABS and HALS documentation to be determined in co-ordination with the City's Preservation Director based on the availability of original materials describing development of the project site (page 4.4-24 of the DEIR):

> Mitigation Measure 4.4-2: Documentation, Interpretation, Reuse, and the Retention/Rehabilitation of the Residential Tower
>
> a) <u>Documentation / Recordation</u>
>
> Prior to any structural demolition, site clearing, and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for Architectural History, and also with professional experience involving historic landscapes, to prepare written and photograph documentation of the Capitol Towers and garden apartments complex, features, and landscape areas identified as historic.
>
> The documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS) and Historic American Landscape Survey (HALS) Historical Report Guidelines. This type of documentation is based on a combination of HABS/HALS standards ~~(Levels II and III)~~ and HABS/HALS Photography Guidelines (November

2011).[1] The level of documentation will be determined in coordination with the City's Preservation Director, based on the availability of original materials describing development of the project site.

The written historical data for this documentation shall follow the appropriate HABS / HALS Level ~~II~~ standards and shall be derived from the following documents, as well as other documents as appropriate: "National Register of Historic Places Registration Form for Capitol Towers", prepared by Flora Chou (Page & Turnbull) in 2014 and "Historical Resource Inventory and Evaluation Report, Capitol Towers Apartments, 1500 7th Street, Sacramento, California 95814," prepared by JRP in 2014…

See also Master Response 2.3.12.4 for a response related to additional historic resource mitigation proposed by commenters.

RESPONSE TO COMMENT A6-7

The commenter suggests that Mitigation Measure 4.4.-2b should be overseen and prepared by a qualified Museum professional.

Pursuant to Mitigation Measure 4.4-2, all measures to interpret the property's historic significance for the public and for future residents that may inhabit the Sacramento Commons property shall be implemented "under the direction of the City's Preservation Director and the City's History Manager." Pursuant to the City's Municipal Code Section 15.152.020, "History manager" means "the manager of Sacramento archives and museum collection or designee." Mitigation Measure 4.4-2b will ensure that interpretive materials will be prepared by or under the direction of a museum professional.

RESPONSE TO COMMENT A6-8

The commenter suggests that financing should be required prior to demolition for each proposed phase of development.

Please see Master Responses 2.3.6.1 and 2.3.12.9 for a discussion of economic feasibility and project abandonment.

RESPONSE TO COMMENT A6-9

The commenter recommends that the City establish a preservation fund.

The City does not have an established preservation fee program through which it might accept monetary contributions earmarked for future historic preservation efforts, nor does the City have any

[1] National Parks Service, "Federal Register, Vol. 68, No. 139, Monday July 21, 2003 Notices, Department of the Interior, National Park Service Guidelines for Architectural and Engineering Documentation," http://www.nps.gov/history/hdp/standards/standards_regs.pdf (accessed August 2014); National Parks Service, "Heritage Documentation Programs HABS/HAER/HALS Photography Guidelines, November 2011," Standards and Guidelines, http://www.cr.nps.gov/hdp/standards/PhotoGuidelines_Nov2011.pdf (accessed August 2014).

policies providing for the assessment of ad-hoc fees for historic preservation purposes. To satisfy CEQA, fee-based mitigation must specify an amount that will be paid by the project applicant, and the payment of the fee must be part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the environmental impacts at issue. In the absence of an established fee program the recommendation could not be implemented. No further response is required. Please see Master Response 2.3.12.4 for a discussion of historic resources mitigation.

RESPONSE TO COMMENT A6-10

The commenter suggests that the alternatives analysis requires additional information, that off-site or lower-density alternatives should be examined, and that modified Alternatives 2 or 3 should be evaluated.

Please see Master Response 2.3.7.1 for a description of the purpose of the alternatives analysis, Master Response 2.3.7.2 for information about how the alternatives were developed, Master Response 2.3.7.3 regarding rejection of alternatives, Master Response 2.3.7.5 for information about off-site alternatives, and Master Response 2.3.7.4 for a discussion of the analysis of on-site alternatives, including variations of Alternatives 2 and 3.

RESPONSE TO COMMENT A6-11

The commenter requests information about the timing of demolition in association with the project phases.

As described in DEIR Chapter 2, “Project Description” (pages 2-22 through 2-24), development of Sacramento Commons is expected to occur in four phases—from late 2015 through fall 2021—to enable the project to respond to market demand (see DEIR Figure 2-6 on page 2-23). The proposed order of phasing may be subject to change due to market conditions. The project description provides that demolition of on-site structures for each phase would occur prior to construction of new buildings or other improvements anticipated in each phase. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase. Please see also Master Response 2.3.6 for more information on construction and project phasing.

RESPONSE TO COMMENT A6-12

The commenter requests information quantifying energy savings when replacing existing with new buildings and energy that would be used in demolition and construction of the proposed project.

The Draft EIR discussed greenhouse gas emissions and energy usage for the proposed project in Chapter 4.6. The DEIR included impact analysis related to consistency with the City’s Climate Action Plan, potential conflict with the City’s efforts to comply with statewide programs for reduction of greenhouse gas (GHG) emissions, and the potential for the project to use energy in a wasteful manner.

The comment requests additional information regarding energy usage for the project, which is provided below. Because energy usage and GHG emissions are closely related, the City's response deals with both topics.

In response to the comment, the City has examined the energy consumption and GHG emissions associated with construction (demolition of existing and construction of new units) of the 206 garden apartment units relative to the long-term building energy and indirect emissions savings associated with operations of the new 206 dwelling units. The City had prepared estimates of energy use (mega joules) and GHG emissions (metric tons of carbon dioxide equivalent or MT CO_2e) associated with the use of construction equipment and on-road vehicles (i.e., haul trucks, vendor trucks, and construction worker vehicles). For on-road vehicles, emission factors are available from the California Air Resources Board's EMFAC2011 model, which was used to calculate fuel consumption rates (i.e., gallons per mile) for haul trucks, vendor trucks, and construction worker vehicles (ARB 2013). The U.S. Department of Energy provides data needed to estimate the energy content of gasoline and diesel (U.S. DOE 2014).

The South Coast Air Quality Management District's California Emissions Estimator Model (CalEEMod) was used to estimate GHG emissions associated with demolition, construction, and building energy during operations. It was assumed that all project demolition emissions, for the purpose of this analysis, were the result of removal of the 206 units that currently exist on-site. The total building square footage of the project was compared to the square footage of 206 units included as a part of the proposed project and this proportion was used to derive an estimate of the *total* project construction energy and emissions associated with replacement of the existing 206 units on-site. The analysis of construction energy and emissions includes *all* construction sub-phases (i.e., site preparation, grading, building construction, paving, and architectural coating), which is a conservative assumption, since a replacement of the existing on-site units would not necessarily require all of the construction sub-phases.

Building energy use and GHG emissions (MT CO_2e) were also quantified for the existing 206 dwelling units. Since the dwelling units were constructed in the 1960s, they would not have been subject to energy efficiency requirements included in Title 24 of the California Code of Regulations (California Building Standards Code). However, to provide conservative results, CalEEMod's estimates of energy consumption rates, which are based on California Energy Commission's (CEC) Residential Appliance Saturation Survey (RASS), were used to represent the existing 206 dwelling units' consumption rates. In reality, it is likely that the existing dwelling units built in the 1960s would be less energy efficient than CEC's RASS study, which used both older (i.e., pre-2001) and newer (i.e., 2001-2008) dwelling units in the study population. Energy use and emissions were quantified for 206 new dwelling units built in 2017, assuming compliance with 2013 Title 24 Standards (CEC 2013). The annual energy efficiency savings and GHG emissions reductions were estimated to represent construction of 206 units in compliance with the current building code. Total energy use and GHG emissions associated with demolition of the existing 206 units on-site and construction of 206 "replacement" units were also estimated.

When demolition and construction energy use is taken into account, it would take approximately 16 years of operational building energy efficiency savings to make up for the energy use associated with

demolition and construction (see Table 2-3). For GHG emissions, it would take approximately 19 years for the GHG emissions reductions associated with building energy efficiency to make up for the GHG emissions associated with demolition and construction of 206 replacement dwelling units on-site.

Table 2-3 Energy and GHG Emissions Analysis		
Hotel / Condo / Retail Scenario	Total Energy (MJ)	Emissions (MT CO_2e)
Demolition (206 Units)	6,962,371	400
Building Construction Total	33,541,560	3,388
206 Units BC (15% of BC)	5,031,234	508
Total 206 Units – Demolition and Construction	11,993,605	908
Condo / Retail Scenario	Total Energy (MJ)	Emissions (MT CO_2e)
Demolition (206 Units)	5,774,919	400
Building Construction Total	33,541,991	3,387
206 Units BC (16% of BC)	5,366,719	542
Total 206 Units – Demolition and Construction	11,141,638	942
Land Use	Energy (MJ)	Emissions (MT CO_2e)
Existing 206 dwelling units (Building Energy)	4,853,590	311
New 206 dwelling units (Building Energy)	4,145,891	260
Net Change	707,699	51
Years of Payback (Energy Use and GHG Emissions)	16	19
Transportation Analysis		
965 Units with Citywide Average Travel Demand (VMT/capita)	100,897,642	6,651
965 Units with Project Site Travel Demand (VMT/capita)	20,233,387	1,362
Difference	80,233,387	5,289
Months of Payback (Transportation for Demo/Construction)	6	9

In addition, the project's location and design would help to minimize energy used in the transportation sector. As described in the DEIR (see page 4.6-15, in particular), the project site's location within Center/Corridor Community Type (from SACOG's Sustainable Communities Strategy/Metropolitan Transportation Plan) and within the City's Central Business District will help minimize vehicle miles traveled (VMT) (and associated GHG emissions and transportation energy use) due to the presence of higher intensity development, greater accessibility to employment and services, better transit service, and enhanced pedestrian/bike amenities relative to other Community Types. SACOG performed travel demand analysis to support the Metropolitan Transportation Plan/Sustainable Communities Strategy

2035. The regional VMT per capita in 2008 was estimated to be 26 miles per day. For the traffic analysis zone that includes the Sacramento Commons project site, the average per-capita VMT in 2008 is approximately 9 miles per day. In 2035, forecast regional average per-capita VMT is 24 miles per day, whereas the project site and vicinity would have an average of approximately 5 miles per day (SACOG 2011, Chapter 5B, p. 84). Per-capita VMT (and associated GHG and transportation energy) was estimated to be 65 percent lower than the regional average in 2008 and is anticipated to be 80 percent lower than the regional average in 2035. Per-capital travel demand in the vicinity of the project site is estimated to be approximately 79 percent lower than the citywide average in 2035 (City of Sacramento 2014, Table 4.2-2, page 4.2-6).

As described in Chapter 2 of the DEIR, the project proposes a net addition of between 965 and 1,061 dwelling units (see DEIR pages 2-6 and 2-7). If 965 units were developed in locations exhibiting the citywide per-capita VMT in 2035, this would require approximately 100,897,642 mega joules of energy per year compared to 20,664,255 mega joules of transportation energy for 965 units added at the proposed project site. The difference is 80,233,387 mega joules per year. It would require approximately 6,962,371 mega joules of energy to demolish 206 units and approximately 33,541,560 mega joules to construct the entire Hotel / Condo / Retail project scenario. It would take approximately 6 months for this difference in transportation-related energy use to make up for the energy expended in demolition and construction (not including building energy efficiency benefits).

If 965 units were developed in locations exhibiting the citywide per-capita VMT in 2035, this would generate approximately 6,651 MT CO_2e per year compared to 1,362 MT CO_2e of transportation-related GHG emissions for 965 units at the proposed project site. The difference is 5,289 MT CO_2e per year. Demolition of 206 units would generate GHG emissions of approximately 400 MT CO_2e. Construction of the entire Hotel / Condo / Retail project scenario would generate approximately 3,388 MT CO_2e, for a total of 3,788 MT CO_2e. It would take approximately 9 months for this difference in transportation-related GHG emissions use to make up for the GHG emissions associated with demolition and construction (not including building energy efficiency benefits).

The above information responds to the comment posed. The information does not change the environmental analysis or conclusions, and is not significant new information that would require recirculation.

RESPONSE TO COMMENT A6-13

The commenter suggests that the project's PUD Guidelines should be replaced with Secretary of the Interior Standards for the Treatment of Historic Properties, particularly the Standards that address new construction involving historic properties.

Design, development, and operational aspects of the project over the course of the project's phased construction would be guided by compliance with the proposed project's Planned Unit Development Guidelines. As discussed in more detail in the Project Description (DEIR pages 2-21 and 2-22), the proposed project includes proposed PUD Guidelines that would establish the development framework and design guidance for the land use, circulation, infrastructure, community design, architecture,

landscape, open space, and other components of the project (see DEIR Appendix N). Mitigation Measure 4.4-2 requires that prior to commencement of any alterations or renovations to the existing Capitol Towers residential tower the City's Preservation Director would review and confirm that the renovations comply with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings or the SOI Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings unless at some future time, this contributing resource is no longer considered a historical resource. Additional guidance for this work may include the Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.

The PUD Guidelines serve various purposes relating to the development of the project site if the project is approved. The mitigation to be implemented as part of the project would ensure that the Secretary of the Interior Standards would be followed to the extent required.

2.2.2 ORGANIZATION COMMENTS AND RESPONSES TO COMMENTS

COMMENT LETTER O1 – BRIDGEWAY TOWERS OWNERS' ASSOCIATION

Letter O1

Scott

Please include the message below from the President of Bridgeway Towers' Owners' Association pointing out the fire safety function of our swimming pool. This is not recognized in the DEIR. We will try to follow up later with a specific reference, O1-1

Jude Lamare

Begin forwarded message:

From: Larry Micheli
Subject: Re: Draft Environmental Impact Report, Sacramento Commons Project (P14-012) (SCH#2014042032)
Date: April 24, 2015 8:42:06 AM PDT
To: Pachl & Lamare
Reply-To: Larry Micheli

Just one small comment. Bridgeway's pool is part of its fire protection system. Should the city mains fail, the pool meets the requirement that high rise buildings have a 25,000 gallon tank to give fire fighters time to get out. Although unlikely, this is in code and if the pool is damaged by construction to the point that major repairs are necessary over a significant period of time, would the city require that Bridgeway be vacated? O1-2

On Thursday, April 23, 2015 10:27 PM, Pachl & Lamare wrote:

On behalf of Neighbors of Capitol Towers and Villas, please accept this letter of comment with two attachments

1

On Thursday, April 23, 2015 10:27 PM, Pachl & Lamare wrote:

On behalf of Neighbors of Capitol Towers and Villas, please accept this letter of comment with two attachments

Jim Pachl & Jude Lamare

2

RESPONSE TO COMMENT O1-1

The commenter requests that a comment be included regarding fire safety and the swimming pool.

The comment has been included and responses provided below.

RESPONSE TO COMMENT O1-2

The commenter references fire suppression requirements for high-rise structures.

The City agrees that the scenario posed by the commenter is unlikely. Furthermore, as discussed in Section 4.10-2, the California Fire Code contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety with which the proposed project will comply.

According to the Fire Department, per 2013 California Fire Code Section 503 - Fire Apparatus Access Roads; 503.1.1- Approved fire apparatus access roads shall be provided for every facility. Roads shall extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building. Every building would be required to meet 2013 California Fire Code and California Building Code and would receive a building permit subject to these requirements. 15,000 gallons is the Code minimum for high rise buildings.

Additionally, as noted by the commenter, the scenario posed is unlikely. The mere possibility of an unintended consequence is not a potentially significant impact pursuant to CEQA.

COMMENT LETTER O2 – ENVIRONMENTAL COUNCIL OF SACRAMENTO

ECOS
ENVIRONMENTAL
COUNCIL
OF SACRAMENTO

P.O. Box 1526 • Sacramento, CA • 95812-1526 •
office@ecosacramento.net • http://www.ecosacramento.net/

Letter O2

April 23, 2015

Scott Johnson, Associate Planner City of Sacramento,
Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

Dear Mr. Johnson:

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Sacramento Commons Draft Environmental Impact Report, State Clearinghouse No. 2014042032 . ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents. O2-1

ECOS has long been an enthusiastic advocate for smart urban growth. Many, including the Mayor, advocate for at least 10,000 additional housing units for all incomes in the coming decade. The City's own website estimates the need for affordable housing, alone, amounts to about 9,000 units by 2030.

All communities share the responsibility to avoid their continuing contributions to climate change when they use land in ways that fail to reduce VMT, or fail to take advantage of opportunities to reduce the energy demands of buildings and of transportation. Sacramento now has many opportunities to increase its average density downtown, this project being only one of them. Several other locations also offer this without some of the drawbacks of this project, especially as regards the preservation of historical buildings, and the effects on the city's world-class tree canopy. A pedestrian-friendly downtown is imperative, and few amenities contribute more to walkability than a competent tree canopy, especially in a climate with summer days exceeding 100º F. O2-2

Specifically, the following are our comments regarding the DEIR.

Land Use, Population and Housing

EFFECT ON EXISTING AND FUTURE HOUSING

This project would remove 206 units of low- to moderate-cost housing in the downtown area, and replace them with market rate units of unspecified cost. The City's Mixed-Income Housing Ordinance only applies to "new growth areas", which does not include this project. Therefore we have no assurance that this portion of the housing market will be served, and no recourse if it is not. Given the public's concern about this issue, as acknowledged by the project in this DEIR, nothing is proposed to deal with it. This is a serious shortcoming. New commercial development, especially the new Entertainment and Sports Center, will add a number of minimum-wage and low-paying jobs to the downtown. Without housing for this sector, transportation pressures will exceed the capacity of existing systems, forcing these workers to drive, and damaging the City's jobs-housing mix. O2-3

THE PLANNED UNIT DEVELOPMENT

Two issues concern us here. The first is public access to the site's walkways. The project is not as clear as we would like about how public access will be maintained throughout the life of the project. While the pedestrian O2-4

access both in the North-South and East-West directions is shown in diagrams, the detail of how this will be sustained is not sufficient.

Public access and rights of way:

Comments:

O2-4 cont.

As discussed in 2.3 of the DEIR, one of the project objectives is to enhance pedestrian movement through the central portions of the project site. Another is to provide open space areas that support uses on-site and provide places for community gathering, activity, privacy, and connectivity. However, the way the document addresses public access is problematic in that it makes no guarantees about public access or rights of way, and and it does nothing to assure that there will even BE retail open to the public. The only assured thing is that at least 30% of the space set aside for neighborhood support/retail will NOT be open to the public. There is no guaranteed percentage of public use.

Supporting DEIR sections and information:

4.11-4 Potential impact identified, under existing conditions that project buildout could cause potentially significant impacts to pedestrian access and facilities: Deemed less than significant, no mitigation required.

2.4.1: Neighborhood support space would be amenities for RESIDENTS AND THEIR GUESTS including gym, spa, meeting spaces, active room, similar uses. Neighborhood support uses would account for minimum of 30% of total proposed support/retail area for the project.

Figure 2-4a shows walkable promenades that open onto all of the streets bounding the project area, O, P, N, 5th, 6th, and 7th, most notably with an East-West promenade and North-South promenade. O2-5

2.5.2: Neighborhood support/retail uses. "Additional retail uses would be included as part of the proposed project to serve RESIDENTS AND GUESTS, AS WELL AS THE SURROUNDING AREA. Additional SUPPORT uses would provide amenities for RESIDENTS AND THEIR GUESTS.

2.5.5 Promenades, Walkways, and Community Amenities: Promenades and walkways are described, gathering and outdoor activity spaces are mentioned, but no guarantee of public access throughout. "Community plaza" is mentioned and described, to include retail kiosk, community law areas, water features, and shaded structure, but again no guarantee of public access.

2.5.4 Parking Facilities:
Table 2-3: Residential apartments, 1265 spaces. Condo units, 138 or 258 spaces, hotel/condo 150 spaces, neighborhood retail or hotel services 149 or 113 spaces. O2-6
Descriptions of each parking garage do not reveal details about how public access to garage space will be determined, or if there will be any public access to parking facilities on the project site.

The second issue is phasing. Sacramento is certainly not alone among cities that have had a checkered history with regard to aborted high-rise development. Our vacant lot on Capitol Ave. between 3rd and 4th Streets is testimony to that. Nonetheless there are now several new opportunities for such development other than this project, some of which carry much less environmental baggage. It would not be in the city's interest to see resources dedicated to this project if others can accomplish the same goals with less environmental effects, especially to the availability of housing for all incomes, and to the preservation of the City's vital tree canopy. O2-7

Environmental Impacts, Setting, and Mitigation Measures

TREES

Mitigation Measure 4.3-2: Avoid or Minimize Impacts on Trees has a number of shortcomings. It appears that the mitigation proposed may take up to 20 years to achieve the necessary mitigation potential. We question whether that is in fact adequate mitigation. O2-8

The mitigation measure provides no detail as to the species of trees to be planted. We are concerned that "lollypop" trees will be selected to replace large canopy trees. The mitigation measure for Heritage Trees is inadequate, and does not result in a less than significant impact after mitigation. When a heritage tree is removed, it needs to be replaced with a 48–inch box tree, not a 24-inch box tree. The tree planted shall be the same established height and canopy cover as the tree being removed. O2-9
While the current city ordinance may require a 24 inch box tree for replacement trees, that requirement is not in the Heritage Tree section of the ordinance. Practice in other cities is to require a 48 inch box replacement tree for heritage trees. Adhering to that standard, along with the other requested actions will minimize the impacts on trees. Additionally, the Sacramento Metropolitan Air Quality Management District should be consulted regarding the planting of trees with the lowest aerosol emissions and the highest carbon uptake. O2-10

Mitigation measure:
On-site trees in the post-construction landscape (including Heritage Trees, City Street Trees, and Non-Heritage Trees proposed for retention plus newly-planted landscape trees) shall be monitored by an ISA Certified Arborist for a period of up to 5 years. Post-construction monitoring shall be conducted at least monthly for Year 1, quarterly for Year 2, and twice annually for Years 3-5. Post-construction monitoring shall begin at the completion of landscape installation. Monitoring periods may be staggered for the project site to account for construction phasing, but shall be no less than 5 years for each tree. Should any retained or newly-planted trees die within the 5-year monitoring period, the tree shall be removed and replaced at a 1:1 ratio with a 24-inch box size tree of the same or comparable species (unless it is determined that a different species is better suited to the location, as recommended by the monitoring arborist). Post-construction monitoring reports shall be prepared and submitted to the entity responsible for landscape management and to the City's Urban Forester. Monitoring reports shall address tree mortality and summarize tree replacement efforts (if any) and shall provide management recommendations for promoting on-site tree health. Upon completion of the 5-year monitoring period, a final postconstruction monitoring report shall be prepared and submitted to the City's Urban Forester documenting all monitoring efforts and summarizing tree survival and replacement totals. O2-11

Comments:

As stated earlier, the city ordinance requiring the 24 inch box does not necessarily apply to heritage trees. 48-inch box size for replacing heritage trees is an adequate mitigation.
The mitigation measure states "the tree shall be removed and replaced at a 1:1 ratio with a 24-inch box size tree of the same or comparable species (unless it is determined that a different species is better suited to the location, as recommended by the monitoring arborist).

This measure is vague, because it does not include the criteria for the analysis of what the "same benefits as original tress" are. Please quantify what those benefits are, especially the criteria for established height and canopy cover.

"Monitoring reports shall address tree mortality and summarize tree replacement efforts (if any)"

Comment:

Please confirm that the only reason there will be no replacement efforts is if there is no tree mortality. Otherwise, the sentence infers that the tree replacement efforts are optional. O2-12

Mitigation Measure
Replacement trees shall consist of shade tree species appropriate to the site and which consider the postconstruction environment (e.g., shading from buildings). Selection of replacement tree species shall be conducted in consultation with the City's Director of Urban Forestry.

Comment: O2-13
The arborist report did not analyze whether replacement trees could actually grow, or even survive under the proposed conditions where sunlight will be limited due to the size of the structures on the site. This should have been an integral part of the arborists report. Trees are proposed in narrow corridors surrounded by tall buildings cutting off sunlight required for normal tree growth and canopy development. It also appears that trees are proposed for areas where the fire department may require access to the high-rise residential buildings. The City's Urban Forest Management Plan indicates that "Setbacks are required to allow a minimum of four hours of direct solar radiation to every tree on any day of the year". There is no evidence in the Arborists Report to show that the tree planting plan meets this City requirement.

Finally, we believe that the assumptions of size, canopy and leaf surface of the tree planting program in the Arborists Report are unrealistic. Therefore, the DEIR's treatment of trees and the mitigation of the impact of this project on trees is inadequate. O2-14

Mitigation Measure:
"In addition, the following tree replacement, protection, and monitoring actions shall be implemented:
Any Heritage Trees to be removed for construction purposes shall each be replaced with one 24-inch box size tree. The replacement trees shall be planted on site and incorporated into the project's landscape plan." O2-15

Comment:
The mitigation measure for Heritage Trees is inadequate, and does not result in a less than significant impact after mitigation. When a heritage tree is removed, it needs to be replaced with a 48 –inch box tree, not a 24-inch box tree. The tree planted shall be the same mature size as the tree being removed. While the current city ordinance may require a 24 inch box tree for replacement trees, that requirement is not in the Heritage Tree section of the ordinance. Practice in other cities is to require a 48 inch box replacement tree for heritage trees. Adhering to that standard, along with the other requested actions will minimize the impacts on trees.
Treatment of heritage trees is found in Chapter 12.64 HERITAGE TREES of the Sacramento city codes. Section 12.64.050 D requires decisions based on consultation between the project and the city's urban forester regarding the treatment of heritage trees must be made public. Section 12.64.060 allows for an appeal of the decision by the city's director of urban forestry to the parks and recreation commission or to the planning and design commission. The PEIR needs to identify the process by which the public will be made aware of the director's decisions regarding heritage trees, so the public has an opportunity to exercise the appeal right included in the city ordinance.

Mitigation Measure:
Any City Street Trees to be removed for construction purposes shall be replaced with either 24-inch box size trees or 15-gallon size tree (as required under City Code Section 12.56.090 based on the sizes of the City Street Trees to be removed). Replacement trees for City Street Trees shall be replanted within the City right-of-way in coordination with the City's Urban Forester. If replacement trees for City Street Trees cannot be accommodated in the City's right-of-way, they shall be planted on site and incorporated into the project landscape plan. If City Street Tree replacement trees cannot be incorporated into the project landscape plan, they shall be planted at another off-site location at the City's direction. O2-16

Comment:
When a city street tree cannot be accommodated in the city's right-of-way or incorporated into the project landscape plan, and instead is planted at another off-site location at the city's direction, the decision making

process to identify another off-site location and the trees to be planted must be a public process where the public has an opportunity to comment on the placement. The city must notify the public as to who will be making the decision on behalf of the city, how the public may comment and the date of the decision. The mitigation measure is inadequate as written, because it is vague. O2-16 cont.

Comment:
The PEIR needs to clarify what the term "City's Urban Forester" means. It is unclear if the term City's Urban Forester means the City's Director of Urban Forestry. Please clarify what "City's Urban Forester" means for the purposes of this PEIR. If it is anticipated that the city's director of urban forestry may delegate the director's monitoring authority, that fact must be included in the EIR. O2-17

Comment:
All management recommendations included in appendix E must be part of the mitigation measures. It is not clear in the PEIR whether all the recommendations will be followed. In order to for the mitigation measures to be adequate, the first step is to incorporate all the tree management recommendations and protection measures into the project. O2-18

Conclusion

If Sacramento Commons was the only proposal to increase density downtown, it could probably be made to work O2-19 with substantial changes aimed at preserving the virtually-irreplaceable tree canopy and at the buildings of O2-20 historical value, assuming assurances can be built-in that would not upset the already delicate jobs-housing mix. O2-21 Given the numerous other opportunities, however, and the lack of an apparent "emergency" requiring this approval to be given right now, we believe that additional analysis be considered by the city in which it compares this project, and its drawbacks, with at least some of the following development opportunities before moving it forward: O2-22

1. The Railyards Specific Plan anticipates 12,000 housing units, none of which need threaten the tree canopy nor remove existing low-market housing;
2. The Docks Specific Plan would add 1155 additional housing units;
3. Other projects along J Street, K Street and L Street that are in various stages of development.

If and when the project begins, it is very important that the extent of demolition be coupled with the extent of construction. For example, if one tower is being built every 5 years, only the demolition needed at the site of that tower should be performed, leaving the remaining structures intact until another tower is constructed 5 years later. O2-23

Respectfully Submitted,

Richard Guerrero, President
Board of Directors

RESPONSE TO COMMENT O2-1

The commenter provides background on the Environmental Council of Sacramento (ECOS).

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR.

RESPONSE TO COMMENT O2-2

The commenter provides background on reducing vehicle miles traveled (VMT), energy efficiency, increasing density in downtown Sacramento, and notes alternative sites exist that could provide these benefits and avoid historical building and tree canopy impacts, and retain walkability benefits of shade trees.

The infill and mixed-use nature of the project in the City's downtown area would place residents within a close proximity to jobs and commercial amenities, which would facilitate more walking and biking trips, thereby eliminating some vehicle trips and associated greenhouse gas (GHG) emissions. Similarly, the project's transit-oriented location would make using public transit feasible to reach jobs in both the downtown area and the region. The distances of vehicle trips generated by the proposed project would also be reduced and the project site's proximity to amenities and jobs would further reduce vehicle miles traveled (VMT) in the region.

The relationships between density, mix of land uses, urban design, and the quality of the non-automobile transportation network, on one hand, and VMT, on the other, are complex. There is extensive academic literature showing that VMT can be reduced with density, land use mix, a connected transportation network, access to employment and regional destinations, and transit-supportive development patterns, among other factors (see work by Reid Ewing, Robert Cervero, Susan Handy, Lawrence Frank, and Gary Pivo, among others, including the summary on page 4.6-15 of the DEIR).[2] These factors have varying levels of influence on travel demand.

According to the Sacramento Area Council of Governments (SACOG), the project site's location within Center/Corridor Community Type and within the City's Central Business District assists the effort to minimize VMT and associated GHG emissions due to the presence of higher intensity development, greater accessibility to employment and services, better transit service, and enhanced pedestrian/bike amenities relative to other Community Types. Because of these characteristics, residents of Center/Corridor community areas are estimated to generate 29% less VMT per capita than the regional average and more than twice as many person trips by transit, walk, or bicycle modes compared to the regional average (SACOG 2014). The reduction in VMT associated with the location of the project site

[2] Ewing, Reid and Robert Cervero. 2001. "Travel and the Built Environment" Transportation Research Record, 1780, Paper No. 01-3515. U.S. Environmental Protection Agency. 2013 (June). Our Built and Natural Environments: A Technical Review of the Interactions among Land Use, Transportation, and Environmental Quality. Handy, Susan, Kevan Shafizadeh, and Robert Schneider. 2013 (February). California Smart-Growth Trip Generation Rates Study. University of California, Davis for the California Department of Transportation. Frank, Lawrence and Gary Pivo. 1994. Impacts of Mixed Use and Density on Utilization of Three Modes of Travel: Single-Occupant Vehicle, Transit, and Walking. Transportation Research Record, 1466.

has been established through the travel demand analysis that SACOG performed to support the MTP/SCS. The regional VMT per capita in 2008 was estimated to be 26 miles per day. For the traffic analysis zone that includes the Sacramento Commons project site, the average per-capita VMT in 2008 is approximately 9 miles per day. In 2035, forecast regional average per-capita VMT is 24 miles per day, whereas the project site and vicinity would have an average of approximately 5 miles per day (SACOG 2011, Chapter 5B, p. 84).

CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code Section 21100[b][3]). Construction energy consumption is primarily generated from combustion of fossil fuels for vehicles and equipment that, if operated efficiently, use less energy and generate fewer emissions. Although all development projects would involve the short-term generation of construction-related energy consumption, it is important to consider the types of land uses that are developed. For example, construction-related energy consumption used to develop a mixed-use, transit-oriented, and infill project such as the proposed project would help accommodate future residents and employees at a higher GHG and energy efficiency (i.e., less GHG emissions per capita) than a greenfield project located further away from transit options and less central to amenities and populations found in an urban environment (SACOG 2014). Because of the proposed project's proximity to amenities (e.g., distance to jobs, shopping, entertainment) and feasibility of using non-motorized transportation to reach those amenities, regional modeling developed by SACOG demonstrates that this infill project would reduce transportation emissions compared to a project located on the urban fringe without access to transit, with fewer bicycle/pedestrian amenities, reduced access to jobs and amenities, and with lower development densities (SACOG 2014).

Energy use would be required, as well, for demolition. The 2013 CALGreen Code (Title 24, Part 11 of the California Code of Regulations) requires all construction contractors to reduce construction waste and demolition debris by 50%. Existing City regulations require all contractors to comply with the Construction and Demolition Debris Recycling Ordinance (Title 8, Chapter 8.124 of the Sacramento City Code) by reducing project waste entering landfill facilities by 50% by weight through recycling. Depending on the energy required for recycling compared to disposal, these existing requirements could help to make energy use for demolition more efficient.

See also the Response to Comment A6-12 for a discussion of the energy and GHG emissions associated with demolition and construction of the project compared to building energy efficiency and VMT associated with the proposed project.

Please see Master Response 2.3.4 for a discussion of historic resources impacts, Master Response 2.3.7.5 for a discussion of off-site alternatives, and Master Response 2.3.2 for a discussion of tree and tree canopy impacts.

RESPONSE TO COMMENT O2-3

The commenter discusses housing for a mix of household incomes that could help avoid transportation pressures for minimum-wage and low-paying workers in downtown.

A comprehensive discussion of land use, population, and housing is provided in Chapter 3 of the DEIR. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for encouraging infill development in the Central City area. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. As noted by the commenter, the City's Mixed Income Housing Ordinance does not apply to infill areas. This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT O2-4

The commenter expresses concerns about public access to the on-site walkways and expresses concern about how enhanced pedestrian movement would be achieved and how much of the proposed project, including retail, would provide for public use.

Please see Master Response 2.3.8 for information about on-site private easements. The private community easements for pedestrian access grant the Pioneer Towers Property and the Bridgeway Towers Property use of the easement. The private community easements are located within the East-West Promenade, North-South Promenade, and other pedestrian pathways included as a part of the proposed project. As discussed in Chapter 4.10 of the DEIR (pp. 4.10-24 to 27), the proposed project is required to meet the City's Parkland Dedication and Park Development Impact Fee requirements and would result in a less-than-significant impact relating to demand for City park facilities (J. Combs, Parks and Recreation Department, Pers. Comm., February 2015). Additionally, the project description provides for public access through the project site and the project applicant has agreed to post signs consistent with Civil Code section 1008 to inform the public regarding the reasonable use of and access through the proposed project's promenades and community plazas. This commitment will be included in the Development Agreement for the proposed project.

Components of the proposed project, as illustrated in Figures 2-4a and 2-4b of the DEIR (and discussed in detail in Section 2.5.5 of Chapter 2, "Project Description"), include an approximately 44- to 64-foot-wide East-West Promenade and an approximately 60- to 85-foot-wide North-South Promenade, as well as a community plaza on the corner of P Street and 7th Street. Together, the promenades and community plaza cover approximately 2.11 acres of the project site (DEIR, p. 4.10-26). As discussed in the Project Description, one of the objectives of the proposed project is to "enhance pedestrian movement through the central portions of the project site" (DEIR, p. 2-5).

Excluding neighborhood support amenities provided for project residents and guests, the proposed project would include up to approximately 40,000 square feet of retail space (under the Condo / Retail Scenario) and up to approximately 52,000 square feet of retail space (under the Hotel / Condo / Retail Scenario – not including hotel-related commercial amenities). The exact percentage of neighborhood retail versus neighborhood support uses has not been determined, but reasonable assumptions based on the location, amount, and type of non-residential uses are used for the analysis reported throughout the DEIR. The amount of retail space ultimately developed would depend on future market conditions. Based on the existing demand for retail services generated by surrounding residential and commercial properties as well as the additional demand that will be created by proposed project residents, the

possibility of the proposed project including no retail space as suggested by the commenter is unlikely. Regardless of the amount of retail space included in the proposed project, as discussed above, the proposed project will provide reasonable public use of and access through the project's promenades and community plaza.

RESPONSE TO COMMENT O2-5

The commenter includes references to pedestrian access and facilities, neighborhood support/retail use, and the community plaza.

Please see the Response to Comment O2-4, above regarding private easements and public access.

As described in Chapter 2 of the DEIR, "Project Description," the project site is currently developed with residential rental property, containing 409 units, and approximately 4,122 square feet of neighborhood-serving retail space. The proposed project provides for two development options (or scenarios). The first option, Hotel / Condo / Retail Scenario, would add up to 70,000 net new square feet of neighborhood support/retail space in addition to the existing 4,122 square feet of retail uses within Capitol Towers. Neighborhood support space would consist of amenities for residents and their guests and may include uses such as, a gym, spa, meeting spaces, active room, and other similar uses. Neighborhood support uses would account for a minimum of 30% of the total proposed neighborhood support / retail area. The new retail square footage includes the potential for an approximately 15,000-square-foot specialty market. Retail uses would be located at street level in all buildings other than the hotel, with retail uses potentially located at street level and on the second floor of the hotel. The second option is referred to as the Condo / Retail Scenario. The Condo / Retail Scenario would add up to 52,000 net new square feet of neighborhood support / retail in addition to the existing 4,122 square feet of retail uses within Capitol Towers. The exact percentage of neighborhood retail versus neighborhood support uses has not been determined, but assumptions based on the location, amount, and type of non-residential uses are used for the analysis reported throughout the DEIR.

As discussed in the DEIR (see Section 4.10 in particular), there are City parks and other publicly accessible parks and urban open spaces located near the project site. To determine potential impacts to parks and recreational facilities, the DEIR considers relevant regulatory requirements of the City Code and General Plan for parkland requirements, parkland dedication requirements, and in-lieu fee requirements, based on the number of new dwelling units and residents that could be accommodated by implementation of the proposed project. To address parkland impacts caused by projects that generate additional resident and employee populations within the City, the Sacramento City Code provides standards and formulas for the dedication of parkland and payment of in-lieu fees (Title 16, Chapter 16.64), and imposes a park development impact fee on new projects within the City (Title 18, Chapter 18.44) for both residential and non-residential development. The proposed project will comply with its Parkland Dedication Requirement.

The Sacramento Central City Urban Design Guidelines include requirements to implement the 2030 General Plan and Parks and Recreation Master Plan (PRMP) for small public spaces. According to the guidelines, new development should provide a range of open space types for its users and visitors that

are open to the street or public right-of-way and accessible to all citizens; and include hard and soft landscaping, areas for sun and shade, benches, and water features, where appropriate. As discussed in Chapter 4.10 of the DEIR (pp. 4.10-24 to 27), the proposed project is required to meet the City's Parkland Dedication and Park Development Impact Fee requirements and would result in a less-than-significant impact relating to demand for City park facilities (J. Combs, Parks and Recreation Department, Pers. Comm., February 2015).

RESPONSE TO COMMENT O2-6

The commenter identifies parking proposed as a part of the project and asks about public access to garage space.

DEIR pages 2-14 and 2-15, as well as the PUD Guidelines (DEIR Appendix N), provide a detailed discussion of the on-site parking in podium parking garages and parking structures proposed as part of the project and the adequacy of the parking spaces to serve the proposed project. Section 2.3 of the PUD Guidelines (DEIR Appendix N) defines project-specific standards for signage and vehicular parking, consistent with standards in the City Code and other applicable goals and policies. Table 2.2 in the PUD Guidelines estimates up to 299 parking spaces will be provided for potential hotel-related and retail uses. The total amount of parking provided for these uses would depend on whether the Hotel / Condo / Retail Scenario or Condo / Retail Scenario is developed as well as the total amount of retail spaces developed. Public Resources Code Section 21099(d)(1) provides that parking impacts of mixed-use residential projects (like the proposed project), located "on an infill site within a transit priority area shall not be considered significant impacts on the environment." This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT O2-7

The commenter asks about phasing, project abandonment, and opportunities at other sites.

Please see Master Response 2.3.6.1 for a discussion of abandoned projects. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels, Master Response 2.3.7.5 for a discussion of off-site alternatives, and Master Response 2.3.2 regarding tree impacts.

RESPONSE TO COMMENT O2-8

The commenter questions the adequacy of tree mitigation.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, and the timeline of mitigation.

RESPONSE TO COMMENT O2-9

The commenter discusses tree planting, questions the City's findings related to tree impacts, the size of replacement trees, practices in other cities, and air quality and GHG impacts and benefits of trees.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, the air quality and greenhouse gas benefits of trees, and the timeline of mitigation. Please see Master Response 2.3.2.7 regarding the City's significance determination.

RESPONSE TO COMMENT O2-10

The commenter discusses air quality and GHG impacts and benefits of trees.

See Master Response 2.3.2.5 for a discussion of GHGs and air quality relative to trees.

RESPONSE TO COMMENT O2-11

The commenter reiterates a section of Mitigation Measure 4.3-2 and states the language is vague because it does not provide the criteria for determining the "same benefits as original trees" if tree replacement is necessary in the post-development landscape.

The intent of the mitigation measure is to ensure survival of retained trees and successful adaptation and growth of newly-planted trees. The language addressing "same or comparable species" is provided so that an adaptive management approach can be implemented by the monitoring arborist. Specifically, if some newly-planted trees are not adapting to the site, alternative species may be recommended that would better adapt to site micro-conditions. As identified in Mitigation Measure 4.3-2, selection of replacement tree species shall be conducted in consultation with the City's Director of Urban Forestry. Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, and the timeline of mitigation.

RESPONSE TO COMMENT O2-12

The commenter requests confirmation that tree replacement is required and not optional.

Pursuant to Mitigation Measure 4.3-2, all replacement trees will be monitored for 5 years after installation to confirm the health of replacement tree and, if necessary, to replace trees in poor health. Therefore, where tree mortality occurs, tree replacement is required by Mitigation Measure 4.3-2.

RESPONSE TO COMMENT O2-13

The commenter includes a portion of Mitigation Measure 4.3-2 and requests that the Arborist Report address if trees can survive in areas where sunlight is limited, in narrow corridors, where fire department access is needed. The comment also states that the City's Urban Forestry Management plan requires trees receive a minimum of four hours of sunlight.

The Sacramento Urban Forest Management Plan is not a regulatory document and does not contain enforceable requirements. However, tree placement will consider access constraints (including fire access) and setbacks necessary to provide adequate sun exposure. Please see Master Responses

2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, and the timeline of mitigation.

RESPONSE TO COMMENT O2-14

The commenter states an opinion that the assumptions of size, canopy, and leaf surface area of the tree planting program is unrealistic and that mitigation for tree impacts is inadequate.

The tree species used in calculating growth projections for tree size, canopy, and leaf surface area are species that commonly grow in Sacramento, the majority of which are currently present on the project site. Therefore, their use in growth calculations was appropriate for the site. Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, and the timeline of mitigation.

RESPONSE TO COMMENT O2-15

The commenter re-states a portion of Mitigation Measure 4.3-2 and provides an opinion that mitigation for Heritage Trees is inadequate. The comment also requests a larger size box tree be required when a Heritage Tree is removed, and that the process for replacing Heritage Trees be provided, per the City's ordinance.

Mitigation Measure 4.3-2 was developed in consultation with the City's Urban Forester. Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, and the timeline of mitigation.

RESPONSE TO COMMENT O2-16

The commenter requests that information be provided to the public when replacement of City Street Trees cannot be accommodated on site and are planted in an off-site location.

Replacement of City Street Trees will be subject to provisions included in a permit issued by the City. Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.8, 2.3.2.9, and 2.3.12.5 for a discussion of tree impacts, the landscape plan, tree mitigation, and the timeline of mitigation.

RESPONSE TO COMMENT O2-17

The commenter requests confirmation on whether the City's Urban Forester also refers to the City's Director of Forestry.

The term City's Urban Forester is intended to refer to the manager of the Urban Forestry section of the City's Department of Public Works.

RESPONSE TO COMMENT O2-18

The commenter requests that all the management recommendations included in the Arborist Report be part of the mitigation measures in order for the measures to be adequate.

Mitigation Measure 4.3-2 states that all retained trees shall be protected from construction-related impacts per the measures provided in Appendix E of the Arborist Report (DEIR Appendix M). Please see Master Responses 2.3.2.3, 2.3.2.8, and 2.3.12.5 for a discussion of the landscape plan and tree mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. Mitigation Measure 4.3-2 has been revised to list recommendations set forth in Appendix E to the Arborist Report rather than to incorporate the recommendations by reference. Pages 4.3-28 through 4.3-30 have been revised as shown below:

> Mitigation Measure 4.3-2: Avoid and Minimize Impacts on Trees.
>
> The project applicant shall submit a Tree Permit application to the City Department of Public Works (Maintenance Services Division), as required by the City Code, for removal and pruning affecting a Heritage Tree or City Street Tree and such activity shall not be performed until a permit has been issued. When allowed, according to the conditions of the permit, construction activity that requires pruning or encroachment into the canopy dripline of a Heritage Tree or City Street Tree would be monitored by the project arborist, who will make recommendations for minimizing impacts to retained trees. In addition, the following tree replacement, protection, and monitoring actions shall be implemented:
>
> - Any Heritage Trees to be removed for construction purposes shall each be replaced with one 24-inch box size tree. The replacement trees shall be planted on site and incorporated into the project's landscape plan.
>
> - Any City Street Trees to be removed for construction purposes shall be replaced with either 24-inch box size trees or 15-gallon size tree (as required under City Code Section 12.56.090 based on the sizes of the City Street Trees to be removed). Replacement trees for City Street Trees shall be replanted within the City right-of-way in coordination with the City's Urban Forester. If replacement trees for City Street Trees cannot be accommodated in the City's right-of-way, they shall be planted on site and incorporated into the project landscape plan. If City Street Tree replacement trees cannot be incorporated into the project landscape plan, they shall be planted at another off-site location at the City's direction.
>
> - Replacement trees, <u>including all 147 ground level trees identified in the Conceptual Landscape Plan prepared for the project,</u> shall consist of shade tree species appropriate to the site and which consider the post-construction environment (e.g., shading from buildings). Selection of replacement tree species shall be conducted in consultation with the City's Director of Urban Forestry.

- Tree planting shall comply with the City's landscaping requirements (City Code Sections 17.612.010 and 17.612.040).

- Canopy or root pruning of any retained Heritage or City Street Trees to accommodate construction and/or fire lane access shall be conducted according to applicable ANSI A300 tree pruning standards and International Society of Arboriculture best management practices.

- All retained trees on-site (Heritage or City Street Trees) shall be protected from construction-related impacts pursuant to Sacramento City Code Section 12.64.040 (Heritage Trees) and Section 12.56.060 (City Street Trees). Full details of tree protection measures are available in the Arborist Report (see Appendix M), but a summary is provided here.

    - Under the tree protection measures, an International Society of Arboriculture-(ISA) Certified Arborist shall be assigned to monitor tree health and construction activity near all trees retained on-site (including trees that do not meet the Heritage Tree or City Street Tree definition). Protection measures prior to construction include: health inspection of large trees; a pre-construction meeting with all contractors and the arborist to discuss protocols; pre-construction training for all construction crews; tree removal, pruning and inspection during site preparation; and erection of a protective fencing and signage around all trees or groups of trees. Tree protection measures during construction shall include: preserved trees shall not have signs, ropes, cables or other items attached to them; all heavy equipment shall avoid the fenced protection zones; no storage or discard of any supply or material within the fenced protection zones; grade changes of more than two feet are not permitted within 30 feet of a tree's drip line; care shall be taken when moving equipment or supplies near trees (especially overhead); all trenching shall be outside the fenced protection zones unless a Tree Permit, when required by City Code, has been obtained; an irrigation schedule shall be implemented for any substantially pruned tree within 48 hours; canopy pruning can only be done under an approved Tree Permit, when required by City Code; and periodic washing of tree foliage may be necessary (but not more than once every two weeks).

- On-site trees in the post-construction landscape (including Heritage Trees, City Street Trees, and Non-Heritage Trees proposed for retention plus newly-planted landscape trees) shall be monitored by an ISA Certified Arborist for a period of ~~up to~~ 5 years. Post-construction monitoring shall be conducted at least monthly for Year 1, quarterly for Year 2, and twice annually for Years 3-5. Post-construction monitoring shall begin at the completion of landscape installation. Monitoring periods may be staggered for the project site to account for construction phasing, but shall be no less than 5 years for each tree. Should any retained or newly-planted trees die within the 5-year monitoring period, the tree shall be removed and replaced at a 1:1 ratio with a 24-inch box size tree of the same or comparable species (unless it is determined that a different species is better suited to the location, as recommended by the monitoring arborist). Post-construction monitoring reports shall be prepared and submitted to the entity responsible for landscape management and to the

City's Urban Forester. Monitoring reports shall address tree mortality and summarize tree replacement efforts (if any) and shall provide management recommendations for promoting on-site tree health. Upon completion of the 5-year monitoring period, a final post-construction monitoring report shall be prepared and submitted to the City's Urban Forester documenting all monitoring efforts and summarizing tree survival and replacement totals.

- Protection and Maintenance during Construction. Once construction activities have begun the following measures shall be adhered to:

    - Avoidance: Signs, ropes, cables, or any other items shall not be attached to any preserved tree, per City Code Section 12.64.040.

    - Equipment Operation and Storage: Operating heavy machinery around the root zones of trees will increase soil compaction, which decreases soil aeration and subsequently reduces water penetration in the soil. All heavy equipment and vehicles shall stay out of the fenced tree protection zone, per City Code Section 12.64.040, unless where specifically approved in writing by the City Arborist and under the supervision of an ISA Certified Arborist.

    - Storage and Disposal: Do not store or discard any supply or material, including paint, lumber, concrete overflow, etc. within the fenced tree protection zone, per City Code Section 12.64.040. Remove all foreign debris within the fenced tree protection zone; it is important to leave the duff, mulch, chips, and leaves around the retained trees for water retention and nutrients. Avoid draining or leakage of equipment fluids near retained trees. Fluids such as: gasoline, diesel, oils, hydraulics, brake and transmission fluids, paint, paint thinners, and glycol (anti-freeze) should be disposed of properly. Keep equipment parked outside of the fenced tree protection zone of retained trees to avoid the possibility of leakage of equipment fluids into the soil. The effect of toxic equipment fluids on the retained trees could lead to decline and death.

    - Grade Changes: Grade changes of more than 2 feet, including adding fill, are not permitted within 30 feet of a tree's drip line, per City Code Section 12.64.040, without special written authorization and under supervision by an ISA Certified Arborist. Lowering the grade within 30 feet of a tree's dripline will necessitate cutting main support and feeder roots, jeopardizing the health and structural integrity of the tree(s). Adding soil, even temporarily, on top of the existing grade will compact the soil further, and decrease both water and air availability to the trees' roots.

    - Moving Construction Materials: Care will be taken when moving equipment or supplies near the trees, especially overhead. Avoid damaging the tree(s) when transporting or moving construction materials and working around retained trees (even outside of the fenced tree protection zone). Above ground tree parts that could be damaged (e.g., low limbs, trunks) should be flagged with red ribbon. If contact with the tree crown is unavoidable, prune the conflicting branch(es) using ISA or ANSI A300 standards.

- Trenching: Unless a Tree Permit has been issued for trenching activity within the fenced tree protection zone, all trenching shall be outside of the fenced tree protection zone, per City Code Section 12.64.040. Roots primarily extend in a horizontal direction forming a support base to the tree similar to the base of a wineglass. Where trenching is necessary in areas that contain tree roots, prune the roots using a Dosko root pruner or equivalent. All cuts should be clean and sharp, to minimize ripping, tearing, and fracturing of the root system. The trench should be made no deeper than necessary.

- Irrigation: Trees that have been substantially root pruned (30% or more of their root zone) will require irrigation for the first twelve months. The first irrigation should be within 48 hours of root pruning. They should be deep watered every two to four weeks during the summer and once a month during the winter (adjust accordingly with rainfall). One irrigation cycle should thoroughly soak the root zones of the trees to a depth of 3 feet. The soil should dry out between watering; avoid keeping a consistently wet soil. Designate one person to be responsible for irrigating (deep watering) the trees. Check soil moisture with a soil probe before irrigating. Irrigation is best accomplished by installing a temporary above ground micro-spray system that will distribute water slowly (to avoid runoff) and evenly throughout the fenced tree protection zone but never soaking the area located within 6- feet of the tree trunk, especially during warmer months. For trees not subject to root pruning activity, the amount of irrigation provided shall not be changed from that which was provided prior to the commencement of construction activity, per City Code Section 12.64.040.

- Canopy Pruning: Do not prune any of the trees, unless a Tree Permit has been issued for pruning activity, per City Code Section 12.64.040. This will help protect the tree canopies from damage. All pruning shall be completed under the direction of an ISA Certified Arborist and using ISA guidelines. Only conflicting limbs and dead wood shall be removed from tree canopies where a Tree Permit has been issued.

- Washing: Periodic washing of the foliage is recommended during construction but no more than once every two weeks. Washing should include the upper and lower leaf surfaces and the tree bark. This should continue beyond the construction period at a less frequent rate with a high-powered hose only in the early morning hours. Washing will help control dirt/dust buildup that can lead to mite and insect infestations.

- Inspection: An ISA Certified Arborist shall inspect the preserved Heritage and City Street Trees on at least a monthly basis for the duration of construction activity. A summary report documenting observations and management recommendations shall be submitted to the owner following each inspection. Photographs of representative trees are to be included in each report. If feasible, aerial inspection for trees #49, 50, 66, 67, and 76 should be conducted during construction if the construction period extends to the recommended inspection period, as identified by Tree Associates.

RESPONSE TO COMMENT O2-19

The commenter offers the opinion that, if the project were the only one to increase density in downtown Sacramento, it could be made to work, but notes numerous other opportunities for this other than this site at this time.

The purpose of an EIR is to disclose the potentially significant environmental impacts of a project and potential methods to mitigate those impacts. However, the City provides a comprehensive discussion of land use, population, and housing in Chapter 3 of the DEIR, as well. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for encouraging infill development in the Central City area. See Master Responses 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT O2-20

The commenter mentions the tree canopy and historic value that would not be harmed if density developed at other sites.

Please see Master Response 2.3.4 for a discussion of historic resources impacts and Master Response 2.3.2 for a discussion of tree and tree canopy impacts. See Master Responses 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT O2-21

The commenter discusses the jobs-housing mix and other opportunity sites for density without drawbacks of this project.

Please see Master Response 2.3.7.5 for a discussion of off-site alternatives. The City provides a comprehensive discussion of land use, population, and housing in Chapter 3 of the DEIR. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for encouraging infill development in the Central City area. As described in Chapter 3 of the DEIR, the project would add housing in the City's largest employment center and help to balance the jobs-to-housing ratio in downtown Sacramento, where housing options are currently limited. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O2-22

The commenter identifies that additional unspecified analysis is needed and identifies other development plans and projects.

The City provides a comprehensive discussion of land use, population, and housing in Chapter 3 of the DEIR, including references to other projects and development trends affecting the Central City area. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy,

including the City's policies for encouraging infill development in the Central City area. Please see Master Response 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT O2-23

The commenter references demolition and phasing.

As described in the project description, demolition required by the proposed project would be phased commensurate with project construction phases. Please see Master Response 2.3.6 for a discussion of phasing of demolition and construction. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

COMMENT LETTER O3 – NATIONAL TRUST FOR HISTORIC PRESERVATION

Letter O3

National Trust *for* Historic Preservation
Save the past. Enrich the future.

April 24, 2015

Scott Johnson, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

VIA Email to: SRJohnson@cityofsacramento.org

Re: Draft Environmental Impact Report, Sacramento Commons Project (P14-012)

Dear Mr. Johnson:

On behalf of the National Trust for Historic Preservation, thank you for the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the Sacramento Commons project. The proposed project would be constructed on the site of the historic Capitol Tower and Garden Apartments complex built between 1958 and 1965. The Draft EIR seeks approval for the demolition of 206 garden apartments, modifications to the 203 unit residential tower and removal of designed landscaped areas integral to the historic complex. O3-1

Interests of the National Trust

The National Trust for Historic Preservation was chartered by Congress in 1949 as a private nonprofit membership organization for the purpose of furthering the historic preservation policies of the United States and facilitating public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. The Trust has field offices across the country including two in California (Los Angeles and San Francisco). O3-2

On May 12, 2014 the National Trust submitted a letter to your office regarding our objection to the project's eligibility for a Sustainable Communities Environment Assessment. On September 5, 2014 the National Trust submitted scoping comments reiterating our concerns regarding the significant impacts the proposed project could have on this historic resource. Specifically we requested that the Draft EIR contain a robust alternatives analysis to find a feasible alternative to preserve a historic landmark from demolition while meeting the City's objectives. Unfortunately, the Draft EIR does not analyze such an alternative. We now write to express our concerns regarding this critical omission and to urge the City to recirculate the Draft EIR and support preservation as the most sustainable strategy for the site. O3-3

Historic Significance of Capitol Towers and Garden Apartments

At the beginning of the City's permitting process for the proposed Sacramento Commons Project, its historic significance was in question. However, since then, the Capitol Towers Historic District has been formally determined eligible to be listed on the National O3-4

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Register of Historic Places, as such it has been added to the California Register of Historic Places. On April 15, 2015, the City of Sacramento Preservation Commission voted in favor of its inclusion on the Sacramento Register of Historic and Cultural Resources. We presume that all subsequent documentation will reflect these latest determinations. O3-4 cont.

As stated in our previous correspondence, we believe that the site has unique architectural significance and a compelling association with the development of Sacramento particularly in the dynamic mid-20th century. The Capitol Tower and Garden Apartments were constructed in the wake of the Sacramento Redevelopment Agency's ambitious Capitol Mall project, and represented the only residential development in the fifteen block redevelopment area. The ensuing combination of high-rise tower and garden apartment in a park-like setting punctuated with art (in this case, Jacques Overhoff's concrete relief mural) was a unique development for California's capital city. O3-5

Comments on the Draft EIR

We agree with the conclusions of the Draft EIR that the proposed project (either the Hotel/Condo/Retail Scenario or the Condo/Retail Scenario) would result in significant and unavoidable impacts on the cultural landscape caused by the demolition of the historic garden apartment structures. Additional impacts would occur in the development of new parking structures to accommodate over 1,700 vehicles, over 60,000 square feet of commercial area and a net increase of approximately 1,000 dwelling units. As stated in the Draft EIR the demolition of large sections of the District (as well as other on-site modifications, including the relocation of the Overhoff mural) would be a "significant adverse effect on an historic resource" and the mitigation proposed "would not reduce the impact to a less-than-significant level." O3-6

In light of these conclusions CEQA requires the City to identify feasible alternatives to mitigate the significant adverse changes that it proposes for Sacramento Commons. CEQA Guideline § 15064.5(b)(4). The alternatives requirement is the "core of an EIR." (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App. 4th 1336. 1350). Further, public agencies must "deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 40, 41; see also Pub. Res. Code § 21002, 21002.1. O3-7

The Draft EIR is inadequate because it fails to meet the substantive requirement that the City analyze and select a feasible alternative to a project that will result in significant impacts to historic properties. We have the following specific concerns:

1. The Draft EIR does not present a reasonable range of alternatives.

The range of alternatives analyzed in an EIR should include those "that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." CEQA Guideline § 15126.6(c). The Draft EIR does not meet this substantive requirement. With the exception of Alternative 1 (No Project/No New Development), the Draft EIR only presents alternatives that maximize the densification of the Capitol Tower and Garden Apartments site. All would cause significant impacts to historic resources. While some alternatives propose less harm than the proposed project, each are merely modest variations of one another (for example, the difference in total building footprint between Alternatives 2 and 4 varies by less than 5,000 square feet). O3-8

2

As presented in the Draft EIR, Alternative 2 would have the fewest historical resources impacts compared to the proposed action and Alternatives 3 and 4, but would still cause major impacts to cultural resources. This alternative sanctions demolition of 76 garden apartments (approximately one third of this housing type) and adds four 15 story towers and 5 multi-storied parking structures, resulting in significant and unavoidable impacts to the cultural landscape. It appears that the alternatives analyzed were chosen to achieve the maximum density allowed on the site, without consideration of avoiding significant impacts to the Historic District. O3-9

It is incumbent on the City to consider meaningful alternatives that achieve project objectives while reducing identified impacts. This would be possible by crafting an alternative that reuses existing structures and respects the original site design and complies with the Secretary of the Interior's Standards for Treatment of Historic Properties. As we suggested in our scoping comments, a Standards-compliant alternative would have included infill construction (increasing residential density and commercial square footage) on existing surface parking lots and other options that could have retained a larger percentage of the garden apartments as well as the distinctive open landscape plan. O3-10

2. The Draft EIR fails to evaluate alternatives that could lessen or avoid impacts to cultural resources based on a flawed interpretation of Public Resources Code 21094.5(b)(1)

Section 5.1 of Draft EIR makes several false assertions in order to avoid inclusion of a preservation alternative. Most notably, it states that Public Resources Code section 21094.5(b)(1) permits the City to omit an evaluation of reduced density or building intensity alternatives and that alternatives that reduce impacts to historic resources are addressed "for informational purposes" only. Further, the Draft EIR alleges that that "[p]ursuant to both Public Resources Code section 21155.2(c)(2) and 21094.5 (b)(1)" the Draft EIR is not required to evaluate an offsite alternative even if adequate off site locations were available and the project proponent could obtain control of such locations (Draft EIR, 5-1).

These attempts to skirt CEQA's substantive requirements to evaluate a preservation alternative were made in error. We believe the City's interpretation of Section 21094.5(b) is far too broad. While the Section makes it permissible to make a more limited inquiry regarding locations, densities, and building intensities, it does not exempt the City from its obligation to protect historic resources. To the extent a reduced-density alternative would have the effect of protecting historic resources, it must be considered in the Draft EIR. O3-11

For instance, without an analysis of the feasibility of adopting a preservation alternative, the City cannot meet its own standards under its General Plan to avoid demolition of historic resources unless infeasible. Policy HCR 2.1.14 states:

> Demolition. The City shall consider demolition of historic resources as a last resort, ***to be permitted only if rehabilitation of the resource is not feasible***, demolition is necessary to protect the health, safety, and welfare of its residents, or the public benefits outweigh the loss of the historic resource (emphasis added).

It would be impossible for the City to remain consistent with this policy without including a preservation alternative. We do not believe Section 21094.5 should be interpreted in a way that would make it impossible for the City to meet its goals under the same planning level document it now relies on to justify demolition of a historic resource. O3-12

Further, it is inappropriate for the proposed project to avail itself of exemptions intended for "in-fill" or "transit priority projects" when the existing resource is a fully functioning site that offers a mix of housing options carefully integrated into a landscape of private and public spaces that allows residents to interact with surrounding urban development. The existing square footage, density, and proximity to a major transit facility already meet the City's planning goals for the Central Business District and qualify the existing development as a Transit Priority Project. O3-13

The Draft EIR is flawed because it omits an analysis of a preservation alternative that would meet most project objectives. A carefully selected site would satisfy project objectives, avoid impacts to historic resources and provide a meaningful alternative for the decision maker to consider. O3-14

3. The Draft EIR fails to acknowledge the inherent community values and qualities of the existing development

Section 3.3 (Land Use and Planning) of the Draft EIR neglects to note that the Capitol Tower Historic District already embodies the seven interlocking principles of the Sacramento Area Council of Governments Blueprint including compact development, housing and transportation choices, mixed use development, quality design and conservation of natural resources. Indeed the existing Capitol Tower and Garden Apartments offer an outstanding example of what is prescribed by the 2030 General Plan for development in the Central Business District: a mixture of mid- and high-rise sited to positively define the public streetscape, public parks and open space areas within walking distance of local residents, broad sidewalks appointed with appropriate pedestrian amenities, and consistent planting of street trees providing shade and enhancing character and identity. O3-15

The Draft EIR does not state that the existing development (the original Capitol Tower and Garden Apartments) embodies many of the stated Project Objectives (Section 2.3) including placing residential uses near employment centers, enhancing pedestrian movement, providing housing choices and open space. Carefully designed redevelopment of the site might have furthered those objectives while preserving the Historic District and enabling other objectives, such as intensifying an existing downtown urban development with higher residential density and supporting reinvestment in the downtown. O3-16

4. The proposed demolition project is inconsistent with an identified project objective to help the City and region achieve its sustainability targets, while enhancing the livability of the community.

While the Draft EIR analyzes the full range of environmental effects (acknowledging potential impacts to air quality, hydrology and water quality), it also includes a separate analysis for the greenhouse gas emissions and energy (Section 4.6) and concludes that the emissions impacts from the proposed project would be less- than- significant because the project complies with the City's Climate Action Plan. Furthermore the Draft EIR concludes that all other alternatives would have less impact due to their reduced O3-17

construction activity. It should be noted that a Standards-compliant alternative would also offer these savings. O3-17 cont.

The analysis does not acknowledge the environmental impacts of building reuse compared to demolition and new construction for a variety of building types. This was discussed in the National Trust's Preservation Green Lab publication, *The Greenest Building: Quantifying the Environmental Value of Building Reuse*. This study found that building reuse typically offers significant environmental savings over new construction--even when that new construction is energy efficient. Indeed, building reuse can offer climate change savings and reductions in resource depletion when compared to new construction. O3-18

Furthermore, revitalizing historic buildings can offer enhanced livability; the subject of another Preservation Green Lab publication, *Older, Smaller, Better: Measuring how the Character of Buildings and Blocks Influences Urban Vitality*. Published in May 2014, this groundbreaking study demonstrates the unique and valuable role that older, smaller buildings play in the development of sustainable cities. Building on statistical analysis of the built fabric of three major American cities, including San Francisco, the research demonstrates that established neighborhoods with a mix of older, smaller buildings perform better than districts with larger, newer structures when tested against a range of economic, social, and environmental outcome measures. O3-19

Conclusion

We urge the City to consider alternatives that preserve the historic Capitol Tower and Garden Apartments while strategically incorporating additional density, thus meeting Sacramento's planning and sustainability objectives. O3-20

Thank you for the opportunity to comment. Please contact Senior Field Officer Sheri Freemuth if you have any questions at sfreemuth@savingplaces.org or I may be reached at (415) 947 -0692.

Sincerely,

Brian Turner
Senior Field Officer and Attorney
San Francisco Field Office

Attachment: 2030 General Plan, Historic and Cultural Resources Section

5

HISTORIC AND CULTURAL RESOURCES

The City of Sacramento recognizes the importance of its historic and cultural resources, which create a distinct sense of place for residents and visitors, as well as tell the story that uniquely differentiates Sacramento from all other cities. These resources reflect the earliest days of prehistoric and historic settlement along the Sacramento and American Rivers, the city's role as a catalyst for the Gold Rush and as a key center of the western expansion of the United States, and establishment of the city as California's state capital. Preservation of historic and cultural resources is important because cities with distinctly identifiable places and history are generally more livable for residents and more attractive to new businesses that sustain the economy. Preservation and adaptive re-use of historic structures also promote sustainability by reducing the need for new construction materials.

Built in 1914, this prominent building along Broadway in the heart of Oak Park was renovated in 1997 to house U.S. Bank.

Citywide Historic and Cultural Preservation

Policies in this section provide for identification, protection, and assistance in the preservation of historic and cultural resources. The policies maintain a citywide program consistent with the State and Federal Certified Local Government program and state laws and regulations related to historic and cultural resources.

GOAL HCR 1.1

Comprehensive City Preservation Program. Maintain a comprehensive, citywide preservation program to identify, protect, and assist in the preservation of Sacramento's historic and cultural resources.

Policies

HCR 1.1.1 **Certified Local Government.** The City shall maintain its status as a Certified Local Government (CLG) and use CLG practices as the key components of the City's preservation program. *(RDR/SO)*

HCR 1.1.2 **Preservation Office, Commission, and Program.** The City shall maintain a Preservation Office, Commission, and program to administer the City's preservation functions and programs. *(RDR/SO)*

Built in 1938, the Tower Theater has been preserved and is a Sacramento historical landmark.

Memorial Auditorium, opened in 1927, is built in the style best termed Mediterranean Revival. The Auditorium continues to be one of the city's architectural centerpieces.

Identification and Preservation

Policies in this section provide for the identification of historic and cultural resources and ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented. Policies support the City actively pursuing the identification, protection, and maintenance of historic and cultural resources, including consultation with appropriate organizations and individuals early in the planning and development process to identify opportunities and minimize potential impacts to historic and cultural resources.

Sacramento Archives & Museum Collection Center is the repository and research center for the City and County historic collections and serves the community by acquiring, preserving, exhibiting, and providing access to the documentary and material culture of the area.

GOAL HCR 2.1

Identification and Preservation of Historic and Cultural Resources. Identify and preserve the city's historic and cultural resources to enrich our sense of place and our understanding of the city's prehistory and history.

Policies

HCR 2.1.1 **Identification.** The City shall identify historic and cultural resources including individual properties, districts, and sites (e.g., archaeological sites) to provide adequate protection of these resources. *(PSR)*

HCR 2.1.2 **Applicable Laws and Regulations.** The City shall ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented, including the California Historical Building Code and State laws related to archaeological resources, to ensure the adequate protection of these resources. *(RDR)*

HCR 2.1.3 **Consultation.** The City shall consult with the appropriate organizations and individuals (e.g., Information Centers of the California Historical Resources Information System (CHRIS), the Native American Heritage Commission (NAHC), and Native American groups and individuals) to minimize potential impacts to historic and cultural resources. *(IGC/JP)*

Craftsman style fourplex.

See Appendix E, Glossary & Acronyms, for definitions and terminology in the Historic and Cultural Resources Element.

HCR 2.1.4 **Incentives and Enforcement.** The City shall develop and support regulatory (e.g., appropriate development and zoning standards), technical, and financial incentives (e.g., City, State, Federal, and private grants, loans, easements, and tax credits) and enforcement programs to promote the maintenance, rehabilitation, preservation, and interpretation of the city's historic and cultural resources. *(RDR/FB/SO)*

HCR 2.1.5 **National, California, and Sacramento Registers.** The City shall pursue eligibility and listing for qualified resources including historic districts and individual resources under the appropriate register(s). *(RDR/IGC/JP)*

The Downtown Sacramento Central Public Library is compatible as an add-on structure to the adjacent historic building.

HCR 2.1.6 **Planning.** The City shall take historical and cultural resources into consideration in the development of planning studies and documents. *(MPSP/PSR)*

HCR 2.1.7 **Historic Resource Property Maintenance.** The City shall actively pursue maintenance and upkeep of historic resources to avoid the need for major rehabilitation and to reduce the risks of demolition, loss through fire or neglect, or impacts from natural disasters. *(RDR/PI)*

HCR 2.1.8 **Historic Preservation Enforcement.** The City shall ensure that City enforcement procedures and activities comply with local, State, and Federal historic and cultural preservation requirements. *(SO)*

HCR 2.1.9 **City-Owned Resources.** The City shall maintain all City-owned historic and cultural resources in a manner that is consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties. *(SO)*

The Elliot building (left) was designed to be compatible in scale and massing with the historic East End Lofts building (right).

HCR 2.1.10 **Early Consultation.** The City shall minimize potential impacts to historic and cultural resources by consulting with property owners, land developers, and the building industry early in the development review process. *(RDR/JP/PI)*

HCR 2.1.11 **Compatibility with Historic Context.** The City shall review proposed new development, alterations, and rehabilitation/remodels for compatibility with the surrounding historic context. The City shall pay special attention to the scale, massing, and relationship of proposed new development to surrounding historic resources. *(RDR)*

Adaptive reuse of a former automobile dealership, now converted to a restaurant.

HCR 2.1.12 **Contextual Elements.** The City shall promote the preservation, rehabilitation, restoration, and/or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, signs) related to the historic resource. *(RDR)*

See LU 2, Citywide Land Use and Urban Design, for additional policies on development context.

HCR 2.1.13 **Adaptive Reuse.** The City shall encourage the adaptive reuse of historic resources when the original use of the resource is no longer feasible. *(RDR/SO)*

HCR 2.1.14 **Demolition.** The City shall consider demolition of historic resources as a last resort, to be permitted only if rehabilitation of the resource is not feasible, demolition is necessary to protect the health, safety, and welfare of its residents, or the public benefits outweigh the loss of the historic resource. *(RDR)*

The former Van Voorhies Mansion, built in the Italianate architectural style, has undergone historic restoration and is now used as office space.

HCR 2.1.15 **Archaeological Resources.** The City shall develop or ensure compliance with protocols that protect or mitigate impacts to archaeological, historic, and cultural resources including prehistoric resources. *(RDR)*

HCR 2.1.16 **Preservation Project Review.** The City shall review and evaluate proposed preservation projects and development projects involving Landmark parcels and parcels within Historic Districts based on adopted criteria and standards. *(RDR)*

The historic 1885 Llewellyn Williams Mansion is built in the Italianate-Stick architectural style, and after considerable remodeling and restoration the Mansion was reopened in 1995 as the Sacramento International Hostel.

Public Awareness and Appreciation

Policies in this section support and provide for public education and appreciation of the value of Sacramento's historic and cultural resources, as well as City coordination with other entities to help develop and promote the preservation of Sacramento's historic and cultural resources.

GOAL HCR 3.1

Public Awareness and Appreciation. Foster public awareness and appreciation of Sacramento's historic and cultural resources.

Policies

HCR 3.1.1 **Heritage Tourism.** The City shall work with agencies, organizations, property owners, and business interests to develop and promote Heritage Tourism opportunities, in part as an economic development tool. *(IGC/JP)*

HCR 3.1.2 **Coordination with Other Entities.** The City shall coordinate with and support public (e.g., SHRA), quasi-public, and private entities in their preservation programs and efforts. *(IGC/JP)*

HCR 3.1.3 **Public/Private Partnerships.** The City shall explore public/private partnerships in its preservation program efforts, including partnerships with business and education interests, and expansion of shared missions with Sacramento Heritage, Inc. *(IGC/JP)*

HCR 3.1.4 **Education.** The City shall act as a conduit and provide information to the public on Sacramento's historic and cultural resources and preservation programs through the region's cultural resources survey repository at the North Central Information Center, educational institutions, and the City's website in order to promote the appreciation, maintenance, rehabilitation, and preservation of Sacramento's historic and cultural resources. *(PI)*

The Old Sacramento Historic District is an example of Heritage Tourism and is listed as a National Historic Landmark by the National Park Service.

See LU 8, Public/Quasi-Public and Special Uses, ED 1, Business Climate, and ERC 5, Museums, Zoos, and Other Major Destination Attractions, for additional policies on tourism and cultural and entertainment uses.

Sutter's Fort has been furnished and reconstructed to reflect its 1846 appearance and stands as the oldest restored Fort in the United States.

RESPONSE TO COMMENT O3-1

The commenter thanks the City for the opportunity to comment and provides background on the site and the demolition, modifications to the existing tower, and removal of the designed landscape proposed by the project.

Please see Master Response 2.3.4 for a discussion of historic resources impacts.

RESPONSE TO COMMENT O3-2

The commenter provides background on the organization.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR.

RESPONSE TO COMMENT O3-3

The commenter references previous scoping comments and requests another alternative that would avoid demolition impacts, achieve the City's objectives, and promote preservation as sustainable strategy for the site.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.4, 2.3.7.7, and 2.3.7.10 for discussions of the City's obligations under CEQA, a summary of the project's historic resources impacts, the purpose of alternatives, the process to develop alternatives for this project, analysis of alternatives, additional on-site recommended alternatives, rehabilitation alternatives, and conclusions regarding the alternatives analysis.

RESPONSE TO COMMENT O3-4

The commenter references determinations regarding the historic significance of Capitol Towers and garden apartments and its' eligibility for listing on the National Register of Historic Places.

The DEIR confirmed the status of the project site as a historic resource. See response to Comment A3-3. Please see Master Response 2.3.4.2 for a summary of the timeline for the environmental document's scoping, evaluating the historical significance of the project site, and the determination that the project site is considered a historical resource for CEQA purposes.

RESPONSE TO COMMENT O3-5

The commenter discusses architectural, historical, and development significance of the project site.

This comment is noted and will be provided to the City Council as part of this FEIR for consideration. Please see Section 4.4 of the DEIR, which includes much of the same description as provided by the commenter of on-site conditions.

RESPONSE TO COMMENT O3-6

The commenter agrees with the findings of the EIR related to historic resources impacts of the proposed project.

This comment is acknowledged. Please see Master Responses 2.3.4.1 and 2.3.4.2 for related historic resource impacts information.

RESPONSE TO COMMENT O3-7

The commenter alleges that the DEIR is inadequate because it does not identify a feasible alternative that would mitigate, substantially lessen, or reduce impacts to a less-than-significant level.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6 for a description of the City's obligations under CEQA related to historic resources, alternatives, a summary of historic resources impacts, the City's process to develop alternatives, alternatives that were considered but then rejected, and alternatives developed to reduce historic resources impacts, including the focus of alternatives development on the historic resources impact.

RESPONSE TO COMMENT O3-8

The commenter contends that the DEIR does not present a reasonable range of alternatives.

Please see Master Responses 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6 for a description of requirements for EIR alternatives, the City's process to develop alternatives, alternatives that were considered but then rejected, and the focus of alternatives development.

RESPONSE TO COMMENT O3-9

The commenter believes that alternatives were chosen to maximize density allowed on-site without consideration of historic resources impacts.

All alternatives reduce density compared to the proposed project. Please see Master Responses 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6 for a description of requirements for EIR alternatives, the City's process to develop alternatives, alternatives that were considered but then rejected, and the focus of alternatives development.

RESPONSE TO COMMENT O3-10

The commenter proposes an alternative that would increase density and reduce impacts.

Please see Master Responses 2.3.7.6 and 2.3.7.7 for additional on-site alternatives information, including other commenters' suggestion to build on existing parking spaces and garages.

RESPONSE TO COMMENT O3-11

The commenter does not believe that the City has correctly interpreted aspects of the Public Resources Code related to alternatives that could lessen or avoid impacts to cultural resources and states that the City's alternatives analysis is not consistent with the General Plan.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6, 2.3.7.7 for a description of the City's obligations under CEQA related to historic resources, alternatives, including discussion of alternatives that would allow additional density under the Secretary of the Interior's Rehabilitation Standards, significant impacts, and alternatives developed to reduce historic resources impacts. Please see also Master Response 2.3.9, which provides a detailed description of relevant CEQA streamlining provisions and Appendix A to this Final EIR, which includes a letter from the Director of the Governor's Office of Planning and Research, the organization that has developed CEQA streamlining guidance, relating to Public Resources Code section 21094.5. Please see Master Response 2.3.4.5 for information related to General Plan consistency, including the referenced policy.

RESPONSE TO COMMENT O3-12

The commenter suggests a preservation alternative is needed for consistency with the City's General Plan.

Please see Master Response 2.3.4.5 for information related to General Plan consistency, including the referenced policy Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6 for a description of the City's obligations under CEQA related to historic resources, alternatives, including discussion of alternatives that would allow additional density under the Secretary of the Interior's Rehabilitation Standards, significant impacts, and alternatives developed to reduce historic resources impacts.

RESPONSE TO COMMENT O3-13

The commenter suggests that use of infill or transit priority exemptions in the DEIR is inappropriate due to existing development on the site.

Please see Master Response 2.3.9, which provides a detailed description of relevant CEQA streamlining provisions, including Master Response 2.3.9.1, which discusses the CEQA definitions of infill and transit priority projects.

RESPONSE TO COMMENT O3-14

The commenter does not believe that the City has correctly interpreted aspects of the Public Resources Code related to alternatives, including off-site alternatives.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.5, and 2.3.7.6 for a description of the City's obligations under CEQA related to historic resources, alternatives including

off-site alternatives, significant impacts, and alternatives developed to reduce historic resources impacts.

RESPONSE TO COMMENT O3-15

The commenter suggests that the DEIR neglects discussion that the existing development on the proposed project site is already consistent with regional planning policies.

The purpose of the EIR is to analyze adverse physical environmental impacts associated with implementation of the project. Chapter 3 of the DEIR describes existing and planned land uses within and surrounding the project site and consistency and compatibility of the proposed project with adopted land use plans, policies, and development regulations. The EIR does not focus on consistency of existing development on-site with local and regional planning policy, but this comment is provided here for City Council consideration.

RESPONSE TO COMMENT O3-16

The commenter suggests that the DEIR neglects discussion that the existing development on the proposed project site is consistent with many of the project objectives.

Please see Chapter 5 of the DEIR, which evaluates alternatives to the project, including the no project alternative. As noted in the DEIR (page 5-34), Alternative 1 would not meet the proposed project objectives 1, 3, 4, 5, 6, 8, or 9, which all pertain to intensification or augmentation of existing site characteristics. Please see Master Responses 2.3.7.5 and 2.3.7.6 regarding on- and off- site alternatives proposed by commenters.

RESPONSE TO COMMENT O3-17

The commenter acknowledges that the DEIR analyzes the full range of environmental effects and suggests that the project is inconsistent with a proposed project objective related to sustainability. The commenter asserts that a historic standards-compliant alternative would also offer these savings, as well as reductions to other impacts. The comment asserts a standards-compliant alternative might also result in reduced GHG emissions.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.4, 2.3.7.5, 2.3.7.6, 2.3.7.7 and 2.3.7.10 for a description of the City's obligations under CEQA related to historic resources, alternatives including off-site alternatives, significant impacts, and alternatives developed to reduce historic resources impacts including rehabilitation alternatives.

RESPONSE TO COMMENT O3-18

The commenter indicates that the DEIR does not analyze environmental savings related to building reuse compared to demolition and new development.

While the comment focuses on existing building energy use as compared to building energy use under the proposed project, energy benefits such as reductions in VMT resulting from the development of additional units downtown must also be considered in evaluating energy benefits of the proposed project. In consideration of all energy related impacts (including transportation-related energy benefits as well as demolition and construction energy use) associated with development of the proposed project, the proposed project will assist the City in achieving per-capita energy reduction goals. See also the Response to Comment A6-12.

RESPONSE TO COMMENT O3-19

The commenter provides a summary of research on how established neighborhoods in three major US cities, including San Francisco, with smaller and older buildings performed better compared to districts with larger and newer structures against a range of unspecified economic, social, and environmental indicators.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and is provided for City Council consideration.

RESPONSE TO COMMENT O3-20

The commenter urges the City to consider alternatives that preserve existing structures on the project site, while also incorporating additional density.

Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6 for a description of the City's obligations under CEQA related to historic resources, alternatives, significant impacts, and alternatives developed to reduce historic resources impacts.

COMMENT LETTER O4 – NEIGHBORS OF CAPITOL TOWERS

Letter O4

Evan Compton

From: Judith Lamare <judelam@sbcglobal.net>
Sent: Friday, April 10, 2015 1:46 PM
To: Evan Compton; Scott Johnson
Cc: Jose Bodipo-Memba; Kiyomi Burchell; Cornelious Burke; Ed Chandler; Douglas Covill; Rommel Declines; Todd Kaufman; Kim Mack; David Nybo; Matthew Rodgers; Joe Yee; darrellteatjr@yahoo.com; Steve Hansen
Subject: Sacramento Commons review and comment by Sacramento Planning Commission
Attachments: NCTV4.10.15final.pdf

Dear Planning Commissioners,

Please review the attached letter prepared by Neighbors of Capitol Towers and Villas and signed by 16 property owners at 500 N Street for the hearing April 16 on the Sacramento Commons project. Thank you. O4-1

JUDITH LAMARE
judelam@sbcglobal.net
500 N Street, 1403
Sacramento, CA 95814
916 769 2857 cell

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Neighbors of Capitol Towers and Villas
c/o 500 N Street, Unit 1403
Sacramento, CA 95814

April 10, 2015

Chair and Members
City of Sacramento Planning and Design Commission
915 I Street
Sacramento, CA 95814

Re: Review and Comment Hearing, Sacramento Commons

Dear Mr. Chair and Members of the Commission:

As you know, we, as neighbors of Capitol Towers and Villas, are opposed to the Sacramento Commons project as proposed because of numerous deleterious impacts upon neighboring residents and property owners. We are reviewing the Draft Environmental Impact Report (DEIR) and intend to present detailed comments to the City on the draft. For purposes of this hearing, we wish to raise again key issues that have not been adequately addressed to date. O4-2

1) **The Proximity of Proposed Midrise Apartments to Existing Apartments.** Existing Pioneer and Bridgeway Towers are oriented north/south. Placement of 8 stories of parking and apartments only 40 feet from the only windows of existing condominium apartments is an incompatible land use, significantly reducing the quality of life and privacy of residents in the existing apartments. We find that the EIR is misleading and does not disclose important information about the project impacts on residents and owners of neighboring properties. Light and glare impacts are not analyzed. In particular, the visual descriptions fail to portray the impact of midrise apartments on neighboring tower residents. The changes in visual character or quality of the site are considered significant especially for residents of lower floors of the adjacent properties of Pioneer and Bridgeway Towers. It is unusual in Sacramento for 75 foot tall buildings to be just 40 feet from the only windows and balconies of residences. O4-3 The discussion of alternatives (Section 5 of DEIR) should acknowledge that Alternatives 2 and 3 would significantly reduce negative impacts on Bridgeway Towers and Pioneer Towers owners and residents by retaining existing open space, low rise and large canopy tree placement between these two towers instead of 8 stories of parking and apartments. O4-4

2) **The Historic Quality of Our Existing Neighborhood.** The four block area was designed to accommodate high density living with compensating quality of life design features, including high rise apartments and condos, low rise garden apartments, public and private open space, and large tree canopy. The highly successful historic design has O4-5

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been recognized by state and national government as an historic resource. We support Sacramento Modern's effort to permanently protect the historic resource as significant to the history and quality of life in downtown Sacramento. Impact 4.4-2 in the DEIR states that the proposed project would result in a substantial adverse change in the significance of Capitol Towers and offers only a token mitigation measure (4.4-2) focused on documentation and interpretation, with only the Capitol Tower and Overhoff Sculpture to be retained on site. Alternatives 2 and 3 provide greater preservation, respecting the core of the original design. O4-5 cont. O4-6

3) **The Tree Canopy**. The Project would remove 199 healthy, mature canopy trees, contrary to General Plan policy. The EIR refers to a conceptual landscape plan that nowhere is required to be implemented. It is not required as a mitigation measure in the EIR. Yet this plan is used to claim that impacts of canopy loss will be mitigated to less than significant. The Arborist Report estimates that it will take more than 25 years for the value of today's tree canopy to be mitigated <u>if that plan is fully implemented and performs as assumed.</u> Neither the PUD nor the DEIR guarantee that it will be. Nor can the City require the property owners to maintain the landscape plan for the life of the project. The DEIR is misleading in not recognizing that Alternatives 2 and 3 have significantly lower impacts on tree canopy loss compared with the project alternatives because many more mature trees will be preserved and continue growing, and because the benefits of the conceptual landscape plan are speculative and could be short-lived. O4-7 O4-8

4) **Potential for "Hole in the Ground" or giant parking lot**. In NOP comments, the City was asked to require that there be no demolition of any parcel until Kennedy Wilson or its assignee shows proof of binding contracts for all construction and full financing, because Sacramento does not need another disaster like the former Saca and Aura projects, which, respectively gave downtown a huge hole in the ground and yet another surface parking lot. Such an outcome would be highly detrimental to neighboring residential properties such as Bridgeway and highly embarrassing to City's efforts to create a positive "image" for downtown. The EIR does not address the "Hole in the Ground" or empty fenced demolition site scenario. While Kennedy Wilson claims that development and demolition will be phased, nothing in the project proposal or proposed conditions of development prohibits demolition on any parcel until an approved and fully-financed development project is poised to start construction on that parcel. Note that the proposed hotel is similar to the SACA project -- part hotel, part condo, part retail -- which is now an iconic city block-sized hole on Capitol and Second St. There is serious potential for this scenario to occur if not specifically prevented by City conditions of approval, and it would affect nearby property values (e.g. 500 N Street) and the City's image. O4-9

5) **Construction Noise and Disruption.** We find the DEIR measures for addressing construction noise and disruption to neighboring residents to be entirely inadequate and even insulting. Construction noise will exceed standards and will be permitted <u>seven days a week and can begin at 7 am on weekdays</u>. The adjacent residents include many elderly and retired people, including all residents of Pioneer Tower and some Bridgeway condo owners, who are home during weekdays and will be severely impacted by ongoing O4-10

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construction noise. The paltry mitigation measure does not reduce this suffering to less than significant. The analysis of alternatives does not quantify the difference for residents of a less impact alternative to the project. O4-10 cont.

On page 4.9-25, the DEIR states:

IMPACT 4.9-3 **The proposed project could result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance or result in construction noise levels that exceed 75 dBA L_{eq} at the interior of a residential building during the daytime hours (7 a.m. to 10 p.m.).** *Based on the analysis below, this impact is considered* ***less than significant with mitigation***

On page 4-9-28, the DEIR states: **Mitigation Measure 4.9-3a: Minimize Construction Noise throughout Entire Construction Phase.**

> *"The project applicant and contractor/s shall implement the following measures throughout all construction phases.*
> *• Machines or equipment shall not start up prior to 7:00 a.m., Monday through Saturday, and prior to 9 a.m. on Sunday;*
> *• Delivery of materials and equipment shall not occur prior to 7:00 a.m. nor past 6:00 p.m., Monday through Saturday, and prior to 9:30 a.m. nor past 6 p.m. on Sunday;* O4-11
> *• Stationary construction equipment, such as compressors, shall be placed away from nearby residential areas and shall provide acoustical shielding.*
> *• Idling times of equipment shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.*
> *• The project applicant or its designee shall designate a disturbance coordinator and conspicuously post this person's number around the project site, in adjacent public spaces, and in construction notifications. The disturbance coordinator, in coordination with the City, shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and, in coordination with the City, is responsible for determining the cause of the complaint and implementation of feasible measures to alleviate the problem."*

The permitted hours of operation do not minimize construction noise impacts. This mitigation measures is extremely generous to the project proponent and contractor and grossly disrespectful toward neighboring residents. It has been the practice on construction in our neighborhood that **work hours do not exceed 8-5, Monday through Friday for all project activity. Moreover, unless a disturbance coordinator has the authority to stop work as well as fine contractors for violations of mitigation measures intended to protect neighboring residents, the measure is unenforceable and does not guarantee mitigation.**

6. Transit Access. Similarly, the mitigation for impacts on current resident access to transit during construction lacks specificity and enforceability. Substitute bus stops O4-12

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without shelter and seating and not accessible to all residents are not adequate mitigation for impacts. O4-12 cont.

7. Vehicle Access. As stated previously, residents are concerned about the impact of construction and of operation of a hotel at 7th and N on access and egress from our residences. These concerns are brushed aside by the DEIR as irrelevant. This is unfair to current condominium owners and residents. At minimum the **Mitigation Measure 4.11-5: Prepare and Implement Construction Traffic Management Plan** should include a criterion to ensure safe and reasonable access and egress of vehicles to and from 500 N Street and 515 P Street at all times. O4-13

Please consider our concerns in your review and comment on the proposed Sacramento Commons.

Please provide notice of future public hearings and availability of response to comments to all residents of Bridgeway Towers. The signatories below are property owners at 500 N Street. O4-14

Sincerely,

Julie Mumma

Tommy Leung

Muriel R. Wemmer

James P. Pachl

Pete Kmeto

Betty Kay Louie

George P. Salerno

Judith L. Lamare

Mary Louise Picerno

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Bobbie Metzgar

George and Lana Trovao

Robert J. Shimer

Michael Galizio

J.D. Rowell

Pauline Hutton

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RESPONSE TO COMMENT O4-1

The commenter references an attached letter.

The City acknowledges this and has provided responses to comments on the referenced letter below.

RESPONSE TO COMMENT O4-2

The commenter references deleterious impacts to neighboring residents and property owners that the commenter does not believe have been addressed to date.

The City acknowledges this comment and has provided responses to comments on the referenced letter and has provided responses to each topic raised, below.

RESPONSE TO COMMENT O4-3

The commenter discusses proximity of buildings to existing residences, that light and glare impacts are not analyzed, that visual impacts should be considered significant.

Please see Master Responses 2.3.3.1, 2.3.3.2, 2.3.3.4, 2.3.3.5, 2.3.3.6, 2.3.3.7 for information related to aesthetic changes not being considered significant impacts under CEQA, the focus of alternatives analysis, privately available views, visual changes associated with the proposed project, for site plan and design review for the project, and for changes to the project that would reduce visual changes associated with the project.

RESPONSE TO COMMENT O4-4

The commenter suggests that the alternatives analysis should acknowledge that Alternatives 2 and 3 would reduce visual changes.

Please see Master Responses 2.3.7.1, 2.3.7.2, and 2.3.7.4 for the purpose of alternatives, the process used by the City to develop alternatives, and analysis of alternatives, including aesthetic changes.

RESPONSE TO COMMENT O4-5

The commenter discusses the tree canopy on-site, historic characterization of on-site buildings, and support for Sacramento Modern's efforts to encourage preservation of on-site structures.

The Draft EIR, Section 4.4-1 describes the existing site's historic characteristics. Please see Master Response 2.3.2.1, which describes the existing setting related to trees and the tree canopy.

RESPONSE TO COMMENT O4-6

The commenter believes that Mitigation Measure 4.4-2 is not as effective as Alternatives 2 and 3 for reducing historic resources impacts.

Commenter's support of Alternatives 2 and 3 as compared to the proposed project is noted. Please see Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.6, 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.6 for a description of the City's obligations under CEQA related to historic resources, a summary of historic resources impacts, the City's process to develop alternatives, alternatives that were considered but then rejected, and alternatives developed to reduce historic resources impacts.

RESPONSE TO COMMENT O4-7

The commenter notes that the landscaping plan is not required to be implemented, that the landscaping plan is not required as mitigation, and that landscaping must be maintained.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.7, 2.3.2.8, 2.3.2.9, and 2.3.12.5 which address tree removal, the landscape plan, tree mitigation, the City's significance determination, and tree growth estimates. As discussed in Master Response 2.3.12.5, Mitigation Measure 4.3-2 has been revised to clarify that the number of ground level tree plantings identified in the conceptual landscape plan (i.e. 147) are required to be planted as part of the proposed project:

> Mitigation Measure 4.3-2: Avoid and Minimize Impacts on Trees.
>
> The project applicant shall submit a Tree Permit application to the City Department of Public Works (Maintenance Services Division), as required by the City Code, for removal and pruning affecting a Heritage Tree or City Street Tree and such activity shall not be performed until a permit has been issued. When allowed, according to the conditions of the permit, construction activity that requires pruning or encroachment into the canopy dripline of a Heritage Tree or City Street Tree would be monitored by the project arborist, who will make recommendations for minimizing impacts to retained trees. In addition, the following tree replacement, protection, and monitoring actions shall be implemented:
>
> - Any Heritage Trees to be removed for construction purposes shall each be replaced with one 24-inch box size tree. The replacement trees shall be planted on site and incorporated into the project's landscape plan.
> - Any City Street Trees to be removed for construction purposes shall be replaced with either 24-inch box size trees or 15-gallon size tree (as required under City Code Section 12.56.090 based on the sizes of the City Street Trees to be removed). Replacement trees for City Street Trees shall be replanted within the City right-of-way in coordination with the City's Urban Forester. If replacement trees for City Street Trees cannot be accommodated in the City's right-of-way, they shall be planted on site and incorporated into the project landscape plan. If City Street Tree replacement trees cannot be incorporated into the project landscape plan, they shall be planted at another off-site location at the City's direction.
> - Replacement trees, <u>including all 147 ground level trees identified in the Conceptual Landscape Plan prepared for the project,</u> shall consist of shade tree species appropriate to the site and which consider the post-construction environment (e.g., shading from buildings).

> Selection of replacement tree species shall be conducted in consultation with the City's Director of Urban Forestry…

Compliance with Mitigation Measure 4.3-2, including the requirement to plant 147 ground level trees, would be implemented and monitored through the Mitigation Monitoring and Reporting Program prepared for the proposed project. See Appendix B, which includes the draft Mitigation Monitoring and Reporting Program.

RESPONSE TO COMMENT O4-8

The commenter suggests that Alternatives 2 and 3 would have reduced tree canopy impacts.

Please see Master Response 2.3.7.4 for additional information related to impacts of alternatives, including tree-related impacts.

RESPONSE TO COMMENT O4-9

The commenter discusses topics related to the potential abandonment of development projects.

Please see the DEIR Section 2.7 for a description of proposed phasing of demolition and construction. Please see also Master Response 2.3.6 for a discussion of project phasing and Master Response 2.3.6.1 for a discussion of economic feasibility and potential abandonment. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O4-10

The commenter does not believe that construction noise mitigation measures are adequate, that the presence of seniors should be considered, and that the alternatives analysis does not quantify the differences in impacts.

As required by CEQA Guidelines section 15626.6, the DEIR evaluated the relative merits of the project alternatives. The DEIR included sufficient information to provide a meaningful evaluation. Quantification of impacts for each alternative, as suggested by the comment, is not required. Please see Master Responses 2.3.1.1, 2.3.1.4, and 2.3.12.10 for information related to construction noise impacts and mitigation, including the presence of seniors in the vicinity of the proposed project, Master Response 2.3.1.5 for a description of the conservative approach to noise analysis, Master Response 2.3.1.2 for information on the City's threshold of significance for construction noise, and Master Response 2.3.1.6 for a description of the duration of construction.

Chapter 5 of the DEIR describes and compares construction impacts of the alternatives to the proposed project. As described in the DEIR, Alternatives 2, 3, and 4 would include a reduced amount of development compared to the proposed project, and, therefore may reduce the length of time when construction noise and vibration would be generated. However, the construction activity would occur in

the same location and there would be noise- and vibration-sensitive uses in the vicinity of the alternative construction sites, just as with the proposed project. Overall, during construction, construction noise and vibration effects would be similar to those of the proposed project. The level of impact is expected to be quantitatively similar, as well because the EIR analysis is intentionally conservative representing a worst-case scenario (meaning that the analysis could somewhat overestimate actual impacts). The analysis focuses on noise levels anticipated from construction activities during the worst-case site preparation stage and for the closest noise-sensitive receptors (see DEIR pages 4.9-26 and 4.9-27, for example). However, most sensitive receptors in the vicinity of the project site are at a greater distance from proposed construction activities compared to the closest sensitive receptor and the overall construction period would not involve the noisiest construction equipment.

As with the proposed project, construction of Alternatives 2, 3, and 4 would involve additional vehicle trips on the local roadway network as workers commute and equipment and materials are transported. As with the proposed project, for Alternatives 2, 3, and 4, construction-related increases in traffic noise levels along 33 of the 39 roadway segments would not exceed 2 dB and the maximum noise level from construction traffic would be 63.4 or less (see DEIR Table 4.9-11, page 4.9-19). As with the proposed project, construction of Alternatives 2, 3, and 4 would involve construction noise from building demolition, site clearing and excavation and site preparation, and building construction. Noise would be generated by equipment such as graders, backhoes, skip loaders, water trucks, pile drilling, and other miscellaneous equipment. As with the proposed project, construction of Alternatives 2, 3, noise levels generated by various construction activities during the worst-case site preparation stage would be 89 dB L_{eq}, at the closest noise-sensitive receptors. Assuming an exterior-to-interior noise level reduction of at least 20 dB for wooden structures (doors and windows closed) (FHWA 2011), construction equipment noise could result in a maximum temporary interior noise level of approximately 69 dBA L_{eq} at the noise-sensitive receptors located closest to construction areas. As with the proposed project, Alternatives 2, 3, and 4, depending on the technique selected for installation of building piles, could involve maximum noise levels for the closest sensitive receptors ranging from 86.3 dBA for the closest sensitive receptors within 40 feet of proposed construction sites, if auger drilling pile installation is used, to 103.2 dBA for the closest sensitive receptors within 40 feet of proposed construction sites for the upper range, if impact pile driving is selected (see DEIR Table 4.9-13, page 4.9-21). Assuming an exterior-to-interior noise level reduction of at least 20 dB (doors and windows closed), installation of piles required for Alternatives 2, 3, and 4 could result in peak noise levels of between 66.3 dBA for the closest sensitive receptors. The same mitigation measures (Mitigation Measure 4.9-3a and 4.9-3b) could be applied to Alternatives 2, 3, and 4 to ensure a less-than-significant impact with mitigation.

RESPONSE TO COMMENT O4-11

The commenter makes reference to construction noise mitigation, expresses that the hours allowed by the City's Noise Ordinance are too generous, and states that the disturbance coordinator does not guarantee mitigation.

Please see Master Responses 2.3.1.4 and 2.3.12.10 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for a description of the conservative approach to

analysis, Master Response 2.3.1.2 for information on the City's threshold of significance for construction noise, and Master Response 2.3.1.6 for a description of the duration of construction. Compliance with Mitigation Measures 4.9-3a and 4.9-3b will be monitored and enforced through the City's mitigation monitoring and reporting program and will be conditions required for construction contractors. With implementation of the identified mitigation, impacts are considered less than significant. The mitigation measure obligates the project applicant (likely through the general contractor) to have a disturbance coordinator to respond to complaints about construction activities. Pursuant to Mitigation Measure 4.9-3a, the disturbance coordinator must coordinate with the City in the event a noise complaint is received to ensure the noise-related issue is addressed in a manner consistent with the requirements of Mitigation Measures 4.9-3a and 4.9-3b.

RESPONSE TO COMMENT O4-12

The commenter suggests that the mitigation measure related to transit access during construction is not adequate and that replacement bus stops without shelter and seating that are not accessible to all residents are not adequate mitigation for impacts.

Sacramento Regional Transit (RT) has a process to evaluate transit stops and provide specifications for replacement stops that may be required if proposed projects would adversely affect access during construction or operational phases (Canfield, pers. comm. 2015). RT staff would visit the proposed locations for transit stops to determine the need for replacement bus stops and to ensure that any needed replacement stops meet RT's operational standards including requirements to meet Americans with Disabilities Act (ADA) guidelines. RT provides specifications for replacement stops, including concrete pad space and electrical connections and RT directs their contractor to move and install benches or shelters after the pads are in place, as determined necessary. See also Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction and Master Response 2.3.6.2 for discussion of traffic management during construction.

RESPONSE TO COMMENT O4-13

The commenter is concerned about access in the vicinity of 7th and N Streets during construction and operation of the project.

This comment suggests that the impact of construction and of operation of a hotel at 7th Street and N Street on access and egress from the existing residences located on 500 N Street and 515 P Street has not been sufficiently addressed in the DEIR. It further states that Mitigation Measure 4.11-5 should include a criterion to ensure safe and reasonable access to residences adjacent to the project site.

In the DEIR, impacts of construction were defined and Mitigation Measure 4.11-5 requires the applicant to prepare and implement Construction Traffic Management Plan before commencement of demolition and beginning of construction for the project site. The Plan shall meet the requirements of sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code and subject to review and approval by the City Department of Public Works. The Plan shall ensure maintenance and acceptable operating conditions on local roadways and transit routes. Mitigation Measure 4.11-5 sets forth a list of minimum

requirements for the Plan to include, such as, temporary traffic control, detour routes, driveway access, etc. The Construction Traffic Management Plan will include provisions to ensure safe and reasonable access to residences adjacent to the project site. Preparation of a Construction Traffic Management Plan is a standard practice in the City (and is required per City Code) and, based on the City's experience, such plans are appropriate means of ensuring automobile and pedestrian access and safety during construction activities within the City. Mitigation Measure 4.11-5 was also revised to require a construction coordinator and to post contact information for construction coordinator in visible locations on the project site. The construction coordinator would receive complaints and coordinate on resolution of issues with the City.

The operation of the hotel at 7th Street and N Street was included in the DEIR Chapter 4.11.7 (Other Considerations) which provides a full evaluation about project access points and on site circulation. Additionally, it shows that inbound queuing for the hotel drop off/ pick up area can accommodate up to nine vehicles without spillback onto N Street causing any impact to the roadways or adjacent properties. See also Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction and Master Response 2.3.6.2 for discussion of traffic management during construction.

RESPONSE TO COMMENT O4-14

The commenter requests that the City consider comments on the project, requests notice of hearings on the project, and provides additional signatories to the letter.

The City has provided responses to these comments and will consider comments as a part of review of the Final EIR. The City will continue to notice the public regarding hearings on the project.

COMMENT LETTER O5 – NEIGHBORS OF CAPITOL TOWERS

Letter O5

Evan Compton

From: Judith Lamare <judelam@sbcglobal.net>
Sent: Friday, April 10, 2015 2:11 PM
To: Roberta Deering; caru.bowns@gmail.com; kathleenforrest@hotmail.com; eric@bbse.com; mark.huck@parks.ca.gov; jon.marschack@att.net; chad.moffett@meadhunt.com; Matthew Piner; Evan Compton
Cc: gretchen steinberg
Subject: April 15 agenda items
Attachments: NCTVSac Pres10.15.14Comm.pdf

Preservation Commission and Staff

Neighbors of Capitol Towers and Villas support M15-001, the nomination of Capitol Towers to the Sacramento Register, and oppose the Sacramento Commons project (P14-012) as proposed which would demolish much of the historic resource. O5-1

Attached is our earlier letter addressing the issue. Please review this letter before the hearing on April 15.

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A Letter from Neighbors

October 14, 2014

State Historic Preservation Officer, Carol Roland-Nawi, Ph.D.
State Historic Preservation Commission
1725 23rd Street, Suite 100
Sacramento, CA 95816

Chair and Members of the Commission
Roberta Deering, Staff
Sacramento Historic Preservation Commission
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Capitol Towers and Garden Apartments
Nomination to the National Register of Historic Places - **SUPPORT**

Dear Members of the Commissions:

As neighbors living in towers adjacent to the nominated property, we are pleased to submit this letter in strong and unwavering support of the nomination of Capitol Towers and Garden Apartments to the National Register of Historic Places.

We also would like to commend to you the Page and Turnbull historical survey which outlines and confirms the rationale for this important nomination, organized and submitted by Sacramento Modern, a non-profit dedicated to protection of modern art and architecture in Sacramento. O5-2

The architectural masters, Barnes, Halperin and Wurster were the visionaries of this urban renewal project. Their collective expertise and vision led to what we enjoy today, a true urban oasis under a beautiful canopy of traditional Sacramento trees. Not only is this project significant to our city and state, but to the nation. The principals in the project's design, construction and landscaping are recognized as innovative for their time, and they are all leaders in their fields.

The Capitol Towers and Apartments are a part of a planned central city neighborhood with 748 housing units and ground level retail. It is a wonderful example of just how important urban renewal projects designed by smart and forward thinking designers can be. The unique and creative mid century modern design has made our community one of the most attractive in Sacramento for decades. This mature, healthy and successful project brings to downtown exactly the kind of residents the city is seeking to locate in the downtown area. O5-3

Our city has few examples of nationally recognized mid century modern residential housing. Based on our understanding of the preservation criteria, at a minimum the historic buildings and landscape plan meet Criteria A and B. Without this example of great urban architecture, our community will never be the same. O5-4

One of the most significant aspects of these buildings and surrounding open space is that they create a comfortable, pleasing yet utilitarian anchor to high rise living. Demolition and construction will tear apart a strong and vibrant downtown community and most importantly, we will fail to preserve and protect what is sure to become increasingly more valuable historic housing in Sacramento. O5-5

We implore the Commissions to support the nomination.

Neighbors of Capitol Towers and Villas

George P. Acierno
500 N. Street, Unit #1602
Sacramento, CA 95814

Elizabeth Acierno
500 N. St Unit 1602
Sacramento, CA. 95814

Michael Galizio and Bobbie Metzgar, 500 N, APT 1004

PETER KMETO

Peter Kmeto, 500 N, APT 610

2

James P. Pachl and Judith Lamare, 500 N, APT 1403

Julie Mumma, 500 N, APT 806

Tommy Leong, 500 N, APT 605

JD Rowell, 500 N, APT 504

Kenneth Wemmer, 500 N, APT 1209

And Residents of Pioneer Tower, 515 P Street

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We implore the Commissions to support the nomination.

Robert L Green
Malcolm Allen
Judy Kay Stanley
Rena Brown
Hoy-Shan Wong
Jeanne Johnson
Marsha Silva
Gert Adakoff
Mary Carothers
Maria Guitare
Angie Poon
Martha M. Millhone
NUNEZ EVA
Carolyn Griffin
Mary Ann Millhone
Shirley Ingram
Maria L. Cardenas
Bonnie Danker
Judi Gheza
Gloria Williams
Lola Ramsey

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RESPONSE TO COMMENT O5-1

The commenter expresses support for nomination of the project site to the Sacramento Register and opposition to the proposed project.

The City acknowledges support for nomination of the project site to the Sacramento Register and opposition to the proposed project and this comment is provided for City Council consideration.

RESPONSE TO COMMENT O5-2

The commenter expresses support for nomination of the project site to the National Register and references the historic nomination's survey.

The City acknowledges support for National Register nomination of the project site. Please see Master Responses 2.3.4.1 and 2.3.4.2 for background on historic resources under CEQA.

RESPONSE TO COMMENT O5-3

The commenter provides background on architects involved in design of the project site and the existing site context and attributes.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Master Responses 2.3.4.1 and 2.3.4.2 for background on historic resources under CEQA.

RESPONSE TO COMMENT O5-4

The commenter provides background on existing design of the project site and the existing site context and attributes.

Please see Master Responses 2.3.4.1 and 2.3.4.2 for background on historic resources under CEQA.

RESPONSE TO COMMENT O5-5

The commenter provides background the existing open space design of the project site and discusses impacts to historic resources.

Please see Master Responses 2.3.4.1 and 2.3.4.2 for background on historic resources impacts under CEQA. Please see Section 4.4 for a description of the project site and relevant historic resources evaluation criteria. Please also see Master Response 2.3.3 regarding aesthetic impacts.

COMMENT LETTER O6 – NEIGHBORS OF CAPITOL TOWERS

Letter O6

Neighbors of Capitol Towers and Villas
c/o 500 N Street, Unit 1403
Sacramento, CA 95814

April 24, 2015

Scott Johnson, Associate Planner
City of Sacramento Community Development Dept.
Environmental Planning Services
300 Richards Blvd., 3rd Floor
Sacramento, CA 95881 Submitted via e-mail
E-mail: srjohnson@cityofsacramento.org

Re: Comments of Neighbors of Capitol Towers and Villas on the Draft Environmental Impact Report for the Sacramento Commons Project (P14-012) (SCH#2014042032)

Dear Mr. Johnson,

Please find below our comments on the Draft Environmental Impact Report for the Sacramento Commons Project. Neighbors of Capitol Towers and Villas is an informal network of property owners, residents and others affected by the proposed project. O6-1

As explained below, the DEIR fails as an information document for the public and decisionmakers, lacks substantial evidence to support its conclusions, includes speculative, inadequate, or simply no mitigation for significant impacts, and wrongly concludes that impacts are reduced to less than significant. O6-2

We endorse and support the comments submitted to the City by Sacramento Modern on the DEIR, April 20, 2015. The project as proposed conflicts with the designation of Capitol Towers as an Historic District and the DEIR fails to recognize the overwhelming evidence (as reviewed in the SacMod letter) that it is an Historic District. We believe that the Sacramento City Council should place the district on the Sacramento Register of Historic and Cultural Resources so that it obtains the proper stewardship it merits. O6-3

The DEIR fails an information document because it does not address critical concerns raised by comments on the NOP.

We previously submitted the following NOP comments which the DEIR completely ignored. The DEIR fails as an information document by not responding to most of these issues. Specifically, the NOP comments of Neighbors and others asked that the DEIR address the following issues: O6-4

• Evaluate the potential for a failed project and what mitigation measures can be imposed to avoid a future huge hole or weed-filled demolition site creating blight and seriously devaluing the neighborhood Bridgeway condo units and rental values in Pioneer and Bridgeway Towers, (and possibly Governor's Square) while removing needed downtown housing. O6-4 cont.

• State and evaluate the impacts, including the potential for urban decay in the project's vicinity, of each of the following scenarios, including impacts on values of Bridgeway and Pioneer Towers, that could potentially occur if the project started and then failed or was subject to indefinite delay while its owners awaited financial feasibility and market for the project (not uncommon in downtown and elsewhere);: (a) Capitol Villas garden apartments vacated and remained vacant for prolonged or indefinite time (b) Capitol Villas apartments, landscape, and most trees removed, leaving a huge weed-grown vacant tract next to Pioneer and Bridgeway Towers; (c) impacts of large hole or holes in the ground, such as the failed Saca project, 3rd and Capitol; (d) area cleared and then converted to large parking lot while awaiting feasibility of project (such as the Aura project, 6th and Capitol Mall). O6-5

• What measures can the City undertake to ensure that Capitol Villas units will not be vacated and demolished until KW, or its assignee, has guaranteed funding and contracts to undertake and complete the project, and that the project will commence construction immediately after demolition, and that such project is economically viable? It has been commonplace in Sacramento for developers and speculators to vacate, or vacate and demolish, properties years before development begins, while awaiting economic feasibility or a new buyer, thereby blighting the neighborhood, Sacramento's previous downtown redevelopment is an instructive example of how large-scale demolition followed by years of "waiting" will downgrade nearby residential and commercial neighborhoods. O6-6

• Evaluate potential for damage to neighboring Pioneer and Bridgeway towers from construction methods, in particular damage that may be caused by ground and acoustic vibrations created by construction equipment and operations. Ground vibrations can cause cracks in concrete and cast iron pipes in neighboring buildings, and could also crack Bridgeway's swimming pool and outdoor spa. Include evaluation of any planned use of pile-drivers, and any other equipment that can cause ground vibration in the construction of the project. Look at construction alternatives, including imposing a total ban on use of pile drivers on the site. The developer should be required to post a bond sufficient to compensate neighboring property owners, notably Bridgeway and Pioneer Towers for the cost of repairing any damage, including cracked pipes, cause by vibrations created by construction operations. O6-7 O6-8

• Evaluate potential for soil subsidence and possible resulting damage to neighboring Pioneer and Bridgeway towers due to excavations and dewatering of O6-9

2

excavations for project buildings. Even a few inches of soil settlement beneath Pioneer and Bridgeway Towers could cause cracks in concrete floors, walls, and cast iron pipes, and distortion of doorframes in those buildings. The developer should be required to post a bond to compensate neighboring property owners, notably Bridgeway and Pioneer Towers, for the cost of repairing any damage cause by excavation or dewatering of excavations close to neighboring structures." O6-9 cont.

• Evaluate the effects of construction noise and vibration on the physical and psychological health of residents of neighboring properties, particularly Pioneer, Bridgeway and Capitol Towers. Particular attention should be given to the physical and psychological effects on residents of Pioneer Towers and Pioneer House (415 P St), who residents are exclusively senior citizens and disabled persons, many of whom are confined to their apartments and the immediate vicinity at all hours due to mobility impairments. Some Bridgeway and Capitol Towers residents are in the same situation. O6-10

The DEIR should be revised to include these issues and recirculated for public comment. O6-11

Lack of Compatibility with Existing Policies and Plans

The proposed project is inconsistent with many General Plan policies, as explained by Sacramento Modern in its April 20, 2015 letter. Note also that the Housing Element of the General Plan (adopted December, 2013) found ample open or underutilized land for the fulfillment of the City's housing goals, and the Capitol Towers and Villas site was not among those inventoried. The proposed project also likely will undermine achievement of those goals by demolishing 206 apartments affordable to workers in the Central City and not providing any affordable housing units in the project. O6-12

The DEIR fails to recognize the conflict between the proposed project and the City's General Plan policy to "Protect Established Neighborhoods" which is

> "The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and by requiring new development, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood."

Likewise, the DEIR does not recognize the incompatibility of the project with City's Municipal Code Section 17.64.100, "prioritizing preservation of historical resources as a method to sustain and revitalize neighborhoods, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability, and urban character." O6-13

Page 4-3-15 states policies of the City General Plan regarding urban forestry but excludes new policy language for ER 3.1.2 adopted for GP 2035. As amended, ER 3.1.2 is: O6-14

"ER3.1.2 Manage and Enhance the City's Tree Canopy. The City shall continue to plant new trees, ensure new developments have sufficient right-of-way width for tree plantings, manage and care for all publicly owned trees, and work to retain healthy trees. The City shall monitor, evaluate and report, by community plan area and city wide, on the entire tree canopy in order to maintain and enhance trees throughout the City and to identify opportunities for new plantings." O6-14 cont.

The project is not consistent with ER 3.1. The Arborist's report (Appendix M) makes clear that the current benefits of the urban forest on site will not be fully mitigated for more than 25 years. O6-15

On page 4.3-24, the DEIR refers to the City's 2030 General Plan Policy LU 4.3.1, regarding the protection of tree canopy in traditional neighborhoods, but then draws an arbitrary distinction between the Capitol Towers and Villas residential neighborhood and other traditional neighborhoods because it is located in the "downtown business district" (an artificial designation adopted in 2009 General Plan update). The DEIR then claims the City has no obligation to protect the tree canopy in this location. What is the legal foundation for this claim? Capitol Towers and Villas is a traditional residential neighborhood that has existed for over 50 years. O6-16

Aesthetics

The DEIR consideration of Aesthetics is flawed. On page 4.1-13 the DEIR concludes:

"IMPACT 4.1-1 The proposed project could have a substantial adverse effect on a scenic vista. *Based on the analysis below, there is* ***no impact****."*

The analysis fails to include any consideration at all of the scenic vistas from apartment units in three towers on or adjacent to the proposed project property – Capitol Towers, Pioneer Towers and Bridgeway Towers. These towers were specifically constructed as part of a planned redevelopment project to obtain maximum use of space for high density residential downtown living in a park-like setting, with views in every direction. The project will obscure all views from apartments in Pioneer and Bridgeway Towers facing the project area and not above the height of the planned midrise buildings including rooftop appliances. The project will eliminate views eastward (including the Sierra and the Capitol) for residents of Bridgeway Towers top five floors. Residents of Capitol Towers will not retain their current views north and south. O6-17

Analysis of Impact 4.1.3 is flawed and incorrect.

> **The proposed project could substantially degrade the existing visual character or quality of the site and its surroundings.** *Based on the analysis below, the impact is considered* ***less than significant****.* (DEIR page 4-1-14).

O6-18

The DEIR finds that "The changes in visual character or quality of the site are considered **less than significant."** This is nonsense. The project destroys an historic district and its associated large tree canopy, lawns, 206 residential units and a large swimming pool recreation area. The existing visual character will be completely destroyed. The finding seems to rely on the Conceptual Landscape Plan to reach a conclusion of less than significant impact. For example

on page 4.3-20, the DEIR states "based on the Conceptual Landscape Plan, the proposed project would plant approximately 247 trees on the project site." However, the DEIR and other project documents do not require the implementation of the Conceptual Landscape Plan, nor is there any requirement that the present or future landowner maintain the proposed landscape, including trees. This is especially problematic as to proposed rooftop gardens, which can be expensive and challenging to maintain in perpetuity. O6-18 cont.

Nowhere is the project's landscape plan included as a mitigation measure to offset impacts of removing 191 (non-Heritage, non-City) mature trees on site. (Table 4.3-4)

The reliance on a non-existent mitigation measure is again illustrated when the DEIR states that

> "The proposed project's Conceptual Landscape Plan is intended to restore and, over time, enhance the tree canopy on-site (see Figure 4.1-5) and includes a total of approximately 247 new trees to be planted, as discussed in Chapter 2, "Project Description," and as shown on the Conceptual Landscape Plan presented in Appendix N. The Conceptual Landscape Plan identifies approximately 147 new trees planted throughout the site at ground level, while the remaining approximately 100 new trees would be planted on balconies and roof tops, referred to as "podium" trees. Including newly-planted ground level trees (147), podium-level trees (100) trees, and 92 existing healthy trees proposed to be retained on-site, a total of approximately 339 trees are included in the proposed project's Conceptual Landscape Plan." (see page 4-1-16)

O6-19

The ability of the Conceptual Landscape Plan to achieve its intended objectives is not supported by substantial evidence as explained in an independent arborist's report appended hereto. Nothing in the DEIR requires the Conceptual Landscape Plan to be implemented to achieve the objectives to restore and enhance the tree canopy on site. Nothing in the PUD Guidelines requires that the Conceptual Landscape Plan be implemented as described.

Therefore the finding that there will be no significant impact on aesthetic qualities of the site by the project is not supported by substantial evidence.

Analysis and Mitigation of Biological Impacts of the Project

The DEIR is in error about the assessment of impact of removing an urban forest of 199 trees on the environment. Table 4.3-5 "Tree Quantity, Characteristic, and Ecosystem Services Comparison Between Existing Trees and Retained Plus Newly-Planted Ground-Level Trees" (p. 4.3-25) amply demonstrates that the existing urban forest on site provides substantial benefits to the environment and that its removal, assuming the best case, will remove these benefits for 25 years or more. The DEIR seems to falsely assume that the removal of 191 mature but non-Heritage and non-City canopy trees has no impact on the environment and that the only mitigation required for CEQA compliance is for specific trees protected by City ordinance. This is not a correct application of CEQA's standard for review of environmental impacts. O6-20

Impact 4.3.2 The DEIR finds that the conflict with local policies or ordinances protecting biological resources would be less than significant with mitigation. The mitigation provided refers only to City ordinance protected heritage and street trees and does not address loss of tree O6-21

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canopy of approximately 142,400 square feet (well more than half of existing canopy, when excluding city owned street trees on the periphery of the project). As stated earlier, the City General Plan policies support protection of the existing tree canopy in the City, including sufficient right of way for tree planting. The DEIR text refers to the Conceptual Landscape Plan to conclude the impacts will be mitigated, but the Plan is not a mitigation measure in the DEIR, and fails to provide detailed commitments to soil volume and space sufficient to sustain mature tree canopy benefits (See Mann Report, appended). O6-21 cont.

Again on page 4.3-25, including tables 4.3-5 and 4.3-6, the DEIR refers to the Conceptual Landscape Plan and Arborist's Report estimation of the benefits of this plan. This analysis demonstrates that it will take approximately 25 years for the proposed tree planting plan to offset the environmental impacts of the project's tree removal impact (if all assumptions are correct). The Plan if implemented could not fully mitigate impacts to the environment to less than significant. **Since there is no enforceable requirement that the landscape plan be implemented and maintained in perpetuity to offset these impacts, how can the City conclude that the impacts will be mitigated to less than significant?** O6-22

The landscape plan is illusory and unenforceable, and may conflict with other City requirements (such as emergency and fire protection access) that would render parts of the plan infeasible. Independent arborist expert opinion (see attached Mann Report) explains how risky and unlikely to succeed the proposed Conceptual Landscape Plan is. More than one arborist has told us that the proposed Landscape Plan provides inadequate *soil volume and growing space* to grow and maintain 147 replacement trees. The replacement trees will very likely be removed due to inadequate space (i.e. roots causing infrastructure damage) in 8 -20 years and may be replaced with small canopy trees or no trees at all which will not mitigate the loss of leaf surface area. The DEIR does not evaluate the feasibility of the Landscape Plan that it relies upon to dismiss very real impacts of tree canopy removal. The Landscape Plan is speculative at best and cannot be relied upon to offset the very real impacts of forest removal. O6-23

Moreover implementation of the landscape plan is unenforceable. There is nothing in the mitigation measures or project conditions would require the developer to actually construct and implement any part of the landscape plan, with the exception of the mitigation measure requiring replacement of removed Street Trees and Heritage trees, that are a small part of the tree canopy that would be removed. There is a local history of development projects which failed to install promised landscaping, and of defective developer-installed landscaping which failed. As an example, a number of developer-installed trees have been removed in Natomas because developers planted trees too close to house foundations and walkways, or planted tree species that were unsuitable for the site. O6-24

Even if the project proponents complete the landscape plan, the project documents give the City no authority to require that the developer or successor landowners retain or maintain that landscaping. This is especially problematic as to the proposed rooftop gardens, which are expensive to construct and maintain, and are suitable for only a selected range of trees and plants. Rooftop gardens – which are essentially large planter boxes - cannot grow anything larger than small "lollipop" trees and shrubs due small soil volume. (See attached photos and comments on nearby rooftop gardens showing that decades after project construction, their O6-25

benefits do not mitigate for loss of large canopy trees. See also attached Mann Report on rooftop trees.) O6-25 cont.

How is the mitigation program for loss of tree benefits on site guaranteed to be financed and maintained over the lifetime of the project? What guarantees are included in PUD guidelines or other conditions of approval to ensure that tree benefits are attained? O6-26

What species are assumed to be planted in the modeling of the mitigation program? Is sufficient soil volume and growing space provided for these species to reach maturity? Are the trees assumed to be planted in rooftop gardens consistent with guidelines for rooftop trees? O6-27

It should be noted that the present and past landowners of Capitol Towers and Villas have removed a number of large trees in recent years, and have not replaced them. Any project approval including a landscape plan should include enforceable measures to maintain the Landscape Plan. O6-28

The proposed Conceptual Landscape Plan has been prepared with no consultation with abutting property owners and includes trees that belong to neighboring property owners (see Figure 4.3-1, Tree Inventory). It would also plant trees at or near the property boundaries of neighbors without regard to the impacts on neighboring property.

For example, the landscape plan proposes to plant a row of trees next to the south-facing fence of Bridgeway, which is only five feet from Bridgeway's swimming pool and hot tub spa. Those tree plantings should be set further back (southward) from Bridgeway's pool and spa, so that the roots do not damage Bridgeway's pool or spa and leaves and evergreen needles do not fall into Bridgeway's swimming pool and hot tub spa. O6-29

The DEIR is misleading in that it and the Dudek Arborist Report include City Street trees on the periphery of the project as "retained trees" in tables with findings regarding the retained ecosystem values of the project. For example Tables 8, 9 and 10 of the Dudek Report (Appendix M of the DEIR) include retained City street trees in the calculation of the expected ecoservices over 25 years. The trees belong to the City, are protected by City ordinance and should not be included as part of the baseline condition for analysis of impacts of removal should City trees be included among the alleged benefits of the project's landscape plan. It is also worth noting that several trees that belong to neighboring Pioneer and Bridgeway Towers are counted in the inventory (see Figure 4.3-1) and included in the "retained trees" for the Conceptual Landscape Plan, and their ecoservices included in the estimated benefits of the Landscape Plan. These are errors that should be removed, and the DEIR recirculated. O6-30 O6-31

The DEIR is also misleading in that it and the Dudek Arborist Report do not show the lost ecosystem services of the 199 trees removed for the project, had they been allowed to remain. They compare new landscape in 25 years to existing landscape now. The comparison should be made between the existing landscape benefits in 25 years versus the new landscape benefits in 25 years. O6-32

The DEIR is misleading in not recognizing that Alternatives 2 and 3 have significantly lower impacts on tree canopy loss compared with the project because many more mature trees will be preserved and continue growing, and because the benefits of the conceptual landscape plan are speculative and could be short-lived. The EIR should be revised and recirculated to more accurately and fully describe their landscapes and compare the alternatives in terms of their ability to mitigate the impacts of the project on the tree canopy. The recirculated DEIR should also include alternatives, as suggested by SacMod, that retain and steward the historic district including the historic tree canopy. O6-33

The DEIR should honestly compare the tree impacts and mitigation benefits by alternative. The DEIR at page 5-23 states:

> "However, fewer replacement trees would be planted compared to the proposed project, so the future canopy area would be less with Alternatives 1, 2, 3, and 4 compared to the proposed project."

O6-34

This statement is not supported by substantial evidence and should not be relied upon by decisionmakers. What is the comparison by time period? What is the comparison of ground planted replacement trees? Without context, this statement would appear to inaccurately over state the benefits of the project and seems to be based solely on number of trees rather than leaf surface area.

Our comments are supported by an independent arborist's report. At our request, Gordon Mann, a certified arborist, reviewed the DEIR and project arborist's report (Dudek Report). Key findings of the Gordon Mann Arborist report (attached) are:

• The Project's Arborist's Report (Dudek Report) is accurate and reliable regarding inventory, health assessments, evaluations and risk assessment. However, the Dudek report errs in including City Street trees as "retained trees" in calculating the ecosystem benefits of the project and in not disclosing the lost 25 year ecosystem services of the 199 trees to be removed from the project (had they been allowed to remain for 25 years). The Mann report relies upon the Dudek inventory and analysis. (Mann, p. 17) O6-35

• The proposed project tree planting (Conceptual Landscape Plan) to replace the removal of 191 mature (non-Heritage, non-City) existing trees is only 147 ground planted trees. This proposed planting plan is less than a 1:1 ratio of replacement trees to removed trees. The proposed number and size of tree planting proposed is insufficient mitigation for the impacts this project will have on the ecosystem services on the site. (Mann, p. 1) O6-36

• Proposed rooftop trees should not be included in the calculation of ecosystem services because rooftop trees are quite small and deliver minimal services, primarily as amenity trees. (Mann, p. 7) O6-37

• The non-Heritage and non-City trees to be removed (191 trees) provide much higher benefits than the Heritage and City Trees but only the Heritage and City tree removals are mitigated. The Dudek report in Table 2, on page 15, shows that only 16 trees out of 291 trees in the inventory O6-38

(18.2%) are in Fair/Poor to Poor condition. Almost all of the trees to be removed are in good health and can be maintained and continue to add value and services to the property and community with acceptable risk. (Mann, p. 6, 7, 8) O6-38 cont.

• The proposed landscape plan would remove existing landscape and then take between 20 and 25 years or more to meet the existing site ecosystem services even if fully implemented and maintained by property owner. Absent the project, the existing landscape would continue to provide the current or higher level of those ecosystem services over those 20 to 25 years. The cumulative annual ecosystem services lost over these 20-25 years is not being recognized or calculated. (Temporal loss is not identified). (Mann, p. 7, p. 10) O6-39

• The successful performance of the proposed Conceptual Landscape Plan is not likely due to the following factors. Construction site preparation involves grading and soil compaction that affects both existing –to-be-retained trees and replacement trees The end result is trees grow with more conflicts to adjacent hardscape and structures, and the result in many recent developments is the loss of the planted trees starting from eight to 20 years after planting, never reaching the 25-year old size they were intended for in the ecosystem services predicted in Dudek, Table 3. When trees conflict with adjacent hardscape and infrastructure, and there is not adequate space for the trunk and root system, the trees have been removed and replaced with smaller scale trees that will not provide equivalent ecosystem services. If trees are removed and replaced during mitigation activity, it further delays the equivalent restoration of resources beyond the 25 years presented in the arborists report. (Mann, p. 10) O6-40

• The mitigation for removal of four City street trees and canopy pruning for four City street trees does not reflect their true value in public benefits. These trees are worth thousands of dollars but the mitigation required is in the hundreds of dollars. (Mann, p. 9) O6-41

• The Alternatives outlined in the DEIR (Chapter 5) lack specific information about the project Landscape Plans for each alternative. The future canopy of remaining existing trees would be larger and remain larger over time with the three alternatives. The DEIR suggestion that removing more large trees and planting more small trees is a better alternative for canopy is not supported by an independent arborist's evaluation (Mann, p. 14). O6-42

• The City needs additional adequate specific requirements to ensure that actual project implementation will produce the tree values claimed. (Mann, p. 15) The project conditions should include the following: O6-43

1) Request an appraisal of the value of the Street Trees to be removed for the project, and require a replacement of equal value to the Street Tree population so there is no net loss experienced to the City for the construction of this development.

2) Request an appraisal of the value of the project trees approved to be removed for the project, and require a replacement of equal value to the project landscape, excluding rooftop garden trees.

3) Require adequate tree protection for any existing trees to protect the soil and roots from the construction activities through the landscape construction phase.

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4) Require adequate soil volume and growing space for any new trees to be planted in the approved project.

5) Require the developer to contract grow the proposed new trees for the project. The quantities and species are known from the landscape plan. There should be adequate time to grow the trees that will be planted from the time of plan approval to when the project construction is complete. Do not accept the excuse that the contractor or developer cannot find the approved tree species and sizes when the tree planting phase is occurring. Do not approve final occupancy until all the required trees are planted and have the irrigation system operating. O6-43 cont.

We recommend that the DEIR acknowledge these findings and adopt the recommended Mann Report mitigation measures.

A tree mitigation planting plan must be a condition of approval for this project. It should include

a) a mitigation monitoring program where by the trees are inspected by an ISA certified arborist on annual basis for the first ten years and a report submitted to City of Sacramento Urban Forestry and Development Services. O6-44

b) an enforceable provision that any trees that have died, are missing, improperly pruned or vandalized shall be replaced with a 24 -inch box size tree.

c) an enforceable provision that upon sale of any of the parcels subsequent owners shall be responsible mitigation monitoring program.

The trees belonging to Bridgeway Towers along Bridgeway's south fence line are threatened by the proposed development, another reason why the proposed midrise should not be constructed as proposed. The EIR should specifically require protection of neighbors' trees from construction impacts and allow soil and space for neighoring trees to continue normal growth. In addition, the landscape plan proposes to plant a row of trees next to the south fence of Bridgeway, which is only <u>five feet from Bridgeway's swimming pool and hot tub spa</u>. Those tree plantings should be set further back (southward) from Bridgeway's pool and spa, so that the roots do not damage Bridgeway's pool or spa, and leaves and evergreen needles do not fall into Bridgeway's swimming pool and hot tub spa. Avoid planting tree species next to Bridgeway whose roots are known to seek out water pipes. O6-45

Climate Action and Greenhouse Gas Emissions

The DEIR should be revised and recirculated to fully disclose and mitigate for greenhouse gas emissions impacts. The following facts point to the importance of fully and honestly assessing all greenhouse gas emission impacts of the project. 1) 2014 was the hottest year on record according to the Sacramento Bee's analysis of records from the National Climatic Data Center. *The average high temperature in downtown Sacramento last year was 78.7 degrees, a full degree higher than the next hottest year. (Sac Bee Friday, Jan.9, 2015)*. The average high temperature in O6-46

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1878 was 71.9 degrees. 2) According to 350 Sacramento, a local climate action group, 350 parts per million of carbon dioxide in the atmosphere is the upper limit beyond which serious climate change is a reality and the current level is 400 ppm. O6-46 cont.

The Climate Action Plan Compatibility finding on p 2-21 and the Section 4.6 analysis do not consider the negative impacts on greenhouse gas emissions goals now and in the future of removal of 199 mature trees in downtown Sacramento. The present tree canopy provides mitigation for the downtown "heat island" effect that is particularly burdensome during the long summer season in Sacramento. The Sacramento Tree Foundation estimates the canopy cover in this part of downtown is 38 percent. The DEIR fails to disclose how the project will affect the current protection from "heat island" impacts as compared with current benefits of the tree canopy on comfort, energy costs, and walkability. The DEIR does not consider increases in air conditioning costs to remaining units in the three towers from removal of the landscape and substitution of hardscape. O6-47 O6-48

The DEIR assumes compatibility of the project with the Climate Action Plan and AB 32 goals. However, there is a significant loss of carbon storage and gross carbon sequestration from removing on site trees that adds to the burden of greenhouse gas emissions. This impact cannot be fully mitigated for decades if at all (Appendix M). O6-49

The Dudek Arborist's report (Appendix M) estimates the current benefits of the existing on site and adjacent trees as providing 362,133 pounds of carbon storage and 26,328 pounds per year of gross carbon sequestration. The Arborist's report estimates that 199 of the 291 trees on and around the site will be removed (68%). Table 8, page 20, estimates the remaining trees to provide carbon storage at 188,141 pounds and the gross carbon sequestration at 10,838 pounds per year. Note, however, that more than a third of the remaining tree canopy is located on City property or neighboring property and is not part of the project site per se. The actual net loss of carbon storage and sequestration due to tree removal can be estimated from the Arborist report, but is not included in the analysis of Greenhouse Gas Impacts of the project in Chapter 4.6. Removing the City street trees from the equation (35) and an estimated 5 trees on neighboring property, we can estimate that the trees on the project site number 251 and the trees to be removed on site (not including 4 City street trees as shown on Table 5 of the Arborist's report) would be 194. Thus over 77 percent of the trees on site would be removed by the project. The DEIR should document the carbon storage and sequestration impacts of the removal of these trees. O6-50

Table 9 on page 21 estimates that it will take <u>more than 25 years</u> for the newly planted trees (assuming they will be planted as shown on Conceptual Landscape Plan which is not guaranteed in the EIR or PUD, <u>and</u> assuming that the replacement trees have specific growth characteristics as average) to approximate the carbon storage and gross carbon sequestration benefits of the removed trees. This is a significant impediment to achieving the City's greenhouse gas reduction goals that is not explained and quantified in the DEIR although the data is readily available in the document. O6-51

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The analysis also does not evaluate the net greenhouse gas consequences of demolition of 206 successful housing units with no guarantee of housing unit replacement. As NTHP Attorney Brian Turner notes in his September 5, 2014 letter to the City:

> "The National Trust's Preservation Green Lab has evaluated the environmental impacts of building reuse compared to demolition and new construction for a variety of building types, notably in our publication The Greenest Building: Quantifying the Environmental Value of Building Reuse. This study found that building reuse typically offers significant environmental savings over new construction – – even when that new construction is energy efficient. Indeed, building reuse can offer climate change savings and reductions in resource depletion when compared to new construction."
>
> Per that study's Executive Summary:
> "It is often assumed that the CO2-reduction benefits gained by a new, energy efficient building outweigh any negative climate change impacts associated with the construction of that building. This study finds that it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process."

O6-52

How does the DEIR account for these climate change impacts of demolition and new construction in its finding that the project has no significant climate change impacts? The DEIR should be revised and recirculated to disclose and account for these impacts to the public.

O6-53

The DEIR fails to address the project footprint's incompatibility with adjacent existing residential land uses, thereby failing as an information document

The DEIR claims compatibility with surrounding land uses (DEIR p.. 3-20) as follows:

> "The proposed project is compatible with the surrounding residential and office land uses and range of building heights found in an urban area. Actual physical aspects of compatibility (aesthetics, cultural resources, noise, vibration, light, glare, etc.) are addressed in the relevant technical sections within Chapter 4 of this EIR."

This statement completely ignores NOP comments submitted by neighbors regarding the incompatibility of the project design with existing residences at Pioneer and Bridgeway Towers. For example the EIR should be revised and recirculated to address the impacts of the grossly inadequate distance between the proposed 8-story midrise apartment buildings proposed and existing 15-story condominium residences at 500 N Street (Bridgeway Towers) and 12-story senior apartments at 515 P Street (Pioneer Towers.).

O6-54

In the original Capitol Towers and Garden Apartments Plan, adopted by the City Redevelopment Agency in 1959, the design standard for distance between buildings was one-half the sum of the heights of the adjacent structures. In that plan, the bulk of the now-existing Capitol, Pioneer, and Bridgeway towers was offset by the intervening low rise apartments and open green space with tree canopy and other landscaping. The proposed project adds more towers with the same bulk

but significantly greater height, removes all low rise apartments and would construct several bulky six story parking garages and very bulky midrise apartments between the three existing towers. O6-54 cont.

The separation between the west wing of the south-facing condo units of Bridgeway Tower and the proposed 8-story apartments is only 40 feet. The same is true as to the west wing of the north-facing apartments of Pioneer Towers. (The existing community easement requires a 74-foot separation between the proposed 8-story apartments and the east wings of Pioneer and Bridgeway Towers.) O6-55

The proposed 40-foot separation is in violation of the proposed Sacramento Commons PUD Design Guidelines, (draft PUD p. 59), which says that "sufficient distance between towers should be maintained to allow individual tower units, ground level units, and rooftop terraces access to sunlight and natural ventilation." A 40 feet separation between an 8-story building and an existing 15-story high-rise would allow little or no sunlight and natural ventilation to reach the lower floors of Bridgeway and Pioneer Towers, as well as the lower floors of the proposed 8-story apartments. O6-56 There is no reason why the PUD standard of 80 feet separation between adjacent towers should not also be applied to the distance between towers and neighboring 8-story mid-rise apartment buildings, or between adjacent 8-story mid-rise apartment buildings. O6-57

Likewise the City's Design Guidelines which require a minimum 80-foot separation between two towers should apply equally to the placement of a midrise building next to an existing high rise building. The DEIR fails to recognize that the north/south orientation of the Pioneer and Bridgeway Towers which was approved by the City/Redevelopment Agency as part of the original Capitol Towers Plan, creates an obligation by the City to provide adequate set backs on both sides of the buildings. O6-58

Judith Lamare and James Pachl met with KW representative Dave Eadie, who firmly refused to widen the setback beyond 40 feet. He said that apartments next to the setback would face east and west with no windows to the north, but nothing in the project documents requires the protection of privacy of neighboring apartments or describes orientation or windows for the midrise apartments. Though excluding windows facing on neighboring towers would provide more privacy this measure (if included) would not remove the negative impacts for those Bridgeway and Pioneer residents residing in lower level units who are deprived of light, air circulation, and views. Moreover it is inconsistent with the PUD and Design Guidelines for adjacent towers. O6-59

The Planning Commissioners asked for illustrative renderings to help understand the appropriateness of the proposed 40-foot setback. (Staff Report p. 4, 12.) However the only ground-level rendering of the 40 setback between Bridgeway and the proposed 8-story midrise is obscured in the background of the illustration on page 33 of the draft PUD Guidelines. (The 74-foot easement-required separation is shown in the foreground and is nearly twice the width of the 40-foot separation.) O6-60

The DEIR is deficient in failing to describe the effect of the 40-foot separation between the proposed 8-story mid-rise and existing adjacent high-rises, and in failing to provide accurate O6-61

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renderings of the relationship of the proposed midrise apartments to the two adjacent existing residential towers. The DEIR does not fulfill its statutory responsibility as an information document. O6-61

The DEIR should be revised and recirculated to address these compatibility issues and fully disclose the impacts on neighboring residents and property owners of the close proximity of the midrise apartments to existing residential towers. O6-62

Potential for Urban Decay (Page 3-23 of the DEIR)

The DEIR ignores the issue presented in NOP comment letters that demolition without immediate construction creates urban decay at the site of demolition. The DEIR should be revised and recirculated to take into account the risks and negative impacts of removing a viable and successful community if replacement housing cannot be immediately constructed.

The City should impose conditions to prevent premature demolition prior to construction and to ensure site restoration in the event of project abandonment.

Most Applications for projects of this size include an experienced developer or developer partner with a track record of successfully undertaking large-scale projects. Proposed Sacramento Commons is a notable exception. A disconcerting "red flag" is that Kennedy Wilson ("KW") is not a developer but is instead an out-of-town real estate investment firm (speculator) which buys, improves or remodels, and then sells large existing office, commercial, and residential buildings for a profit, but it has never built anything from the ground up, except for being a partner with a major developer on a golf course and 400-unit residential project (Kohanaiki) near Kona, Hawaii (most of those paper homes remain unbuilt years after being entitled). There are no developer or builder partners in the Sacramento Commons project, which is very unusual for a project of this size. KW appears to have unrealistic expectations about the economic viability of its proposed parcelization and entitlements for development of its eleven-acre project area. O6-63

Given its track record of buying and selling but not building from the ground up, there is very good reason to believe that KW's actual business plan is to obtain City entitlements for maximum development, divide the site into six parcels per its proposed Tentative Map, demolish the existing low-rise apartments, trees, and landscape by 2017 per the DEIR pp. , maybe install backbone infrastructure described in the DEIR, and then "flip" individual entitled parcels to others, who may be real developers or speculators. Meanwhile much of the site would likely remain vacant for years while awaiting market feasibility and the hoped-for willingness of lenders to make huge construction loans.

A KW notice to its Capitol Tower renters, June 27, 2014, said that the low-rise garden apartments would be "phased out" over an estimated period of four years, and that construction would occur over an estimated period of at least six years. The project's most recent plan for phasing would demolish all of the low-rises by 2017 , starting in 2015, and would complete construction in 2021. (Draft PUD pp 2-23, 2-24; DEIR pp. 2-22 thru 2-24) In fact there is no reason to believe that the market for "upscale " (high end) apartments and condos in downtown

would be broad enough within six or even sixteen years, to support KW's massive project, (over 1400 high-end apartment units). Especially unrealistic is KW's proposed "Phase One", which includes construction and completion of a 24-story hotel or condo building by August 2017. KW has no hotel partner and there is no foreseeable market for such a massive new upscale hotel in downtown, especially in light of City's approval of the proposed 250-unit Kimpton hotel at the Arena and the 135- unit Hyatt Place (former Marshall hotel), which have hotel partners, real developers, and are almost certain to be built. A 24-story condominium building might be feasible in the overheated San Francisco housing market, but is not economically feasible in the Sacramento housing market due to today's high cost of 24-story residential construction, relative to the incomes of the civil servants, office, clerical, and service workers, and retirees who comprise the mainstay of the downtown housing market.

To avoid the conversion of the garden apartments into vacant demolition sites or a repeat of the Twin Towers or Aura debacles, we suggest the following measures be included as project conditions:

A. Demolition of existing structures, trees, and landscape on any individual parcel within the PUD area shall be prohibited unless the City Council first determines that there are legally binding contracts for all construction and complete financing of a City-approved project on the affected parcel, and that start of construction is imminent.

B. If a project is abandoned or fails after demolition, the developer shall restore the landscape on that parcel at developer's expense. A project would be deemed "abandoned" if construction did not start within six months of site demolition, or if construction started and then halted for more than six months. Before start of construction of a project, the developer shall post a bond for the full cost of restoring the landscape in the event of project abandonment. O6-63 cont.

C. Each phase of construction must be completed before demolition of structures, trees, and landscape commences for the next phase.

D. To discourage premature demolition on a project site, there shall be no "temporary" ground-level parking lots allowed atop a demolition site while awaiting construction of any individual project.

Another element of "urban decay" is unutilized ground floor retail and commercial space. Nothing in the EIR, project description or PUD guidelines establishes a foundation for the balance of residential and commercial in the project area, including the neighboring towers and nearby retail uses. The project description of Bridgeway Towers fails to acknowledge and disclose nine ground floor commercial condos in the building. It should be noted that none of these condos at present serve retail purposes (though they have in the past) because there is lack of demand to support retail. The EIR does not address the issue of whether the final balance of residential units to commercial units is one that will result in a high vacancy rate in commercial units and empty storefronts or will fulfill the expectations of successful retail. Such an analysis should include all the residential and ground floor commercial units in the neighborhood area, not just the proposed project.

The DEIR fails to perform as an information document by ignoring risks and potential impacts described here. It also should provide mitigation measures to avoid abandoned or delayed projects after demolition. Conditions for demolition should ensure that the risks and negative impacts of demolition are reduced to less than significant for the affected neighborhood and its residents and property owners and current retail businesses. O6-64

Impact of Construction Noise, Vibration, and Disturbance on Neighboring Tower Residents (Capitol, Pioneer and Bridgeway Towers)

The DEIR p. 2-22 states that "construction is anticipated to occur from late 2015 through fall 2021," which means that residents of neighboring Bridgeway, Capitol and Pioneer Towers will be subjected to <u>six consecutive years</u> of construction noise in close proximity to their apartment or condominium homes O6-65

Construction noise will exceed health and safety standards set by the City and will be permitted <u>seven days a week and can begin at 7 am on weekdays</u>. If construction proceeds according to KW's schedule, 2015-2021, (DEIR pp 2.22-2-24) residents of Pioneer Towers, Bridgeway Towers, Capitol Towers, and, to a lesser degree, residents of Pioneer House and Governor's Square south of P St will suffer six years of almost continuous daytime heavy construction noise and vibration 7 days per week.

The DEIR p. 4.9-24 says that 500 N St, Pioneer, and Capital Towers were built using concrete materials that would substantially reduce sound transmission. However the DEIR <u>fails to disclose</u> that in fact most of the south-facing wall of Bridgeway Tower, and one-half of the areas of the north-facing wall of Pioneer Tower and one-half of the area of Capitol Towers walls – all of which face the project site - are comprised of conventional plate glass windows and sliding glass doors having minimal sound-reducing qualities. They are notably ineffective against the sound produced by Capitol Towers' leaf blowers and lawnmowers. The DEIR's implication that Towers residents would be protected from unacceptable levels of noise impacts by concrete walls is false, at least as to those units which face the project. O6-66

It has also been our experience that noise echoes off of the tower buildings and can be amplified and redirected by the high rise walls in the neighborhood. The noise analysis in the DEIR does not appear to take this effect into account. Currently the many large canopy trees on site partially buffer noise. The project would remove most trees that now buffer sound travel on site. O6-67

It is customary for residents to leave balcony doors open during warm weather for ventilation purposes. Construction noise will force residents to close their balcony doors during daytime, creating highly uncomfortable conditions during hot weather and/or increased costs for air conditioning. The DEIR's claim that the impacts of construction noise on neighbors will be mitigated to less than significant by the residents closing their windows and sliding glass doors is contrary to the real-world experience of many people who live here and is not supported by any evidence.. O6-68

On what basis can the City find that the impact is reduced to less than significant? O6-69

The adjacent residents include many elderly and retired people, including all residents of Pioneer Tower and some Bridgeway condo owners, who are home during weekdays and will be severely impacted by ongoing construction noise. In what way does the mitigation measure reduce this suffering to less than significant? The analysis of alternatives (Chapter 5) should but does not quantify the difference for residents of Bridgeway, Pioneer and Capitol Towers of Alternatives 2, 3 and 4 when compared to the proposed project in terms of exposure to construction noise and disturbance. O6-70 O6-71

The DEIR page 4.9-25, states:

IMPACT 4.9-3	**The proposed project could result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance or result in construction noise levels that exceed 75 dBA L_{eq} at the interior of a residential building during the daytime hours (7 a.m. to 10 p.m.).** *Based on the analysis below, this impact is considered* ***less than significant with mitigation***

On page 4-9-28, the DEIR states:

Mitigation Measure 4.9-3a: Minimize Construction Noise throughout Entire Construction Phase. O6-72

"The project applicant and contractor/s shall implement the following measures throughout all construction phases.

• Machines or equipment shall not start up prior to 7:00 a.m., Monday through Saturday, and prior to 9 a.m. on Sunday;

• Delivery of materials and equipment shall not occur prior to 7:00 a.m. nor past 6:00 p.m., Monday through Saturday, and prior to 9:30 a.m. nor past 6 p.m. on Sunday;

• Stationary construction equipment, such as compressors, shall be placed away from nearby residential areas and shall provide acoustical shielding.

• Idling times of equipment shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.

• The project applicant or its designee shall designate a disturbance coordinator and conspicuously post this person's number around the project site, in adjacent public spaces, and in construction notifications. The disturbance coordinator, in coordination with the City, shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and, in coordination with the City, is responsible for determining the cause of the complaint and implementation of feasible measures to alleviate the problem."

The limit on stationary equipment is not quantified or enforceable. There are hundres of residential units next to the construction project. How can equipment be placed "away from nearby residential area?"

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The permitted hours of operation do not minimize construction noise and vibration impacts. This mitigation measures is extremely generous to the project proponent and contractor and grossly disrespectful toward neighboring residents.

It has been the practice on construction in our neighborhood that **work hours do not exceed 8-5, Monday through Friday for all project activity.** Moreover, unless a disturbance coordinator has the authority to stop work as well as substantially fine contractors for violations of mitigation measures intended to protect neighboring residents, the measure is unenforceable and does not guarantee mitigation. On other nearby projects, City police have enforced construction hour limits by shutting down any activity not authorized in project approval. O6-73

Mitigation for noise impacts should include.

• Hours should be 8-5 M-F due to proximity of adjacent residents

• Enforcement of noise mitigation should be accomplished by City police shutting down construction when there are violations of the construction hour restrictions.

• Absolute limits on noise levels should be established, monitored and enforced and construction activity maintained within these limits at all times.

The DEIR fails to provide substantial evidence supporting the DEIR's conclusion that impacts of construction noise and vibration will be mitigated to less than significant. The mitigation measures proposed in the DEIR pp 4.9-28 thru 4.9-33 (MM 4.9-3a, 4.9-3b, 4.9-4, and 4.9-6) only list some options for reduction of noise and vibration, says that a Noise and Vibration Control Plan will be established in the future, states that specific measures would be identified when there are final design plans, and then concludes, without any explanation, that these unspecified methods would reduce construction noise and vibration impacts to less than significant (DEIR pp. 4.9-28, 4.9-31, 4.9-33.) O6-74

The dimensions of the proposed buildings, number of units in each, and their intended uses are described in the DEIR and proposed PUD with sufficient specificity to allow the project applicant to formulate those measures that it intended to use to reduce noise and vibration impacts, and to disclose those measures in the DEIR so that decision-makers and the public can evaluate their effectiveness prior to action by the decision-makers. <u>Instead the Applicant has deferred the formulation of mitigation measures until after project approval (if City approve it), which is unlawful under CEQA.</u> O6-75

It is very challenging to try to market a condo or rent out a unit overlooking a massive noisy multi-year construction site. Most people are understandably reluctant to buy or rent an apartment or condo within earshot of a major long-term construction site. A recirculated EIR should evaluate the effects of demolition and construction on the property values and vacancy rates of adjacent properties, including economic loss to those properties. It should set specific, enforceable, measures adequate to protect these properties and their residents during construction O6-76

Construction Period Transit Access. Similarly, the mitigation for impacts on current resident access to transit during construction lacks specificity and enforceability. Substitute bus stops without shelter and seating and not accessible to all residents are not adequate mitigation for impacts. What will be the impact of transit users living in Capitol Towers, Bridgeway Towers O6-77

and Pioneer Towers to access light rail during construction? Will there be covered transit stops with benches available to transit patrons? O6-77 cont.

DEIR Fails to Identify Fire and Other Emergency Access As Inadequate

The project proposes an 8-story apartment building, with 5 stories of wood frame apartments and 3 stories of concrete parking, only 40 feet from the south side of the west wing of Bridgeway Towers, with only 20 feet of clearance between Bridgeway's fence and the apartment building. A fire in the 8-story wood frame building could become a big fire quite rapidly, and fry the south side of Bridgeway, causing cracking of Bridgeway's concrete exterior, damage to objects on Bridgeway's balcony, and igniting nearby Bridgeway fence, trees and landscape. The fire's heat could cause breakage of plate glass windows on Bridgeway units, thereby exposing the interior of the affected Bridgeway units to potential ignition. There is no access for fire trucks between Bridgeway's fenceline and the proposed 8-story wood frame apartment, nor between the 8-story apartment and Bridgeway's garage. Ladder trucks would be unable to access that area to rescue occupants of the burning 8-story apartment, and it would likely be very hazardous for firefighters to enter that corridor on foot due to it narrowness and potential for falling objects. O6-78

The 8-story wood frame apartments should be set back so that there is access for fire trucks between the 8-story wood apartments and Bridgeway's fenceline and garage.

The DEIR should address the same issues between Pioneer Tower and the proposed midrise apartments. O6-79

• does the landscape plan conflict with the emergency access plan? Will planting new trees within the corridor between 8 story wood midrise and fence of 15 story existing high rise impede emergency access/fire protection/ emergency evacuation of disabled occupants? O6-80

• The Fire Department provides criteria and guidelines for emergency access, but the DEIR provides no analysis of whether the project diagram including landscape plan comply with these criteria. This information should be provided and the EIR recirculated for comment. O6-81

• Bridgeway and Pioneer residents concerns, expressed in NOP comments and earlier Planning Commission hearings, about changes and impacts on safety and fire department access and emergency evacuation (especially for disabled in wood and high rise and structures) are not addressed in DEIR. O6-82

Transportation

• **Vehicle Access.** As stated previously, Bridgeway Tower residents are concerned about the impact of construction and of operation of a hotel at 7th and N on access and egress from our residences. These concerns are brushed aside by the DEIR as irrelevant. This is unfair to current condominium owners and residents. At minimum the Mitigation Measure 4.11-5: "Prepare and Implement Construction Traffic Management Plan" should be expanded to include a traffic management plan for the hotel site for both construction and operation of the hotel. The plan should include a criterion to ensure safe and reasonable access and egress of vehicles to and from O6-83

O6-8

500 N Street, 1500-7th Street, and 515 P Street at all times. The EIR should more carefully consider the potential for backup traffic at the hotel site to "trap" Bridgeway residents in their garage and provide a mitigation measure to prevent this. There is notable traffic congestion on City streets next to major existing downtown hotels. O6-83 cont.

Water Supply

The DEIR relies on the City's 2010 Urban Water Management Plan to conclude that there will be sufficient water supply to meet the project's water demands for at least 20 years. Until recently, this would have been a sound conclusion.

However it now appears that the assumptions about water supply relied upon by the 2010 Urban Water Management Plan are now obsolete. There have been several years of worsening drought conditions, with the current year being potentially more disastrous that it already is. The consensus amongst reputable climatologists is that the region may be headed into a very severe drought conditions that may endure for decades. The 2010 Urban Water Management Plan states that an extremely severe drought would be an event in excess of the Urban Water Management Plan guidance. For purposes of the UWMP, an extremely severe drought is one which would prohibit the City from diverting water from the American River. *City of Sacramento 2010 Urban Water Management Plan,* (2011) p.5-21. That condition is very close to occurring now, and may be realized in a few months. Says the 2010 *Plan*: "This type of drought would result in the City relying on the Sacramento River Water Treatment Plant and groundwater solely, and the combined production of the two would be 180 mgd. . . . . the projected maximum day demand for the years 2015 and 2020 are expected to be 259 mgd and 253 mgd." O6-84

In light of the current and foreseeable realities of water supply, the *2010 Urban Water Management Plan* appears to rely on past water yields that are no longer reality, and can no longer be regarded as substantial evidence that there is sufficient water supply for this project.

Thank you for the opportunity to comment. We are looking forward to a revised and recirculated DEIR that addresses those issues mentioned in this and other comment letters, including the comment letter of Sacramento Modern. Plase advise us by email (jljp@sbcglobal.net) of response to comments and future public hearings on this environmental review and the project. O6-85

Respectfully submitted,

Judith L. Lamare
On behalf of Neighbors of Capitol Tower and Villas

James P. Pachl

Attachments

Gordon Mann Arborist Report, April, 201
Rooftop Gardens in the Capitol Towers Neighborhood photo essay.

20

Mann Made Resources

Arborist Consulting and Tree Preservation Products

April 16, 2015

Neighbors of Capitol Towers and Villas
Attn: Judith Lamare
500 N. Street Apt 1403
Sacramento, CA 95814

SUBJECT: REVIEW OF DUDEK ARBORIST'S REPORT IN DRAFT EIR FOR SACRAMENTO COMMONS PROJECT

Dear Ms. Lamare,

Thank you for the opportunity to provide Arborist Consulting Services for your organization. You contacted my company on Tuesday, March 17, 2015 to discuss my ability to review and comment on the arborist report and findings in the project draft EIR, and this report provides the findings from my review and site inspection.

Summary: I visited the project site and reviewed the Arborists report (Dudek Report) and draft EIR materials in the development of this report.

The Sacramento Commons project was submitted with substantial tree removal in the proposed project. The submittal included three alternatives with lesser tree removals that accomplish many of the project goals, and reduce the ecosystem benefits and services losses to the City over the projected 25 years after development. 06-86

The project proposes the removal of 199 existing trees (shown in Table 2 page 15). The proposed project tree planting (Conceptual Landscape Plan) only provides 147 trees subtracting the proposed 100 rooftop garden trees that do not provide significant ecosystem services to the project site, or the community. This proposed planting plan is less than a 1:1 ratio of replacement trees to removed trees. The proposed number and size of tree planting proposed is insufficient mitigation for the impacts this project will have on the ecosystem services on the site.

The proposed project will remove existing healthy landscape trees and the mitigation proposes to take between 20 and 25 years for the replacement landscape trees to meet the existing site ecosystem services. If the existing trees were to continue to grow on the site, they would provide 06-87

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a significantly higher level of ecosystem services over those 20 to 25 years while waiting for the new trees to grow. 06-87 cont.

Assignment: You contacted my office to provide a review of the arborist report, conclusions, and recommendations in the DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO COMMONS PROJECT (P14-012) (SCH#: 2014042032). You provided a copy of the arborists report (Appendix M), and a copy of the project EIR, appendices, and other project documents were available online.

The agreed upon scope of the project is:

- Review arborist report submitted as part of the draft EIR, Appendix M
- Review applicable parts of the draft EIR submittal
- Site visit to look at the site and trees
- Comment on the arborists report and environmental impacts with regard to assumptions and proposed mitigation
- Provide draft report by April 23, 2015 06-88

All site information and history of the contract were provided by the online information, the subject draft EIR materials, and a site meeting with you and Jim Pachl on Thursday, April 9, 2015.

The site was visited on Thursday, April 9, 2015 from about 1:30 am to 2:30 pm. Ms. Judith Lamare and Mr. Pachl gave me a tour and orientation of the scope of the project and an overview of the site and changes to trees to be included in the proposed project from their perspective.

The purpose of the site inspection was to look at the existing trees, planting space available, and potential space for replacement trees proposed in the project, sample a few trees from the report, and gain a vision of the proposed improvements on the site.

The report will comment on assumptions in the arborist's report (The Dudek Report, December 2015) for the draft EIR and statements in the draft EIR relating to the environmental benefits and growth projections for trees in the proposed project and alternatives. My discussion and comments are based on my experiences managing urban trees and reviewing projects with long

term tree assumptions and the resulting project outcomes. (See statement of qualifications included in the appendix.

This report presents my views from the position of an independent consulting arborist with no gain in the outcome of the subject project nor bias for or against the subject project. I am a Consulting Arborist and Urban Forester (ASCA Registered Consulting Arborist #480) and have been practicing as an urban tree manager and consulting arborist for 37 years. 06-88 cont.

Discussion:

General Construction information

During the development of significant projects that combine underground infrastructure such as parking structures, utilities, and deep foundations, there may be impact to: ground water flow, direction and volume; roots of trees that grow beyond the tree canopy; and soil volume necessary for trees to thrive. Protection must be set up prior to the demolition, grading or construction activities to protect the soil from compaction and trees from physical damage. Compacted soil is one of the most difficult situations to mitigate because the roots are present in the soil that is compacted, and the permeability of air and water are impacted.

Tree preservation requires more than circles on plans, and the statement, "we will preserve, retain, or keep these trees shown on the plans." The protection actions have to be specific, included on the construction plans so the people doing the work can see them, and the inspectors who are not arborists can make a determination if conditions, such as a fence, is in place in the correct location, or not. The tree protection has to be included for the landscape installation. Industrywide, too many construction phases were well-protected only to have roots cut without supervision to install irrigation pipes and systems. ANSI A-300 Part 5, 2012, Management of Trees and Shrubs During Site Planning, Site Development, and Construction provides the range of standards to be followed for creating clear specifications for the tree protection plan. 06-89

When considering new trees in the landscape design, the new trees require a minimum soil volume and adequate space from adjacent infrastructure for both below and above ground tree growth. The biggest fault I have observed with most new large scale development plans is that the space allotted for the new trees is inadequate and only designed for the trees for a short time after planting. Because the entire site is graded and the soil compacted before the trees are planted, the tree roots do not have the optimum soil conditions for deeper root growth. The experience has been that the planted trees cannot grow to maturity without damaging the adjacent infrastructure. The end result is the trees planted with the project landscape are removed somewhere in the range from year 8 to year 20 after planting, and prior to achieving the size and benefits stated in the

development environmental proposals, and calculated in the computer modeling. When this premature removal occurs because of adjacent infrastructure damage, the ballpark cost per tree site is typically about $1,000 for mitigation repairs. If the tree is retained, the subsequent tree growth will likely be reduced proportionally to the amount of root pruning performed. If the tree is removed, the growth cycle has to start all over from the planting stage. In either scenario, the services and benefits the trees provide to the project do not get realized in the timeframe presented in the initial proposal. If the replacement tree is a smaller scale tree to avoid repeat infrastructure damage, the benefits that are provided by the tree in the future will be less than the benefits proposed in the environmental long term projections because smaller tree canopies provide fewer benefits than larger tree canopies. 06-89 cont.

Sacramento Commons Project Discussion

My review and assessment included a brief site review and comparison of the existing tree inventory and findings by Dudek. The inventory, health assessments, evaluations, and the risk assessments performed by Dudek are considered accurate and reliable. Dudek is a reputable firm and their methodology is typical of industry practices for inventories for projects. There are areas of the Dudek report that did not seem reasonable for the draft EIR submittal.

The ecosystem total benefits shown in Table 3 on page 16 included City Street Trees that are around the perimeter of the project and are managed by the City, and not part of the project. It is not clear why their benefits and services were included in the draft EIR ecosystem totals. The only portion of the City's Street Trees that seem reasonable to include in the draft EIR are the four Street Trees (3., 20, 26, and 48 from bullet 3 on page 17) that will be removed and detract from the existing ecosystem services. The required mitigation for four removed street trees should be projected to show the timeline for achieving equal or greater ecosystem services for the replacement Street Trees. 06-90

The four Street Trees (23, 24, 37, and 51 bullet 5 on page 17) that need to be pruned for clearance and access are routine maintenance functions performed to Street Trees, and should not require any mitigation as the majority of the tree canopy will remain intact, with no negative impact.

The reason for all but a few of the tree removals is not based on tree condition. Four trees were removed following the Dudek site evaluation due to compromised health and structure. Overall, the report shows that there were only 16 trees out of the 291 trees (5.5%) rated as fair/poor or poor in combined condition and health in Table 2 on page 15. The remaining trees proposed for removal will be removed for the construction of the proposed project.

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Based on the review of the most current Sacramento Commons Conceptual Site Plan and draft EIR, the following items are proposed to occur:

- Much of the site will need to be graded to accommodate construction of buildings, parking lots, amenities, and the placement of necessary infrastructure (utilities, pathways, parking lots/garages, fire lanes, etc.).
- A maximum of 4 Heritage Trees located on site are expected to require removal for construction purposes. The Heritage Tree removal totals presented herein represent the maximum expected quantity for the project.
- Canopy pruning of 7 Heritage Trees may also be necessary to accommodate building construction on site
- Based on the total of 4 Heritage Trees which will require removal for construction purposes, this report recommends planting four 24-inch box size replacement trees on site, to be incorporated into the project landscape plan. The Sacramento City Code does not specify replacement requirements for removal of Heritage Trees; rather, replacement requirements are determined by the Director of Transportation following Tree Permit Application review. Therefore, the tree replacement recommendations contained herein are based on the City's standards for removal of City Street Trees (City Code Section 12.56.090).
- The removal of 4 City Street Trees along the project perimeter to facilitate site access or utility installation. The City of Sacramento identifies replacement requirements for impacts to City Street Trees (City Code Section 12.56.090). Based on these requirements, this report recommends planting three 24-inch box size replacement trees and one 15-gallon size replacement tree within the City's public street right-of-way adjacent to the project site. If planting within the City's right-of-way is not possible, incorporating plantings into the project landscape plan is recommended.
- Canopy pruning of 4 City Street Trees may also be necessary to facilitate fire lane access to the site.
- Construction-related removal of 191 Non-Heritage Trees on site to facilitate project development.
- Conceptual project landscape plans identify a total of 247 new trees to be planted in the post-development landscape.
- Construction-related tree protection recommendations for Heritage Trees, City Street Trees, and Non-Heritage Trees to be retained.

06-91

The tree resources were shown to be 291 existing trees associated with the proposed Sacramento Commons project site, including onsite trees and City Street Trees along the site's perimeter.

06-92

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Fifty trees meet the criteria of either a City Street Tree or Heritage Tree as defined by the City of Sacramento. Thirty nine (39) trees are located along the project perimeter and meet the definition of a City Street Tree (City Code Section 12.56.020), which includes any tree growing on a public street right-of-way. Eleven (11) trees meet the criteria for classification as a Heritage Tree, as defined by the City of Sacramento (City Code Section 12.64.020.

The remaining 241 Non-Heritage Trees do not meet the criteria for classification as either a Heritage Tree or City Street Tree and are included in the analysis and impact calculations presented in the Dudek Arborists report. The non-Heritage trees provide a significantly greater level of ecosystem services than the Heritage and Street trees currently growing on the project site. The trees of Heritage size are large significant trees with a trunk circumference measuring 100 inches or more (~32 inches diameter) or any oak, sycamore, buckeye, or riparian tree of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location of its species with a trunk circumference measuring 36 inches or more. 06-92 cont.

The minor contribution and consideration of non-Heritage or non-Street trees appears to be over-stated. Table 3 Tree Characteristics and Ecosystem Services for Existing Trees (page 16) shows five ecosystem services. The non-Heritage trees exceed the contributions by Heritage trees by a range of 3.3 times to 6.5 times for the total ecosystem services on the project site. The contribution by non-Heritage trees exceed the contribution by City Street Trees by a range of 3.75 to 6.3 times for the total ecosystem services on the project site. The recognition of the contribution of smaller trees to the ecosystem services in the City is demonstrated by the current draft of the City of Sacramento revised protected tree ordinance which currently proposes defining trees greater than 12 inches diameter for protection status consideration.

The five environmental services discussed in the Dudek Arborists Report summarized for the existing tree inventory and proposed planting for the project include: 06-93

1. Canopy Cover (ft^2): The estimated area of the ground surface covered by tree canopy.
2. Leaf Surface Area (ft^2): The estimated area of leaf surface for an entire tree. Leaf surface area has a direct relationship with shade that provided, carbon that is sequestered, and rainwater that is intercepted.
3. Carbon Storage (lb.): The estimated amount of atmospheric carbon stored in the existing tree tissue. Atmospheric carbon dioxide (CO_2) is a greenhouse gas.
4. Gross Carbon Sequestration (lb./year): The estimated rate at which a tree will sequester atmospheric carbon in new growth each year.

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5. Avoided Runoff (ft^3/year): The estimated amount of rainwater intercepted, stored, and evaporated by each tree, annually. In general, deciduous trees intercept less rainfall annually as they are leafless during the winter rainy season (Xiao et al. 1998).

Table 3 (page 16) shows the ecosystem services provided by the existing 291 trees on the site. Of these trees, Table 4 (page 18) shows that 198 of these trees (68%) will be removed for the proposed project, leaving 92 existing trees (one tree will be removed for health or condition needs). Of the existing 92 trees, 39 trees (42%) are Street Trees. 06-93 cont.

Table 6 (page 19) shows the projected ecosystem services delivery timeline for the proposed 147 newly planted trees over 25 years. Somewhere between year 20 and 25, the ecosystem services will equal the current tree population ecosystem service delivery.

Also shown in the Dudek report are 100 trees on rooftops that are shown contributing ecosystem benefits. The consideration of these trees to the total project ecosystem benefits is very likely overstated. The stormwater and shade benefits are minimal because they only cover the roof of the building they are growing on, and the typical construction strategies manage the roof storm water and heat island impacts of newer roofs. The entire rooftop garden contributes to stormwater mitigation and heat island reduction, and the trees are a portion of that garden contribution. The trees can only grow so large before they exceed the available soil and stability limits in a roof garden. The trees are designed and used to serve well as an amenity tree, and provide significant project amenity benefits. However, project ecosystem benefits of the rooftop trees should be considered insignificant, and included in the rooftop garden considerations.

The existing 291 trees, if left to grow, will continue to provide ecosystem services at the current level and likely increasing benefits and services as their canopies continue to grow over the next 20 to 25 years, at a greater rate than the newly planted trees. This constant level of ecosystem services growth is proposed to be replaced at today's service level within 20 to 25 years after the project is developed. The cumulative annual ecosystem services lost over those 20 to 25 years is not being recognized or calculated. 06-94

If the current trees were in poor condition, there would be some long term ecosystem gains in removing and replacing some trees now to improve the site's age diversity and provide a more stable long term canopy. The Dudek report in table 2, on page 15, shows that 16 trees out of 291 trees (5.5%) are in Fair/Poor to Poor condition. Typically in landscape situations desirable trees are growing in a health and structure condition range from fair to good. Trees in these conditions are generally able to be maintained and continue to add value and services to the property with

acceptable risk. Trees in fair to poor and poor condition are trees that are generally not able to be maintained at a reasonable return on investment, and depending on risk would be the first trees to consider removing and replacing to provide the desired benefits and services in a sustainable return on investment.

The Dudek report data shows that the 238 non-heritage trees are providing valuable ecological and environmental benefits and services. Of those 238 non-heritage trees 191 trees will be removed. The proposal offers 139 newly planted trees are proposed, and 100 rooftop garden trees for between 20 to 25 years. Over the span of those 20 to 25 years, the existing tree population would have continued to provide the existing and greater contributions to the ecosystem benefits and services as shown by the i-tree Eco and EcoSmart modeling calculations. 06-94 cont.

Past development history has shown that newly planted trees in large scale projects that do not have the adequate specifications, soil space and soil protection design, quality nursery stock, and proper planting process do not reach the size and ecosystem delivery levels shown to the decision makers during project review. It is easy to use a computer design like *Photoshop* to insert mature trees into inadequate space and "sell" the project to the decision makers. Purchasing high quality nursery stock, planting the trees correctly, and growing those same trees over 25 years in inadequate conditions in the project are very difficult to successfully perform.

Along with the functional values, trees have a structural value. The I-tree Eco application can include an assessment of the structural values of the urban forest. Trees have a structural value based on the size of the trees themselves, which is calculated as the notional cost to replace a tree with a similar in-kind size and species tree. For example, the City of Sacramento Street Tree inventory will likely be found to have a structural value for their approximately 100,000 street trees in the range of at least $250,000,000 to $450,000,000. 06-95

Table 10 shows 339 retained and newly planted trees. Of the 92 retained trees, 35 are City Street Trees on the periphery of the project, and not should not be included in the project ecosystem totals. The bullet points say the quantity of trees post-development exceeds those currently on site 291. The 339 total tree count includes 100 roof top trees that should not be included in the ecosystem services and site calculations. The realistic total trees on the project site are 204 trees, less than the existing number of trees. 06-96

There are some concerns identified with the City's existing replacement requirements. The Heritage Tree and Street Tree ordinances only require the planting of 24-inch boxed and #15 sized container trees as replacement trees. There is valid debate about the value of planting and 06-97

growing smaller sized nursery stock in place compared to planting larger boxed size or large transplanted tree stock. The ability to grow the trees from a smaller size usually allows for quicker establishment and growth. After 10 to 20 years, it is difficult to see which one was the larger tree at planting time. However, the immediate impact and visibility of larger size boxed or transplanted trees, along with the inherent value of investing equitably in the tree replacements compared to the value of the trees removed has merit for the City's mitigation requirements. This demonstrates a commitment by the jurisdiction to the value of trees in the community, and by the developer to the landscape restoration endeavors. 06-97 cont.

There are several statements in the arborist's report that imply that if a tree isn't a Heritage Tree, it doesn't carry much weight or importance. These non-Heritage trees do have importance to the ecosystem services as shown in Table 5 on page 18:

"Of the City Street Trees that will require removal, none meet the size criteria for classification as Heritage Trees." Page 16 bullet point 3

"Of the 4 City Street Trees that may require canopy pruning for fire lane access, none meet the size criteria for classification as Heritage Trees." Page 16 bullet point 5 06-98

When private development removes City Street trees for their project, why is the City losing City assets for private gain? The street trees should be replaced with equal value to the urban forest. The removal of the four Street Trees for this project is very likely more value than three 24-inch boxed trees and one #15 container tree. There are different ways to appraise the value of the City's street trees. The Council of Tree and Landscape Appraisers authored the 9th edition of the Guide for Plant Appraisal for the purpose of appraising trees. The structural value of the trees which may be available from the recent i-tree Eco evaluation for this project, and projected City Street tree inventory structural values show the larger trees are worth thousands, not hundreds of dollars, and should be replaced in equal value.

The Dudek report says, "Impact totals are based on an evaluation of tree locations compared with the Sacramento Commons Conceptual Site Plan. Much of the site will need to be graded to accommodate the construction of buildings, parking lots, and the placement of necessary infrastructure (utilities, access roads, fire lanes, etc.); however, the West/East Promenade and the North/South Promenade (pedestrian walkways) through the central portion of the project site will allow for retention of some trees." 06-99

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The concern from the tree preservation and new tree growing perspectives about the above statement is that the large scale construction practices that grade, compact, limit underground soil with underground parking and utilities all restricts the soil trees have available to grow in. The end result is trees grow with more conflicts to adjacent hardscape and structures, and the result in many recent developments is the loss of the planted trees starting from 8 to 20 years after planting, never reaching the 25-year old size they were intended for in the ecosystem services predicted in Table 3. When trees conflict with adjacent hardscape and infrastructure, and there is not adequate space for the trunk and root system, the trees have been removed and replaced with smaller scale trees that will not provide equivalent ecosystem services. If trees are removed and replaced during mitigation activity, it further delays the equivalent restoration of resources beyond the 25 years presented in the arborists report. 06-100

The report says the conceptual project landscape plan calls for planting of 247 trees, in addition to retaining 92 existing trees. 147 trees will be planted at the ground level. The planting of so many young trees on this site will significantly skew the site age diversity to younger trees, changing the mature tree feel experienced when walking through the site to a predominantly young landscape.

The ecosystem services data presented does not show the lost ecosystem services of the 198 trees removed for the project over the 25 years. While the numbers are assumed correct as shown, the numbers are two snapshots, one of the existing landscape in 2015, and a second snapshot of the new landscape 25 years out. A more correct comparison would be the future urban forest compared to the current urban forest at the same time point 25 years out. If the present forest continues to grow for 25 more years, the canopies and trunk diameters would most likely increase, which means the future urban forest will not be equal to what the existing urban forest would be 25 years outward. The biggest disparity is the trunk diameter and carbon storage, as the existing trees will continue to grow and store more carbon over that time of growth.

06-101

"As presented in Tables 9 and 10, different lengths of time are needed for each tree characteristic or ecosystem services value to reach the value currently calculated for the site. The following summarizes the time periods for each value, considering only newly-planted ground-level trees (Table 9):

- Quantity of Trees: Tree quantities in the post-development landscape at ground-level (239) will be less than those currently on site (291)[8].
- Total Trunk Diameter: Total trunk diameter values will reach the existing site total in over 25 years following tree planting.
- Canopy Cover: Canopy cover values will reach the existing site total between 20 and 25 years following tree planting.

- Leaf Surface Area: Leaf surface area values will reach the existing site total between 20 and 25 years following tree planting.
- Carbon Storage: Carbon storage values will reach the existing site total in over 25 years following tree planting.
- Gross Carbon Sequestration: Gross carbon sequestration capacity will reach the existing site total in over 25 years following tree planting.
- Avoided Runoff: Avoided runoff capacity will reach the existing site total within 25 years following tree planting.

"The results of this analysis are based on the values entered into the ecoSmart Landscapes and i-Tree Eco software packages and on the assumptions made regarding tree species to be used in the post-development landscape. While the analysis timeframe covered only 25 years, tree growth is expected to occur beyond 25 years, continuing to provide benefits for the site. "

06-101 cont.

The same tree growth logic that growth will continue beyond the 25 years of the new tree planting will also occur with the existing trees if they weren't removed over the 25 years the new trees are growing.

An important concern I heard from my discussions with the Neighbors of Capitol Towers and Villas is the limited requirements the City has for planting replacement trees. The City ordinances currently only protect Street trees and Heritage trees, which amount to 50 trees on this site. There are 198 non-protected trees with no mitigation required for the loss of these trees. The project oversight will need to demonstrate strict planting replacement requirements and enforcement to assure the level of tree planting mitigation approved as final for this project is appropriate and completed for this project before approving final occupancy.

The ecosystem services for existing trees as shown in Table 3, Tree Characteristics and Ecosystem Services for Existing Trees on page 16 show that non Heritage trees provide from 3.3 to 6.5 times the ecosystems services as Street trees, and 3.7 to 6.3 times the ecosystem services as Heritage trees. This level of loss of ecosystem and environmental services is the concern of the residents and property owners living in the buildings adjacent to the project.

The Dudek report recommends that 4 trees of 24-inch box size be planted on-site to mitigate the removal of 4 Heritage Trees. Once the final quantity of impacted Heritage Trees is determined, an equal number of 24-inch box size trees shall be planted, consistent with the City's 1:1 mitigation requirements for impacts to City Street Trees. Additionally, this report recommends that 3 trees of 24-inch box size and 1 tree of 15-gallon size be planted within the City right-of-way or on site and incorporated into the project's landscape plan to mitigate the removal of 4 City Street Trees. These mitigation recommendations are consistent with the City's standards for City Street Tree

06-102

removal; however, required mitigation is ultimately subject to tree removal permit conditions issued by the Director of Transportation. Finally, it is recommended that all replacement tree plantings be incorporated into the project landscape plan. The conceptual landscape plan currently identifies 247 proposed tree plantings, 147 in the landscape, and 100 in the roof gardens.

The mitigation proposed for the removal of the large Street Trees for private gain are not reasonable or equitable to restore the value of the City's tree assets growing in the urban forest. The only required mitigation for the removal of the proposed 198 trees to be removed for the construction are the 4 Heritage trees and 4 Street trees as required by ordinances. The City administrators responsible for approving the project and tree removal permits should receive a greater mitigation than the small size of one #15 container trees and three 24-inch boxed containers for their street trees. Additionally, the 147 landscape trees proposed is less than a 1 for 1 replacement for each of the 198 trees proposed for removal. 06-102 cont.

It is not an equitable replacement of tree resources to delay 20 or 25 years to only meet the current mitigation of the existing trees, which will increase from their current level over the 25 years of the project. The existing trees are providing the higher level of annual benefits and will continue to provide the increased level of benefits for the 20 to 25 years until the proposed urban forest growth may meet the current day level of benefits.

Alternatives Discussion

The information available for review was not required to and did not provide specific details about the alternative plan landscapes and ecosystem comparisons. However, there were statements made about the alternatives 2, 3, and 4 in Section 5 that are worthy of comment.

Table 5.3 shows number of trees removed in each alternative. There are significantly fewer total trees removed in alternatives 2, 3, and 4, with similar removal of the Heritage and Street trees.

Table 5-3 Project and Alternatives: Tree Retention, Removal, and Planting 06-103

Tree Category	Alternative 2	Alternative 3	Alternative 4	Proposed Project
1. City Street Trees Retained	35	35	37	35
2. City Street Trees Removed	4	4	2	4
3. Heritage Trees Retained	6	6	7	7
4. Heritage Trees Removed	5	5	4	4
5. Non City Street Trees Retained	168	168	144	50
6. Non City Street Trees Removed	73	73	97	191

7. Estimated Replacement Trees	100	100	100	247
8. Total Trees after Proj./Alternatives	308	308	285	336 (100 roof)

Sources: data compiled by Dudek in 2014 Note: Tree estimates are approximate. As discussed in detail elsewhere in this EIR, the 247 trees planted as a part of the project includes both ground-level trees (147) and podium-level trees (100)

The comparison of tree numbers in Table 5-3 line 8 above between alternatives 2, 3, and 4 and the proposed project in the above Table 5-3 is not accurately represented. The rooftop trees are not proposed in any of the other three alternatives for building roofs, and may provide the alternatives many amenity and limited ecosystem benefits, as they will in the proposed project. The subtraction of those 100 trees from the total number of project trees brings the total number of the proposed project trees down to 236, well below the totals of the other three alternatives. Again, should the retained Street Trees be included in the project totals? They are not part of the project. 06-103 cont.

Is there a reason there are no roof trees planned in options 2, 3, and 4 on the proposed structures? If so, those trees could be included and asterisked for a quality of life improvement in the alternatives. For whatever reason, this opportunity has not been discussed in the project alternatives, yet was included and provides a skewed project comparison for total trees.

Page 5-23 of the DEIR states the following:

"Alternatives 2, 3, and 4 would have reduced biological resources impacts compared to the proposed project since these alternatives would remove a smaller number of mature trees and trees that could potentially provide nesting habitat for special-status bird species (see Table 5-3 for a comparison of tree removal under the alternatives compared to the proposed project). **However, fewer replacement trees would be planted compared to the proposed project, so the future canopy area would be less with Alternatives 1, 2, 3, and 4 compared to the proposed project** *(sentence highlighted by report author)*. As with the proposed project, Mitigation Measures 4.3-1 and 4.3-2 would still be required for these alternatives to reduce impacts to a less than significant level."

If the number of roof garden trees are subtracted from the proposed project, this **bolded** sentence above is not a true statement. It was pointed out that the roof garden trees are not contributing significant ecosystem benefits and services. If the same density of roof garden trees were added into the alternative projects, the bolded statement above would not be true.

The comparison in Section 5 of the impacts to the tree canopy between the proposed project and the three project alternatives in the short term and 20 to 25 year timespan needs to be re-considered. The future canopy of more remaining existing trees in the three alternatives would be larger initially, and with planting of new trees, remain larger over the 20 to 25 years than removing more trees during the initial construction and planting more new trees. Regardless of how many initial trees are removed, managing the existing trees over the 20 to 25 years will include pruning, and re-planting as existing larger trees die or senesce over time. The logic that removing more large trees and planting more small trees will have an immediate or cumulative increase in canopy impact over the project proposed 20 to 25 year timespan is not reasonable or supportable. 06-103 cont.

The proposed project initial removal reduces the canopy significantly, and growing trees for 20 to 25 years to match the existing current canopy will offer a reduced site canopy until the new trees reach their larger future size. The retention of more large trees, planting new trees, and planting more replacement trees over time will eventually bring about the optimum age diversity in the tree population and canopy available for this site. Significant removals and replacements all at one time is not the best urban forest management approach since it does not blend the age diversity. The age distribution is skewed between a random small population of older and larger trees adjacent to many newly planted young trees.

The act of retaining enough space to preserve existing trees creates a larger planting space for the future replacement trees. When existing trees are removed, there is no drip line. Experience has shown that designs for large scale trees generally use inadequate smaller growing space that is not sufficient for a new tree to reach maturity. Routinely, new site designs use smaller size planting spaces with limited soil volume and proximity from adjacent infrastructure for trees to grow and provide future tree canopy. The smaller space for trees allows more space for buildings and site improvements, usually providing more revenue to the project; and impacting the future site management more in maintenance costs. 06-104

When inadequate space is allowed for growing trees, conflicts with adjacent infrastructure occur. I have observed this phenomenon over the last 35 years, ranging from between 8 and 20 years after planting. When the mitigation or project trees are removed and replaced, the tree canopy will never achieve the projected 25 year canopy sizes and benefits. Another result of the substandard growing space and soil volume is that when the trees are replaced in the future 8 to 20 years after some damage has occurred, the trees are often replaced with a smaller scale tree species that are intended to not cause the replicate adjacent infrastructure damage. Unfortunately, the smaller scale trees do not provide the originally intended and project approved benefits from the tree population.

Recommendations:

The City will approve the development that the City Council believes is in the best interest of the community. This report is intended to support the decision makers' ability to make the best decisions for the approval of the best project, and mitigation of the ecosystem benefits and services provided by the project trees and landscape as required by the EIR process in the best interest of the City, not the developer. 06-105

These can be accomplished with the following steps regardless of the initial proposed project or alternative approved for the subject project:

1) Request an appraisal of the value of the Street Trees to be removed for the project, and require a replacement of equal value to the Street Tree population so there is no net loss experienced to the City for the construction of this development. If the trees cannot be planted on the project perimeter to invest the funds, plant the new trees elsewhere, nearby, in the City right-of-way. 06-106

2) Request an appraisal of the value of the project trees approved to be removed for the project, and require a replacement of equal value to the project landscape, excluding rooftop garden trees. The rooftop garden trees are amenities and will only benefit the subject project, not the site use in the general project area currently experienced by the public, commercial business workers, and customers. 06-107

3) Require adequate tree protection for any existing trees to protect the trees, soil and roots from the construction activities through the landscape construction phase.

4) Require adequate soil volume and growing space for any new trees to be planted in the approved project. 06-108

5) Require the developer to contract grow the proposed new trees for the project. The quantities and species are known from the landscape plan. There should be adequate time to grow the trees that will be planted from the time of plan tentative approval to when the project construction is complete. Do not accept the excuse that the contractor or developer cannot find the approved tree species and sizes when the tree planting phase is occurring. Do not approve final occupancy until all the required trees are planted and have the irrigation system operating. 06-109

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From my years of experience with managing urban trees, Street trees are generally protected regardless of size, because they are owned or regulated by the City. Why is this? Because trees of all size contribute to the ecosystem services as shown in the Dudek report Table 3. These trees are typically City-owned assets and valuable components of the City's infrastructure.

There is a need to have standards and make quality decisions regarding the removal of trees on private property for development, and require commensurate mitigation for the loss of tree canopy on private properties. Why are only large Sacramento Heritage Trees considered for protection on private property? This is a political and tolerance decision by the residents in each individual community. There are many different requirements for preservation in each SACOG member jurisdiction, as well as throughout California, and the U.S.A.

06-109 cont.

Why are private trees important to a City's urban forest? My observations have shown that City trees typically only comprise 20% to 50% of a community's urban forest. At least 50% to 80% of the community's tree canopy is growing on private property. The majority of trees is growing on private property, and the community canopy is dependent on quality decisions for tree management and care of the trees growing on private property. The ecosystem benefits and services shown in Table 5 of the Dudek report on page 18 show the higher amount of benefits provided by the on-site trees compared to the City's Street Trees that surround the project.

The recent challenges and experiences in developing the updates to Sacramento's Protected Tree ordinance, echo that private property owners and developers do not want to be restricted in the use of their private property. Cities and Counties across the state and country already control much of the activity on private property through Zoning and Building Permit laws and regulations. Most of the public assets growing in the public right-of-way are controlled by the City – the street lights; traffic signals; speed limits; roadways; water, sewer, and storm pipes; sidewalks, curb and gutter, and driveway approaches; and trees. Most of the overarching elements of private property are covered by zoning and other ordinances such as size of parcels, number of units per parcel, uniform building code, safety requirements, and setbacks. Trees are not so unique that they should not be recognized for their value to the community on both public and private properties. As with other resource management circumstances, air quality, storm water runoff, water conservation, neighborhood character, and community tree canopy are not defined by individual properties or do they stop at a property line. They are defined by the benefits to the community and have a greater good factor than the individual property benefits.

06-110

Conclusion:

The Sacramento Commons project was submitted with substantial tree removal in the proposed project and lesser tree removals in 3 alternatives that accomplish many of the project goals and reduce the ecosystem benefits and services losses to the City over 25 years after development. 06-111

The arborist report (Dudek Report Appendix M) is accurate and reliable regarding inventory, health assessments, evaluations and risk assessments and overall ecosystem benefit determination. However, here are areas of the Dudek report that are did not seem reasonable for the draft EIR submittal. 06-112

1) The Dudek Report does not show the long term lost ecosystem services of the 199 trees removed for the project had they not been removed. The comparison should be made between the existing landscape benefits after growth in 25 years versus the new landscape benefits after growth in 25 years. 06-113

2) The Dudek Report includes 35 City street trees on the periphery of the project as retained trees in its Tables showing the retained ecosystem values of the project. Tables 8, 9 and 10 include retained City street trees in the calculation of the expected ecosystem services of the project at maturity. The trees belong to the City, are protected by City ordinance, and probably should not be considered part of the project's landscape plan benefits. Their values will be retained regardless of the project outcome. What should be included are the 4 City Street Trees that are proposed to be removed for the project, and the loss of those ecosystem services to the project site and the City. 06-114

3) The minor consideration of the contribution of the non-Heritage trees and non-Street trees growing on the site that are providing significant ecosystem services. 06-115

The proposed project tree planting (Conceptual Landscape Plan) to replace only 147 trees for the proposed removal of 199 mature (non-Heritage) existing trees, subtracting the proposed 100 rooftop garden trees that do not provide significant ecosystem services to the project site, or the community. This proposed planting plan is less than a 1:1 ratio of replacement trees to removed trees. The proposed number and size of tree planting proposed is insufficient mitigation for the impacts this project will have on the ecosystem services on the site. 06-116

The proposed project will remove existing trees providing ecosystem services, and the proposed landscape planting will take at least between 20 and 25 years to meet the existing site ecosystem services. Absent the project, the existing landscape would continue to provide the current or higher level of those ecosystem services over those 20 to 25 years. 06-117

The draft EIR relies on the Conceptual Landscape Plan to perform as designed on paper, but in my experience the provision of ecosystem services by that Plan will be below what is predicted 06-118

due to factors discussed in this report including soil compaction and space for the trees to grow to maturation. 06-118 cont.

Please contact me at 650-740-3461 or gordon@mannandtrees.com, if you have any questions about this report.

I certify that all the statements in this report are true, complete, and correct to the best of my knowledge, and that all statements were made in good faith.

Respectfully submitted,

Gordon Mann, Consulting Arborist
ASCA Registered Consulting Arborist #480
ISA Certified Arborist and Municipal Specialist #WE-0151AM
Certified Urban Forester #127
ISA TRAQ Qualified
Mann Made Resources
12661 Torrey Pines Drive
Auburn, CA 95602
650-740-3461
www.mannandtrees.com

06-119

Attachments: Appendix 1, Gordon Mann's Resume

Assumptions and Limitations: Assumptions and Limitations: This report provides information about the subject draft EIR at the time of the inspection. Trees and conditions may change over time. This report is only valid for the trees and site conditions present at the time of the inspection. All observations were made while standing on the ground. No further examinations were requested or performed.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that can fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatments, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

06-119 cont.

Attachment 1
Gordon Mann
Consulting Resume

Education:
B.S. Forestry, University of Illinois
Horticulture courses, College of San Mateo
Continuing Education sessions to maintain Certifications and ASCA membership

Awards, Certifications, and Professional Memberships:
Received the 2011 True Professional of Arboriculture award from ISA
Received 2102 Award of Achievement and 2011 Author's Citation from the Society of Municipal Arborists
Member American Society of Consulting Arborists (ASCA), Registered Consulting Arborist #480
Member International Society of Arboriculture (ISA), ISA Certified Arborist and Municipal Specialist #WE-0151 AM; Qualified Tree Risk Assessor (TRAQ)
Member California Urban Forest Council (CaUFC), Certified Urban Forester #127
Member Western Chapter International Society of Arboriculture (WCISA)
Member Society of Municipal Arborists (SMA)
Member California Arborist Association (CAA)

Employment:
Owner Mann Made Resources, consulting and marketing tree conservation products, since 1986
Over 37 years in municipal tree and risk management, and public administration

- Part-time and full-time consultant and product sales with Mann Made Resources
- 1 year with Fallen Leaf Tree Service as Municipal Manager/Trainer
- 1.5 years with the Sacramento Tree Foundation as Urban Forest Services Director including six months acting Deputy Director; Led regional ordinance committee
- 22.5 years with the City of Redwood City, CA as Arborist, City Arborist and Public Works Superintendent – overseeing Streets, Sidewalk, Traffic Signals and Street Lights, Parking Meters, Signs and Markings, & Trees
- 2.5 years with the City of San Mateo, CA as Tree Maintenance Supervisor
- 5 years with the Village of Brookfield, IL as Village Forester

Professional Leadership:
Current Board Member California Urban Forests Council (CaUFC)
Current WCISA member, chair Student and serve on Municipal and Certification Committees
Current chair California Urban Forest Advisory Council (CUFAC) supporting CalFire
Current Co-Chair Sacramento Tree Foundation Technical Advisory Committee
Past representative, current alternate, for SMA on American National Standards Institute (ANSI) A300 Tree Maintenance Standards Committee
2012 WCISA Annual Conference Chair, Asilomar, CA, April 29-May 2, 2012
Past President American Society of Consulting Arborists (ASCA)
Past President, Western Chapter International Society of Arboriculture (WCISA)
Past President, California Arborists Association (CAA)
Past Board Member, Society of Municipal Arborists (SMA), and MAUFS
Past chairperson (3 years) of the International Tree Climbing Competition (Jamboree)
Past chairperson (13 years) of the Northern California Tree Climbing Competition (Jamboree)

Past President, San Mateo Arboretum Society
Past President, CityTalk Toastmasters

Professional outreach:

- Developed and led training programs with the California Arborists Association
- Provided urban forestry and municipal arboriculture instruction in Sydney and Melbourne, Australia
- Presented urban forestry related sessions at regional and annual meetings with ASCA, ISA, SMA, ISA Chapters, ASCA, ANSI A300, CAA, CaUFC, PAPA, TCIA, CAPCA, Sacramento Tree Foundation, APWA, Arbor Day Foundation, Maintenance Superintendents Association, Oregon Department of Forestry, San Mateo County Stormwater Pollution Prevention Program, BC CanWest Hort Show, 2012 Colorado Pro-Green Conference; 2012 Idaho Hort Expo; 2012&2013 WCISA Annual Conference; 2012 Association of Environmental Professionals; 2012&2013 WCISA Regional Meetings; 2013 BCRPA annual conference; Folsom regional meeting 2014; WCISA annual conference 2014; SHADE Phoenix conference 2014; Maintenance Superintendents Association conference 2014, WAA/DNR 2015 annual conference (Wisconsin).
- Authored articles in newsletters and magazines including: Western Arborist, Arborist News, City Trees, and Utility Arborists Association

Other Key Associations:

Served as representative on the Bay Cities Joint Powers Insurance Authority (BCJPIA) Safety and Loss Prevention Committee for Police and Public Works representing public works 2003 – 2007

Served as the Public Works Services representative on Redwood City's Emergency Operations Center steering Committee – 1998 to 2007

Other relevant service:

Public Works representative on the Bay Cities Joint Powers Insurance Authority (BCJPIA) Safety and Loss Prevention Committee for the from 2003 to 2007

Redwood City Emergency Operations Center Steering Committee from 1996 to 2007

Current Chair of Lake of the Pines Community Firewise Committee

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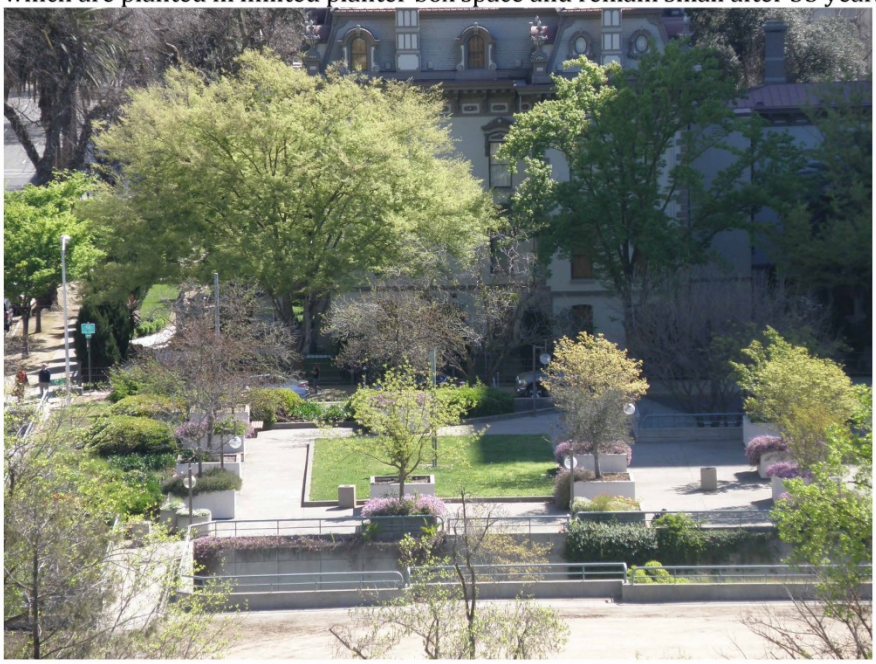
NEARBY ROOF GARDENS

Foreground Wells Fargo Bank completed 1992 (400 Capitol Mall)
Background West America Bank completed 1984 (closeup below) (300 Capitol Mall)

1

NEARBY ROOFTOP GARDENS

EDD (around 1980). Note street trees along 8th Street towering over the garden trees which are planted in limited planter box space and remain small after 35 years.



NEARBY ROOFTOP GARDENS – PERS Lincoln Plaza 1986 Building (below) is noted for vegetation and trees at each level of setback, but no rooftop garden. Note size of terrace trees relative to ground planted trees.

2

RESPONSE TO COMMENT O6-1

The commenter provides an introduction to the letter and background on the organization.

The City acknowledges receipt of the letter and has provided responses to each comment.

RESPONSE TO COMMENT O6-2

The commenter asserts that the DEIR does not sufficiently address impacts associated with the proposed project.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact.

RESPONSE TO COMMENT O6-3

The commenter expresses support for comments submitted by Sacramento Modern, asserts that the project conflicts with the historic eligibility of the project site, believes that the DEIR does not reflect the historic designation of the project site, and expresses support for placing the project site on the Sacramento Register of Historic Places.

Please see Master Responses 2.3.4.1, 2.3.4.2 for information about historic resources impacts under CEQA and a summary of historic resources impacts.

RESPONSE TO COMMENT O6-4

The commenter states that the EIR does not address the potential for adverse effects on property values related to a failed project.

Please see Section 2.7 of the DEIR for a discussion of the proposed demolition and construction phasing (DEIR pages 2-22 through 2-24). Master Response 2.3.12.9 for information about economic feasibility and potential abandonment of a project. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O6-5

The commenter states that the EIR does not address the potential for adverse effects on property values related to a failed project.

Please see Section 2.7 of the DEIR for a discussion of the proposed demolition and construction phasing (DEIR pages 2-22 through 2-24). Please see Master Response 2.3.12.9 for information about economic feasibility and potential abandonment of a project. See also Response to Comment O6-4.

RESPONSE TO COMMENT O6-6

The commenter states that the EIR does not address the potential for adverse effects on property values related to a failed project.

Please see Section 2.7 of the DEIR for a discussion of the proposed demolition and construction phasing (DEIR pages 2-22 through 2-24). Please see Master Response 2.3.12.9 for information about economic feasibility and potential abandonment of a project. See also Response to Comment O6-4.

RESPONSE TO COMMENT O6-7

The commenter discusses potential vibration impacts to surrounding improvements and suggests limitations on vibration-generating equipment.

Please see Master Responses 2.3.1.3 and 2.3.12.6 for information about vibration impacts and mitigation.

RESPONSE TO COMMENT O6-8

The commenter suggests that the applicant should post a bond to address damage resulting from vibration.

Please see Master Responses 2.3.1.3 and 2.3.12.6 for information about vibration impacts and mitigation.

RESPONSE TO COMMENT O6-9

The commenter discusses subsidence at the project site and impacts to adjacent improvements.

The analysis contained in the DEIR relied, in part, on a Geotechnical Feasibility Report prepared for the project by ENGEO (2014) (attached to the DEIR as Appendix E). As is common in the downtown Sacramento area, soils generally consist of artificial fill brought in the mid- to late 1800s and a high groundwater table is present. The low structural bearing capacity of the artificial fill, the high groundwater table, and the potential for liquefaction, subsidence, and settlement must be addressed for any project constructed in the downtown area (including the time when the Pioneer and Bridgeway

Towers were constructed). (Bridgeway Towers is also known as 500 N Street and the terms are used interchangeably by commenters).

Because the project may include basements with finish floors about 12 feet below existing grade, groundwater may be encountered during construction. ENGEO's May 27, 2014 Geotechnical Feasibility Report (see Appendix E of the DEIR) included groundwater data from nearby monitoring wells over the period 2002 to 2013 that showed the low groundwater level has been about 18 to 20 feet below the site grade. ENGEO expects that any dewatering required during basement construction would not likely lower the groundwater below these maximum recorded depths. Therefore, since "ground settlement" from groundwater drawdown can only be triggered by lowering the groundwater below historic "low" levels, it is ENGEO's opinion that dewatering for the proposed project is unlikely to cause off-site ground settlement and distress to adjacent properties (Mark Gilbert, GE, QSD, Principal, ENGEO).

Furthermore, for high-rise buildings, such as the proposed project, liquefaction, subsidence, and settlement issues are generally dealt with by constructing deep pier foundations that are drilled into stable rock; at the project site, stable rock is located approximately 60–80 feet below the ground surface. The Geotechnical Feasibility Report for the proposed project identifies four types of deep foundation systems for possible support of the proposed high-rise structures on the site. Two of the proposed foundation systems—driven and torque-installed steel piles—do not create soil or groundwater surplus; rather, the soil surrounding the pile is densified and the earth pressures cause the soil to adhere to the sides of the pile. This effectively seals the pile into the soil layer with no gaps created along the sides of the pile such that groundwater would not be expected to discharge from these pier types. However, the other two types of piles methods involve drilling and could potentially create soil and groundwater spoils.

As indicated in Section 4.8 "Hydrology and Water Quality", in Impact 4.8-1, if construction dewatering is required, the proposed project is required to comply with City's Engineering Services Policy No. 0001, which requires approval of a Memorandum of Understanding (MOU) for long-term (greater than one week) groundwater dewatering discharges. The MOU must cover proposed dewatering details such as flow rate and system design. In addition, Mitigation Measure 4.5-2 (DEIR pages 4.5-12 and 4.5-13) requires the project applicant to obtain the services of a licensed geotechnical engineer to prepare a site-specific design-level geotechnical report that will address and make specific recommendations on a variety of geotechnical conditions such as construction dewatering, subsidence, and settlement.

The proposed project is required by California law to be designed and constructed to meet the standards contained in the California Building Standards Code (CBC), the requirements of which have been specifically designed to reduce geotechnical hazards and address and provide for building safety and stability, including subsidence and settlement. Compliance with City building codes requires the project applicant to submit all proposed plans for building design and site construction to the City for engineering review and to determine compliance with the CBC. Thus, the proposed project would not result in adverse effects to nearby buildings related to settlement or subsidence and the impact would be less than significant and there is no need to locate the proposed buildings further away from the Pioneer and Bridgeway Towers, nor is there a requirement for the project applicant to post a bond. This conclusion is further supported by the fact that other projects in the vicinity of the project site, such as

500 Capitol Mall, which is located north of and directly across the street from the project site, have been developed in recent years without adversely effecting nearby buildings related to settlement or subsidence.

RESPONSE TO COMMENT O6-10

The commenter discusses noise-sensitive receptors near the project site.

Please see Master Response 2.3.1.1, which addresses sensitive receptors and Master Response 2.3.12.10 regarding construction noise mitigation.

RESPONSE TO COMMENT O6-11

The commenter suggests that the DEIR should be revised to address the topics mentioned in the letter.

Please see the Responses to Comments O6-1 through O6-11. Comments raised by the commenter do not require recirculation of the DEIR.

RESPONSE TO COMMENT O6-12

The commenter claims that the project is inconsistent with the General Plan regarding housing and established neighborhoods.

Chapter 3 of the EIR, however, provides an analysis of housing in the Central City area, including housing cost. See also Master Responses 2.3.4.5, 2.3.10.1, and 2.3.10.3 for a discussion of the project's consistency with the General Plan. See Master Response 2.3.7.5 for information on consideration of off-site alternatives. See also Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O6-13

The commenter claims that the project is inconsistent with a City Code statement related to historic resources.

The commenter apparently intended to refer Sacramento City Code Section 17.604.100. Neither the proposed project nor the project alternatives are inconsistent with Chapter 17.604 (Historic Preservation) of the City's Planning and Development Code. Chapter 17.604 recognizes the value of historic resources and benefits of preservation and rehabilitation of historic resources. (See, e.g. City Code, Sec. 17.604.100). However, Chapter 17.604 also addresses proposed demolition or relocation of buildings or structures that are 50 years old or older (City Code, § 17.604.600). Furthermore, the City Code expressly provides a process for the appropriate City decision-maker (here the City Council), when specified findings can be made, to approve development projects located in an historic district or involving a landmark (as defined in the City Code) that would require demolition of a landmark or contributing resource. (See City Code, Sec. 17.808.180(A)(2)). Please see also Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.5, and 2.3.4.6 for information about historic resources impacts under CEQA, a

summary of historic resources impacts, and consistency of the project with the General Plan and related policy considerations.

RESPONSE TO COMMENT O6-14

The commenter states that new policy language from the 2035 General Plan was excluded.

The 2035 General Plan became effective after release of the DEIR. Please see Master Responses 2.3.2.3 and 2.3.10.5 for a discussion of the landscape plan and new General Plan Policy ER 3.1.2.

RESPONSE TO COMMENT O6-15

The commenter states the project is not consistent with the General Plan because the project's landscaping plan will take years to mature to the point where it provides the same on-site benefits as the current trees and tree canopy.

The proposed project is not inconsistent with new General Plan policy ER 3.1.2. See Response to Comment O6-14. Please see also Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-16

The commenter disagrees with the City's land use designation of the downtown area (as Central Business District) versus other neighborhoods that have a "traditional neighborhood" designation.

The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment…" The DEIR considers whether the 2030 General Plan includes any policies relating to tree canopy in the CBD. The DEIR identifies 2030 General Plan Policy LU 4.3.1, which addresses tree canopy. However, the DEIR explains that 2030 General Plan Policy LU 4.3.1 is a policy covering "traditional neighborhoods." Table LU 1identifies all the land use and urban for designations included within the 2030 General Plan. Traditional neighborhoods and CBD are separate land use and urban form categories. Therefore, 2030 General Plan Policy LU 4.3.1 is not directly applicable to the proposed project. Nevertheless, the DEIR discloses tree canopy impacts associated with the proposed project and the DEIR concludes project-related tree impacts, including tree canopy impacts, can be reduced to

a less than significant level through implementation of Mitigation Measure 4.3-2. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. Please see generally Master Response 2.3.2 regarding tree impacts.

RESPONSE TO COMMENT O6-17

The commenter references impacts to scenic views.

Please see Master Responses 2.3.3.3 and 2.3.3.4, which provide responses related to scenic views and private views.

RESPONSE TO COMMENT O6-18

The commenter references visual changes associated with the project and disagrees with the EIR conclusions.

Please see Master Responses 2.3.3.3, 2.3.3.4, 2.3.3.5, 2.3.3.6, 2.3.3.7, which provide responses related to scenic views and private views, visual changes associated with the project, site plan and design review for the project, and project changes to reduce visual changes. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-19

The commenter discusses the project's landscape plan and disagrees that it would accomplish the intended objectives.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-20

The commenter disagrees with DEIR calculations related to tree benefits.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-21

The commenter discusses tree canopy impacts and mitigation, along with sufficient space for planting.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-22

The commenter discusses the length of time provided for tree growth and the enforceability of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other environmental benefits of trees. The proposed project includes all of the elements described in Chapter 2 of the DEIR, which includes a landscape plan. As stated on page 2-16 of the DEIR, the final landscape plan "and selection of new species of trees to be included in the plan will be made in coordination with the City arborist. Construction-related tree protection would be implemented for Heritage Trees, City Street Trees, and Non-Heritage Trees to be retained during construction activities, as identified in the Arborist Report for the Sacramento Commons Project Site. Street and Heritage trees proposed to be removed for project shall be replaced as mitigation, consistent with City Code standards for tree removal and replacement." The City will require landscaping, including trees, be installed as part of the project, if approved. See also Master Response 4.3.12.5 regarding tree impacts and mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-23

The commenter discusses adequate soil volume for planting, the potential for root damage, size of replacement trees, and the enforceability of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, including consideration of the size of replacement trees, Master Response 2.3.2.11 for information related to rooftop trees, including soil volume for planting and the potential for root damage, and Master Response 2.3.2.12 for information

related to non-heritage trees. See also Response to Comment O6-22. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-24

The commenter discusses the enforceability of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also Master Response 4.3.12.5 regarding tree impacts and mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18. See also Response to Comment O6-22.

RESPONSE TO COMMENT O6-25

The commenter discusses landscape maintenance and rooftop plantings.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, including landscape maintenance, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees. See also Master Response 4.3.12.5 regarding tree impacts and mitigation. See also Response to Comment O6-22.

RESPONSE TO COMMENT O6-26

The commenter discusses enforceability for tree mitigation.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation. See also Response to Comment O6-22. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-27

The commenter asks what species are used for modeling and how the benefits are to be guaranteed.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.12.5 regarding tree mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-28

The commenter references past actions related to tree removal at the project site.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation. See also Response to Comment O6-22. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-29

The commenter states that the landscape plan was prepared without consulting adjacent landowners, includes trees on neighboring properties, and would plant trees near property boundaries.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-30

The commenter states that the arborist report is misleading because it includes City Street Trees as "retained trees" in evaluating ecosystem services values of the project landscape plan.

Exclusion of City Street Trees from the analysis of landscape plan benefits has no effect on the time period needed for the post-development landscape to reach the existing condition. See also Master

Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-31

The commenter states that City Street Trees as well as trees on neighboring property should not be included as benefits of the landscape plan.

Exclusion of City Street Trees and any trees located on neighboring properties from the analysis of landscape plan benefits has no effect on the benefits of the landscape plan. See also Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-32

The commenter states that the arborist report is misleading because it does not address the loss of ecosystem services from on-site trees that are proposed to be removed.

The change in ecosystem services values due to tree removal is addressed in Impact 4.3-2 (DEIR p. 4.3-24), which addresses the loss of existing canopy cover. The comparison of the site's existing ecosystem services values with growth calculations was conducted to determine the temporal loss associated with project-related tree removal. Comparing the growth of the site's existing trees with the growth of the proposed landscape would not allow for an effective analysis of temporal loss based on the site's existing condition. Furthermore, as discussed in Master Response 2.3.2.9, it is reasonable to conclude that in 25 years canopy cover on the project site will be similar to existing conditions whether or not the proposed project is approved. See also Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-33

The commenter suggests that Alternatives 2 and 3 would have significantly reduced tree canopy impacts.

The DEIR incorrectly states that since fewer replacement trees would be planted for Alternatives 2, 3, and 4 that the future canopy area would be less than with the proposed project. While fewer replacement trees would be planted under these Alternatives, their projected canopy growth, combined

with retained tree canopy, would return to a canopy coverage similar to existing conditions in 20 to 25 years. (See Master Response 2.3.7.4 concerning impacts of project alternatives). However, the conclusion reached in the DEIR remains the same; Alternatives 2, 3, and 4 will result in less than significant tree related impacts after mitigation. Page 5-23 of the DEIR has been revised, as shown below:

> Alternatives 2, 3, and 4 would have reduced biological resources impacts compared to the proposed project since these alternatives would remove a smaller number of mature trees and trees that could potentially provide nesting habitat for special-status bird species (see Table 5-3 for a comparison of tree removal under the alternatives compared to the proposed project). ~~However, f~~ The projected canopy growth of replacement trees, combined with retained tree canopy, Alternatives 2, 3, and 4 would return to a canopy coverage similar to existing conditions in 20 to 25 years, similar to the proposed project. ~~so the future canopy area would be less with Alternatives 1, 2, 3, and 4 compared to the proposed project.~~ As with the proposed project, Mitigation Measures 4.3-1 and 4.3-2 would still be required for these alternatives to reduce impacts to a less-than-significant level.

While fewer replacement trees would be planted under these Alternatives, their projected canopy growth, combined with retained tree canopy, would return to a canopy coverage similar to existing conditions in 20 to 25 years. As explained in the DEIR, the proposed project as well as Alternatives 2, 3, and 4 will result in less than significant tree related impacts after mitigation.

RESPONSE TO COMMENT O6-34

The commenter addresses tree-related impacts of alternatives compared to the proposed project.

See Response to Comment O6-33. See also Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-35

The comment refers to statements provided in the arborist report prepared by Gordon Mann confirming that the arborist report referenced in the DEIR provides an accurate and reliable inventory, health assessments, evaluations, and risk assessment, but that retained trees benefits are not accurately calculated.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree

removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-36

The comment refers to the mitigation ratio provided on-site.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, Master Response 2.3.2.13 regarding other environmental benefits of trees, and Master Response 2.3.12.5 regarding tree mitigation.

RESPONSE TO COMMENT O6-37

The commenter refers to rooftop trees.

Proposed rooftop trees are not included in the calculation of ecosystem services values presented in the project's Arborist Report. See also Master Response 2.3.2.3 for information related to the landscape plan, GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-38

The commenter refers to non-Heritage and non-City Street Trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-39

The commenter refers to the landscape plan and calculations of benefits of trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-40

The commenter refers to the success of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-41

The commenter discusses appraised value of trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-42

The commenter states that the EIR do not have individual landscape plans and suggests that removing larger trees and planting new trees is not a better alternative for canopy.

Please see Master Response 2.3.7.4 regarding tree impacts caused by project alternatives.

RESPONSE TO COMMENT O6-43

The commenter discusses appraised value of trees, tree protection during construction, adequate space for trees, mitigation for tree impacts, and a recommendation for the City to acknowledge the arborist report submitted by the commenter.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation.

RESPONSE TO COMMENT O6-44

The commenter requests that a tree mitigation planting plan be included as a condition of approval and include specific provisions.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. Mitigation Measure 4.3-2 has been revised to list recommendations set forth in Appendix E to the Arborist Report rather than to incorporate the recommendations by reference.

RESPONSE TO COMMENT O6-45

The commenter discusses the location of trees near the Bridgeway Towers building.

Please see Master Response 2.3.2.10 regarding trees on adjacent properties, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also the Response to Comment O1-2.

RESPONSE TO COMMENT O6-46

The commenter claims that the DEIR does not disclose GHG emissions impacts.

As explained in Section 4.7 of the DEIR, GHG emissions have the potential to adversely affect the environment because they can contribute, on a cumulative basis, to global climate change. GHG emissions are recognized by the DEIR as a potential cumulative impact because although the emissions of one single project would not cause global climate change, GHG emissions from multiple

projects could result in a cumulative impact to noticeably change the global average temperature (DEIR page 4.6-1). Section 4.6-1 of the DEIR details global climate change as a cumulative impact and Section 4.6-3 evaluates the project's contribution to this cumulatively significant impact in detail. As noted in the DEIR (pages 4.6-11 and 4.6-12), the City developed a climate action plan (CAP) to reduce GHG emissions The project complies with the City's CAP, as shown in the CAP Checklist included in Appendix F of the DEIR.

RESPONSE TO COMMENT O6-47

The commenter references the tree canopy in relation to urban heat islands.

As detailed in the Initial Study for the proposed project (see Appendix B of the DEIR), urban heat islands are large areas of substantially higher air temperature in developed areas as compared to surrounding natural or agricultural landscapes, which often result from the lack of significant plant and/or tree canopy cover and the use of dark-colored pavement and building surfaces. Whereas light-colored surfaces reflect solar radiation and trees cool air temperatures, dark-colored surfaces absorb solar radiation and release heat energy that increases air temperatures. Large urban expanses with dark-colored pavement and lack of significant vegetated ground or tree canopy cover can lead to, or increase, the formation of smog and heat-related illnesses. However, at a micro level, individual building or small paved areas, by themselves, would not contribute these areawide heat island effects (see Appendix B of the DEIR).

The California Attorney General, in its guidance on how to address heat island effects through general plan and other policies (The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level), recommends the adoption of a heat island mitigation plan, which could include requirements for cool roofs, cool pavements, and strategically placed shade trees. According the Attorney General's guidance, darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas. The City's General Plan includes policies and implementation programs that implement the recommendations included in the Attorney General's guidance and directly and indirectly address urban heat islands.

The proposed project would comply with the heat island strategies directed by the General Plan and Central City Urban Design Guidelines. The proposed project would result in a substantial reduction in the existing quantity of darker colored roofs located on-site, would remove existing surface parking lots, and would incorporate project features that further ensure, as compared to existing conditions, that the proposed project would result in no impact with respect to urban heat islands. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-48

The commenter references increased air conditioner use related to the urban heat island effect.

Please see Response to Comment O6-47, above. In addition, current building code requirements require higher energy efficiency, which would reduce the need for use of air conditioning. Please see also Master Response 2.3.2.1, which discusses the existing setting relative to trees and the tree canopy, Master Response 2.3.2.2, which provides information related to tree removal impacts of the project, Master Response 2.3.2.3, which discusses the project's landscaping plan, and Master Response 2.3.12.5, which discusses mitigation for tree impacts.

RESPONSE TO COMMENT O6-49

The commenter references compliance with AB 32 and carbon sequestration.

Please see Response to Comment O6-46, above.

RESPONSE TO COMMENT O6-50

The commenter is questioning the calculation of the carbon storage and carbon sequestration for trees not located on the project site and what the actual net loss of carbon storage and sequestration would be if these trees are not included. The comment also states that the impacts to sequestered carbon are not analyzed in the project's analysis of greenhouse gas impacts.

Please see Response to Comment O6-46, above. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See page 4.6-17 of the DEIR, the section addressing GHG emissions and energy, which also addresses GHG sequestration associated with trees.

RESPONSE TO COMMENT O6-51

The commenter is requesting that the carbon storage and sequestration of the project's tree plan be explained and quantified.

Please see Response to Comment O6-46, above. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-52

The commenter references GHG emissions from demolition.

Please see Response to Comment O6-46, above. The DEIR quantifies both construction/demolition and operational emissions. See Table 4.6-1 on page 4.6-16. For a discussion of energy use and GHG emissions associated with demolition and construction compared to the energy and GHG efficiency of the proposed project, please see the Response to Comment A6-12.

RESPONSE TO COMMENT O6-53

The commenter references GHG emissions from demolition and new construction.

Please see Responses to Comment O6-46 and O6-52.

RESPONSE TO COMMENT O6-54

The commenter references incompatibility of the proposed project with existing nearby residential development.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-55

The commenter references distances between proposed and existing buildings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-56

The commenter references distances between proposed and existing buildings.

Setbacks included in the proposed project are sufficient to provide individual tower units, ground level units, and rooftop terraces access to sunlight and natural ventilation. Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master

Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-57

The commenter references distances between proposed and existing buildings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-58

The commenter references distances between proposed and existing buildings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-59

The commenter references distances between proposed and existing buildings and the orientation of windows.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-60

The commenter references distances between proposed and existing buildings and a request for additional drawings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes. In order to provide information for the public, the DEIR includes three dimensional conceptual illustrations providing a depiction of what the proposed project may look like at full build-out. The illustrations include some of the as existing development on the project site and portions of the adjacent project site's four-block area from specific vantage points (see DEIR pages 4.1-18 and 4.1-19). Additional drawings are not needed in order to assess visual changes attributable to the project.

RESPONSE TO COMMENT O6-61

The commenter references distances between proposed and existing buildings and a request for additional drawings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes. In order to provide information for the public, the DEIR includes three dimensional conceptual illustrations providing a depiction of what the proposed project may look like at full build-out. The illustrations include some of the as existing development on the project site and portions of the adjacent project site's four-block area from specific vantage points (see DEIR pages 4.1-18 and 4.1-19). Additional drawings are not needed in order to assess visual changes attributable to the project.

RESPONSE TO COMMENT O6-62

The commenter requests a revised EIR to address visual changes and compatibility.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-63

The commenter references demolition and project abandonment.

Please see Section 2.7 of the DEIR for a discussion of the proposed phasing for demolition and construction of the project (see DEIR pages 2-22 through 2.24). Please see Master Responses 2.3.6.1 and 2.3.12.9 for information related to project abandonment concerns. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O6-64

The commenter suggests use of mitigation measures relative to project abandonment after demolition.

Please see Section 2.7 of the DEIR for a discussion of the proposed phasing for demolition and construction of the project (see DEIR pages 2-22 through 2.24). Please see Master Responses 2.3.6.1 and 2.3.12.9 for information related to project abandonment concerns. Please see also the Response to Comment O6-63.

RESPONSE TO COMMENT O6-65

The commenter references construction noise and vibration impacts.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Response 2.3.12.10 regarding noise mitigation.

RESPONSE TO COMMENT O6-66

The commenter references construction noise and vibration impacts and building materials.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

RESPONSE TO COMMENT O6-67

The commenter references building reflections and suggests that trees buffer noise.

The DEIR documents 24-hour noise level measurements that were taken to document existing conditions, including any building reflections that may alter noise levels. Trees and other vegetation are

often considered by the public to provide noise attenuation. However, approximately 100 feet of dense foliage (so that no visual path extends through the foliage) is required to achieve 5 dB attenuation of traffic noise. Vegetation can be used to acoustically "soften" intervening ground between a noise source and a receiver, by increasing ground absorption of sound and thus increasing the attenuation of sound with distance. Planting trees and shrubs offers aesthetic and psychological value that could reduce adverse public reaction to a noise source by removing the source from view. As explained on page 4.9-9 of the DEIR, a +3 dB offset is applied to account for building reflections.

RESPONSE TO COMMENT O6-68

The commenter observes that residents in the vicinity leave their windows open during some times of the year.

See Master Response 2.3.1.4 for a detailed response related to construction noise, including information related to windows. The DEIR provides analysis of noise both with windows closed and windows open, but the City's findings are based on windows being closed (see page 4.9-18 of the DEIR).

RESPONSE TO COMMENT O6-69

The commenter asks about the basis of the City's construction noise conclusions.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

RESPONSE TO COMMENT O6-70

The commenter references the presence of noise-sensitive populations.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

RESPONSE TO COMMENT O6-71

The commenter asks for additional information related to construction noise for Alternatives 2, 3, and 4.

Quantification of differential impacts of project alternatives is not a requirement of CEQA. Chapter 5 of the DEIR describes and compares construction impacts of the alternatives to the proposed project. As described in the DEIR, Alternatives 2, 3, and 4 would include a reduced amount of development compared to the proposed project and therefore may reduce the length of time when construction noise

and vibration would be generated. However, the construction activity would occur in the same location and there would be noise- and vibration-sensitive uses in the vicinity of the alternative construction sites, just as with the proposed project. Overall, during construction, construction noise and vibration effects would be similar to those of the proposed project. The level of impact is expected to be quantitatively similar, as well because the EIR analysis is intentionally conservative representing a worst-case scenario (meaning that the analysis could somewhat overestimate actual impacts).

The analysis focuses on noise levels anticipated from construction activities during the worst-case site preparation stage and for the closest noise-sensitive receptors (see DEIR pages 4.9-26 and 4.9-27, for example). However, most of the sensitive receptors in the vicinity of the project site are at a greater distance from proposed construction activities compared to the closest sensitive receptor. Also, most of the overall construction period would not involve the noisiest construction equipment. In order to provide a consistent comparison, the alternatives analysis used the same worst-case, conservative approach to analysis. Alternatives 2, 3, and 4 would involve noisy construction equipment operated at a similar distance to nearby sensitive receptors as under the proposed project. The DEIR analyzed Alternatives 2, 3, and 4 assuming the conservative worst-case sub-phases of construction and considering noisy equipment within a similar distance of the closest sensitive receptor.

As with the proposed project, construction of Alternatives 2, 3, and 4 would involve additional vehicle trips on the local roadway network as workers commute and equipment and materials are transported. As with the proposed project, for Alternatives 2, 3, and 4, construction-related increases in traffic noise levels along 33 of the 39 roadway segments would not exceed 2 dB and the maximum noise level from construction traffic would be 63.4 or less (see DEIR Table 4.9-11, page 4.9-19). As with the proposed project, construction of Alternatives 2, 3, and 4 would involve construction noise from building demolition, site clearing and excavation and site preparation, and building construction. Noise would be generated by equipment such as graders, backhoes, skip loaders, water trucks, pile drilling, and other miscellaneous equipment. As with the proposed project, construction of Alternatives 2, 3, noise levels generated by various construction activities during the worst-case site preparation stage would be 89 dB L_{eq}, at the closest noise-sensitive receptors.

Assuming an exterior-to-interior noise level reduction of at least 20 dB for wooden structures (doors and windows closed) (FHWA 2011), construction equipment noise could result in a maximum temporary interior noise level of approximately 69 dBA L_{eq} at the noise-sensitive receptors located closest to construction areas. As with the proposed project, Alternatives 2, 3, and 4, depending on the technique selected for installation of building piles, could involve maximum noise levels for the closest sensitive receptors ranging from 86.3 dBA for the closest sensitive receptors within 40 feet of proposed construction sites, if auger drilling pile installation is used, to 103.2 dBA for the closest sensitive receptors within 40 feet of proposed construction sites for the upper range, if impact pile driving is selected (see DEIR Table 4.9-13, page 4.9-21). Assuming an exterior-to-interior noise level reduction of at least 20 dB (doors and windows closed), installation of piles required for Alternatives 2, 3, and 4 could result in peak noise levels of between 66.3 dBA for the closest sensitive receptors. The same mitigation measures (Mitigation Measure 4.9-3a and 4.9-3b) could be applied to Alternatives 2, 3, and 4 to ensure a less than significant impact with mitigation.

RESPONSE TO COMMENT O6-72

The commenter references noise mitigation included in the DEIR and questions the requirement to place noisy equipment at a distance from sensitive receptors.

See Response to Comment O6-70, above. See also Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Response 2.3.12.10 regarding noise mitigation. While some commenters proposed additional limitation on construction hours, the City has evaluated construction related noise impacts caused by construction activities that are in compliance with the City's Noise Ordinance in the Master EIRs prepared for the 2030 General Plan and 2035 General Plan. The City concludes noise sources, including construction noise, operating within the City Noise Ordinance parameters are acceptable within the City and will result in a less-than-significant impact.

Furthermore, as revised, the proposed project provides construction noise reduction strategies in excess of the City Code requirements (since construction noise meeting certain qualifications is exempt from the Noise Ordinance). The City, particularly its downtown core (i.e. the CBD), is highly urbanized and subject to typical urban noise sources including surrounding construction noise. Both short-term and long-term measurements were taken so that a comprehensive description of existing conditions could be presented in the Draft EIR. As illustrated on pages 4.9-6 and 4.9-7 of the Draft EIR, daytime existing averaged noise levels on, and in the vicinity of the project site range from approximately 54 to 65 dB L_{eq}. Maximum (L_{max}) daytime noise levels range from approximately 67 to 81 dB. Construction noise levels for the project were estimated using the Federal Highway Association (FHWA) Roadway Construction Noise Model (FHWA 2006) at nearby off-site sensitive receptors, as shown in DEIR Table 4.9-10 (DEIR page 4.9-18). As shown in Table 4.9-10, modeled noise levels generated by various construction activities during the site grading and excavation stage would range from 67–89 dBA L_{eq} at the nearest sensitive receptors (i.e., the condominium tower at 500 N Street), which are 40 feet from the nearest proposed construction activities. Therefore, construction activities would be anticipated to increase ambient noise levels approximately compared to existing average and maximum noise levels by approximately 2 to 35 decibels, depending on the location of construction and the receptor, the phase of construction, and the time of day.

In consideration of the project site's urban setting, the maximum potential level of increase, the intermittent and temporary nature of construction noise, and the prohibition on noise levels exceedance of 75 L_{eq} as set forth in Mitigation Measure 4.9-3b, and the time limitations set forth in Mitigation Measure 4.9-3a, the City finds potential noise impacts of the proposed project to be less than significant. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and will be presented to the City Council as part of the environmental document approval resolution. The City will use the MMRP to track compliance with mitigation measures. Mitigation Measure 4.9-3a requires the contact information for a disturbance coordinator to be included in all construction notifications and to be posted around the project site. Mitigation Measure 4.9-3a requires the disturbance coordinator to

coordinate with the City in the event that any complaints are received regarding noise levels and requires the disturbance coordinator in coordination with the City to take actions to alleviate the problem. Any construction activities occurring outside the hours set forth in Mitigation Measure 4.9-3a would be in violation of both the mitigation measure and Section 8.68.080 of the City's Noise Ordinance. Therefore, City Code Enforcement would require any noise generating construction activities occurring outside of permitted hours to cease. Similarly, construction activities generating noise in excess of 75 dB L_{eq} would be in violation of Mitigation Measure 4.9-3b and would also be required to cease until alternative equipment, greater distances from noise-sensitive receptors, or attenuation devices are implemented in order to comply with Mitigation Measure 4.9-3b.

RESPONSE TO COMMENT O6-73

The commenter references the mitigation requirement to employ a noise coordinator and suggests additional ideas for mitigation of construction noise effects.

The City's mitigation monitoring and reporting program will monitor and enforce Mitigation Measures 4.9-3a and 3b and the measures will be conditions required for construction contractors. With implementation of the identified mitigation, impacts are considered less than significant. The mitigation measure obligates the general contractor to have a disturbance coordinator to address complaints received during construction and the disturbance coordinator must coordinate with the City if any noise complaints are received. Please see also Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Response 2.3.12.10 regarding noise mitigation.

RESPONSE TO COMMENT O6-74

The commenter questions the City's conclusion related to construction noise and vibration.

Please see Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Responses 2.3.12.6 and 2.3.12.10 regarding noise and vibration mitigation.

RESPONSE TO COMMENT O6-75

The commenter asks about details regarding the proposed buildings and suggests the DEIR has deferred mitigation.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Responses 2.3.12.6 and 2.3.12.10 regarding noise and vibration mitigation.

RESPONSE TO COMMENT O6-76

The commenter discusses challenges in renting or buying residential properties near construction sites.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction. Please see also Master Response 2.3.6.1 regarding economic effects.

RESPONSE TO COMMENT O6-77

The commenter discusses public transit access.

Sacramento Regional Transit (RT) has a process to evaluate transit stops and provide specifications for replacement stops that may be required if proposed projects would adversely affect access during construction or operational phases (Canfield, pers. comm. 2015). RT staff would visit the proposed locations for transit stops to determine the need for replacement bus stops and to ensure the stops meet RT's operational standards including requirements to meet Americans with Disabilities Act (ADA) guidelines. RT provides specifications for replacement stops, including concrete pad space and electrical connections and RT directs their contractor to move and install benches or shelters after the pads are in place, as determined necessary. See also Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction, Master Response 2.3.6.2 for discussion of traffic management during construction.

RESPONSE TO COMMENT O6-78

The commenter discusses emergency access to the Bridgeway Tower and proposed project site.

As discussed in the DEIR (pages 4.11-60 and 4.11-61, for example), emergency vehicles would be able to access the project site from all perimeter roads (5th, N, 7th, and P Streets). The project proposes to retain existing access points at the extension of O Street and 6th Street and add new access points to the site from N Street between 6th and 7th, from 7th Street between N Street and O Street. The project includes a minimum 20-foot wide fire lane along the extension of 6th Street and a

minimum 15 to 20-foot wide fire lane, allowing access from the west and from the east along the extension of O Street through the project site. The Sacramento Fire Department has reviewed the proposed project and has identified conditions, to be incorporated into the project, related to adequate turning radii, fire access, signage for emergency access, road design to support fire apparatus loads, and the provision of fire hydrants (Tunson 2014).

The project applicant would be required to incorporate California Fire Code requirements into the design of the proposed project to address access-road length, road dimensions, and finished surfaces for firefighting equipment; fire hydrant placement; and fire flow availability. These requirements are designed to improve fire safety and ensure emergency access is available throughout the project site in the event of an emergency. The City's existing regulations and review process require the project to demonstrate adequate emergency access, including the width of proposed accessways, as well as the design of accessways to support the loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Based on the City's existing regulations, during review and approval of the final maps, the City will verify that applicable requirements of the California Fire Code and Sacramento City Code are incorporated into project designs. The City has required Mitigation Measure 4.10-1 to document consistency of the project with Sacramento Fire Department recommendations. This mitigation measure will ensure the project provides adequate vehicle access, road width and turning radii for large fire trucks and other fire equipment and would therefore not block or hinder access to any adjacent buildings, per code requirements.

RESPONSE TO COMMENT O6-79

The commenter discusses emergency access to the Pioneer Tower and proposed project site.

See Response to Comment O6-78, above.

RESPONSE TO COMMENT O6-80

The commenter asks whether the landscape plan conflicts with emergency access.

See Response to Comment O6-78, above. See also Master Response 2.3.2.3 regarding tree planting and emergency access.

RESPONSE TO COMMENT O6-81

The commenter suggests that emergency access should be reviewed relative to the landscape plan.

See Response to Comment O6-78, above.

RESPONSE TO COMMENT O6-82

The commenter references concerns about fire safety and access.

See Response to Comment O6-78, above.

RESPONSE TO COMMENT O6-83

The commenter references vehicular access relative to the proposed hotel that is included in one of the project scenarios.

This comment suggests that the impact of construction and of operation of a hotel at 7th Street and N Street on access and egress from the existing residences located on 500 N Street and 515 P Street has not been sufficiently addressed in the Draft EIR. It further states that Mitigation Measure 4.11-5 should include a criterion to ensure safe and reasonable access to residences adjacent to the project site. In the DEIR, impacts of construction were defined and Mitigation Measure 4.11-5 requires the applicant to prepare and implement Construction Traffic Management Plan before commencement of demolition and beginning of construction for the project site. The Plan shall meet the requirements of sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code and subject to review and approval by the City Department of Public Works. The Plan shall ensure maintenance and acceptable operating conditions on local roadways and transit routes. The Mitigation Measure 4.11-5 sets also a list of minimum requirements the Plan should include, such as, temporary traffic control, detour routes, driveway access etc. The Construction Traffic Management Plan will include provisions to ensure safe and reasonable access to residences adjacent to the project site. The operation of the hotel at 7th Street and N Street was included in the DEIR Chapter 4.11.7 (Other Considerations) which provides a full evaluation about project access points and on-site circulation. Additionally, the DEIR shows that inbound queuing for the hotel drop off/pick up area can accommodate up to nine vehicles without spillback onto N Street causing any impact to the roadways or adjacent properties.

RESPONSE TO COMMENT O6-84

The commenter references the City's water supply and the ongoing drought.

The City along with much of the State of California is in a state of declared drought. The City has implemented water conservation measures consistent with the Stage 2 Drought described in the City's 2010 Urban Water Management Plan (Section 5.2.3.1 "Stages of Action"). This stage of drought is sufficient for conservation of water up to 30%. The City's conservation goal is 25%, consistent with the Governor's Executive Order B-29-15. The City will continue to enforce Stage 2 drought measures and will implement new measures that will be applicable to new development (also consistent with Executive Order B-29-15). The City Stage 2 drought response does not include suspending the issuances of new connections to the water system. The City anticipates that its water conservation measures will protect its water supply and does not foresee the need to suspend new water connections (Armijo, pers. comm., 2015). Moreover, increasing the percentage of City residents that live in high density residential infill units is one tool that can be used to reduce average household water use within the City. Multi-family homes use approximately half the amount of water for outdoor use compared to single-family homes and approximately 42 of total residential water use is for outdoor landscape irrigation (Public Policy Institute 2006). Therefore, the City views higher-density infill development as part of the solution to address the current and future drought situations.

RESPONSE TO COMMENT O6-85

The commenter mentions a revised DEIR, responses to other comment letters, including the letter from Sacramento Modern, and a request to be advised by email of response to comments and future public hearings.

The City has prepared a Final EIR with responses to comments submitted on the DEIR, including the letter from Sacramento Modern. Chapter 3 of the Final EIR identifies all revisions to the DEIR. Comments raised by the commenter do not require recirculation of the DEIR. The City will ensure that the commenter's email address is used for future notifications.

RESPONSE TO COMMENT O6-86

The commenter has attached an arborist report, which identifies the same topics as were also summarized in the rest of Comment O6. The commenter mentions background about the arborist study, tree removal as a part of the proposed project, rooftop trees, and mitigation for tree impacts.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-87

The commenter mentions removal of trees, mitigation, ecosystem services, and the length of time in calculating ecosystem services.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-88

The commenter summarizes the arborist study submitted as a part of Comment O6 and attached to Comment O6.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided. This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT O6-89

The commenter mentions construction-related impacts to trees in general, the landscape plan and mitigation, and soil volume and growing space.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-90

The commenter indicates that the inventory, health assessments, evaluations, and risk assessments performed by Dudek in support of the DEIR are accurate and reliable. The commenter mentions ecosystem benefits, mitigation, and health assessments of trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-91

The commenter mentions grading impacts, tree loss, mitigation, the landscape plan, and construction-related tree protections.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-92

The commenter mentions existing on-site trees and non-City Street Trees and non-Heritage Trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-93

The commenter mentions ecosystem services, the existing tree inventory, and the landscape plan.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.3 for information related to the landscape plan, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-94

The commenter mentions ecosystem benefits, non-City Street Trees and non-Heritage Trees, soil space, the landscape plan, and mitigation.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-95

The commenter mentions structural value and appraised value of trees.

Please see Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-96

The commenter mentions ecosystem benefits, tree impacts, the landscape plan, rooftop trees, and mitigation.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-97

The commenter mentions mitigation and the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-98

The commenter mentions the existing inventory and the appraised value of trees.

Please see Master Response 2.3.2.1 for information related to the existing setting and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-99

The commenter mentions grading impacts.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-100

The commenter mentions grading impacts, space for growing, ecosystem benefits, the landscape plan, and mitigation.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-101

The commenter mentions ecosystem benefits, the landscape plan, and mitigation.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-102

The commenter mentions mitigation and ecosystem benefits.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-103

The commenter mentions the alternatives analysis, rooftop trees, and ecosystem benefits.

Please see Master Response 2.3.7.1 for a discussion of the purpose of alternatives analysis, Master Response 2.3.7.2 for the process used by the City to develop alternatives, and Master Response

2.3.7.4 for a discussion of alternatives analysis, including tree impacts under the alternatives. Please see also Master Response 2.3.2.9 for information related to ecosystem services (benefits) and tree growth calculations and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-104

The commenter mentions tree canopy impacts, ecosystem benefits, mitigation, the landscape plan, and planting space.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services (benefits) and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-105

The commenter mentions introduces recommendations, including those related to mitigation and ecosystem benefits.

Please see Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-106

The commenter mentions the appraised value of trees.

Please see Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-107

The commenter mentions the appraised value of trees and rooftop trees.

Please see Master Response 2.3.12.5 for information related to mitigation of tree-related impacts and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-108

The commenter mentions protection during construction.

Please see Master Response 2.3.2.2 for information related to tree removal, and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts. Mitigation Measure 4.3-2 has been revised to list recommendations set forth in Appendix E to the

Arborist Report rather than to incorporate the recommendations by reference. See also Response to Comment O2-18.

RESPONSE TO COMMENT O6-109

The commenter mentions mitigation, the landscape plan, and non-City Street Trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.12 for information related to non-City Street Trees and non-Heritage trees.

RESPONSE TO COMMENT O6-110

The commenter mentions the City's update to its Tree Preservation Ordinance and tree benefits.

The City's update to the Tree Preservation Ordinance was ongoing during preparation of the DEIR (as noted on page 4.3-17 of the DEIR) and is still ongoing, and therefore the exiting tree preservation policies and Code requirements were used to assess impacts and development mitigation for the proposed project.

RESPONSE TO COMMENT O6-111

The commenter mentions tree impacts, alternatives analysis, and ecosystem benefits.

Please see Master Response 2.3.7.1 for a discussion of the purpose of alternatives analysis, Master Response 2.3.7.2 for the process used by the City to develop alternatives, and Master Response 2.3.7.4 for a discussion of alternatives analysis, including tree impacts under the alternatives. Please see also Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-112

The commenter mentions the reliability of the arborist report that supports the DEIR and that there are unspecified areas of the arborist report that did not seem reasonable.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided. This comment is noted and will be provided to the City Council as part of this FEIR for consideration. Each specific comment in this arborist report, which was attached to Comment O6, has a response in this Final EIR.

RESPONSE TO COMMENT O6-113

The commenter mentions ecosystem benefits.

Please see Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-114

The commenter mentions ecosystem benefits and tree impacts.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-115

The commenter mentions non-City Street Trees and non-Heritage Trees.

Please see Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.12 for information related to non-City Street Trees and non-Heritage trees.

RESPONSE TO COMMENT O6-116

The commenter mentions the landscape plan, mitigation, and ecosystem services.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-117

The commenter mentions tree impacts, the landscape plan, mitigation, and ecosystem services.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-118

The commenter mentions tree impacts, the landscape plan, mitigation, and ecosystem services.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5

for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-119

The commenter provides contact information, assumptions, and limitations used in development of the arborist report that was attached to Comment O6.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided. This comment is noted and will be provided to the City Council as part of this FEIR for consideration. Each specific comment in this arborist report, which was attached to Comment O6, has a response in this Final EIR.

COMMENT LETTER O7 – PRESERVATION SACRAMENTO

Letter O7

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April 24, 2015

Scott Johnson, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

RE: Draft EIR Comments for Sacramento Commons, P14-012

The Board of Directors of Preservation Sacramento urges the City of Sacramento to follow the recommendations of the Preservation Commission and reject the current Sacramento Commons Draft EIR, due to the technical inconsistencies and inadequacy of the EIR, land use issues and inconsistency with the City of Sacramento General Plan, and potential legal liability due to documented inadequacies. O7-1

- The EIR claims in several places that there is somehow debate over the eligibility of the property as a historic resource. There is *no* real controversy over the eligibility of the property. Only the consultant paid by the applicant questions the eligibility of the property, and that consultant's report was found inadequate when reviewed by local, state and national authorities and boards. This places the idea of controversy over its eligibility in the realm of climate change denial, or doctors who claim smoking does not cause cancer; the only ones holding that opinion are those paid to promote that opinion. O7-2
- The property was formally determined eligible for listing in the National Register of Historic Places, and only prevented from listing because of the owner's notarized objection, which prevents listing in the National Register but not a determination of eligibility. It was subsequently listed in the California Register as the result of this determination. It is clearly eligible for the Sacramento Register due to its verified eligibility and the strength of the nominating documents. O7-3
- The Draft Environmental Impact Report (DEIR) explores four project alternatives. Only the "no project" alternative meets the requirements of the City of Sacramento's General Plan, as the rest violate the city's municipal code, Section 17.64.100, prioritizing *preservation of historic resources as a method to sustain and revitalize neighborhoods, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability and urban character.* O7-4
- Because the three project alternatives presented assume any alteration of the property is a negative impact equal to 100% demolition, all three alternatives are technically inadequate as they are all set up to fail. The EIR's conclusion that any new development on the site represents an unavoidable negative impact equal to complete site demolition is clearly false, as many O7-5

Preservation Sacramento - Formerly known as Sacramento Old City Association

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nearby examples of new infill construction alongside historic districts or adjacent to historic buildings (including 700 K Street, R Street WAL, Tapestri Square etc.) demonstrate. As presented, the project alternatives represent *the most perverse possible* interpretation of provision of project alternatives; a deliberate avoidance of alternatives that simultaneously achieve city goals regarding infill housing, historic preservation and retention of existing affordable housing stock. O7-5 cont.

- There are clearly ways to create new housing and infill development within a historic district in ways that meet the Secretary of the Interior's Standards and City of Sacramento guidelines regarding infill in historic neighborhoods, including building on parking lots or the existing parking structure footprint. The developer has not explored any alternatives with this approach. O7-6
- The Preservation Commission's comments on the EIR reflect the failure of the project to follow the city's General Plan regarding historic resources. The city is obligated to consider the effects of proposed projects on historic resources, and Capitol Towers clearly qualifies. This project claims to support one part of the General Plan and city code while clearly violating another. O7-7
- Construction and piledriving activity is a potential negative impact on a nearby historic resource, the Heilbron House. The EIR minimizes the potential effects of piledriving on the historic building but other examples of piledriving near similar historic resources have resulted in negative impacts due to vibration and construction activity. There is no provision for mitigation of potential damage to the Heilbron House as a result of project activity. O7-8
- Completion of the project as proposed violates another element of the city's General Plan, specifically the Housing Element's instructions regarding affordable housing. Demolition of the garden apartments means the loss of 220 reasonably priced apartments that are affordable to working people at market rate, recently restored, currently inhabited and economically viable as they are currently built. The proposed replacement housing is far more expensive, meaning that those displaced by demolition would not be able to afford the new project's rents. Thus approval of this project means a loss of affordable housing in the central city that can only be replaced by later public subsidy in another project. O7-9
- The City of Sacramento's General Plan land use element prioritizes retention of existing affordable housing: see page H ES -3 of the Sacramento 2030 General Plan Housing Element, adopted December 17, 2013: "Recognizing the importance of preserving and maintaining existing housing resources, the City will pursue opportunities for targeted rehabilitation investment. Targets for rehabilitation funding will include properties in distressed neighborhoods with substantial blight; properties in areas with limited new growth potential, but where economic diversity is low; and properties left vacant due to foreclosure. In addition to this targeted strategy, the City will continue to promote the preservation of existing affordable housing citywide." O7-10
- Based on the above criteria, Capitol Towers and Villas as it exists is not blighted and vacant, nor is it located in a part of the city with limited growth potential, as evidenced by the abundance of O7-11

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recent, underway and proposed projects in downtown Sacramento. The property's rents are within affordability thresholds and provide economic diversity to the neighborhood. Thus there is no overriding reason to focus new development on the project site, and construction of the project would actually create greater income inequality in the neighborhood. The speculative nature of the project also creates the potential risk of blight if the project's construction schedule does not match projections and the existing buildings fall into disrepair due to new owners' intent to demolish them for future projects. O7-11 cont.

- The developer has claimed that a fundamental reason for the new project is the density of the existing Capitol Towers site, approximately 44 units per acre, compared to the property's land use category that recommends a density of 60-450 units per acre. But this land use category is not a strict limitation on densities allowed in the site, and is intended as an aggregate of neighborhood density. When the other two properties on the "superblock" are included (500 N Street and Pioneer Tower) the overall density is 59 units per acre. By comparison, the downtown Entertainment & Sports Complex, a similarly sized development project under the same land use category, is planned for a maximum total density of 550 units, or 55 units per acre, and currently only 69 units of housing are planned for the site, less than 7 units per acre. This zoning category also includes office and commercial buildings with no residents. Thus, the existing density of Capitol Towers is not a barrier to its continued existence and viability. O7-12 O7-13 O7-14
- The existing Capitol Towers superblock is consistent with the goals of the city's General Plan to increase central city population, and it is in fact the most densely populated neighborhood in the central city aside from the Main Jail. If the entire central city was populated to the same density as Capitol Towers, it would contain approximately 100,000 people, a threefold increase. Thus, the existing Capitol Towers site already embodies the principles expressed in the General Plan, unlike nearby vacant parking lots. Thus, the project proposed is unnecessary for the site to be consistent with the General Plan. O7-15
- The EIR has chosen not to explore off-site alternatives that would prevent adverse effects of historic resources, despite the project's proximity to multiple large, vacant parcels and lots that contain no historic resources, are also zoned for high residential density, and are adjacent to transit lines. While the lead agency is not required to consider off-site alternatives, failure to do so gives an inaccurate perspective of the project and ignores the city's existing commitment to protecting historic and cultural resources. Several nearby sites where potential off-site projects could be located include the ¾ vacant city block across the street from the site between 7th, 8th, O and P Street, the city block between 3rd, 4th, R and S Street, the city block at 3rd, 4th, L and Capitol, and the projected footprint of the Docks Project west of Front Street along the Sacramento River. All are currently zoned for high density residential development, close to existing or planned transit lines, and currently have no residents. O7-16
- The developer is not a builder, they are a real estate investment trust. They do not plan on being the builder of this property. This proposal is a Planned Unit Development, intended to entitle O7-17

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the land for high-rise use, not a formal development plan to actually construct the buildings. However, there is no long-term requirement for a subsequent purchaser of that land to follow the PUD if they decide that another use is more beneficial to them, they only need to submit a new plan to the city that could ignore this plan entirely by seeking new entitlements. Sacramento Commons is a "flip" of the existing property based on potential future value that sacrifices the existing, occupied, densely populated, well-maintained and economically viable apartment complex on the site so Kennedy Wilson can profit from the speculative future value of the land underneath the buildings. O7-17 cont.

- The city of Sacramento should not repeat mistakes of the redevelopment era, when the central city's population was reduced from 58,000 in 1950 to 28,000 in 1970. This loss of population was primarily due to the deliberate destruction of existing neighborhoods, including recently built and economically viable buildings, in the name of higher-intensity urban development and urban renewal. The net result of redevelopment that indiscriminately destroyed existing housing was an enormous failure, with the notable exception of the project site, Capitol Towers. This site was the one location where high-density, modern, urban and transit-oriented housing was constructed, an award-winning project that is still economically viable in its current form. O7-18

In a city with such an abundance of surface parking lots, vacant lots, vacant office buildings and other opportunity sites already zoned for high density residential housing, there is an abundance of space for high-density residential housing in the urban core without resorting to the unnecessary and wasteful measure of destroying an existing neighborhood that embodies the principles of the General Plan in its current form. The developer must be instructed to return with an alternative plan that either utilizes another site or one that utilizes and enhances opportunity sites within the existing project area, such as building upon its parking lot or parking structure to increase residential density without destroying the existing neighborhood. O7-19

One potential alternative, proposed by Sacramento Modern and other groups, involves siting new mid-rise infill units on the existing Capitol Towers surface parking lots, and/or building a new high-rise tower incorporating an expanded parking structure on the existing Capitol Towers parking structure on 7th Street. This alternative would allow an increase in population density of the existing Capitol Towers superblock while avoiding demolition of the historic resources, whose restoration could be facilitated by use of the NPS Historic Preservation Tax Credit, or, assuming the legislation is passed and signed, the proposed California Historic Rehabilitation Tax Credit. O7-20

William Burg

President, Preservation Sacramento Board of Directors

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Note: The emails below were submitted by members of Preservation Sacramento and the general public in response to the Sacramento Commons project and its Draft EIR. They are submitted below as public comment on the Sacramento Commons EIR.

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Theresa Safley

Email Address: tj_lea@yahoo.com

Phone Number: (916) 670-3400

What do you think about the Sacramento Commons Project?: The Preservation Commission support Capitol Towers listing on the Sacramento Register, and push the Planning Commission to require the developers incorporate the historic buildings and landscape into their new plans. O7-21
The Planning Commission find a more creative solution than demolition and replacement of a viable, fully inhabited complex. Requesting the developer revisit their Capitol Tower plans.
Looking at other sites located nearby including parking and vacant lots and other underutilized locations, as higher priority sites for residential development. O7-22

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Kate Lenox

Email Address: klenox@earthlink.net

Phone Number: (916) 201-0225

What do you think about the Sacramento Commons Project?: The city needs to adhere to the General Plan and protect its cultural resources. We shouldn't lose an historic mid-century development, and people shouldn't lose their homes, so a developer can make more money. O7-23
More likely than not, none of the people who currently live in Capitol Towers will be able to afford to live in the new development. O7-24
The city shouldn't be forcing people out of their homes. Alternates should be sought to preserve the homes, the architecture and the landscaped grounds. O7-25

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Who is your council member?: "District 3 Jeff Harris"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Carrie McGann

Email Address: carriemcgann4re@aol.com

Phone Number: (805) 527-8598

What do you think about the Sacramento Commons Project?: I agree with all of the suggestions listed above by Preservation Sacramento and I oppose demolition of Capitol Towers. Demolition would displace people and gentrify the area. The proposed development would erase an era of Mid-Century Modern design in Sacramento history. Also, Sacramento is the city of trees, the current landscaping with its heritage trees is a perfect example of something Sacramento has long been known for. Please preserve this unique urban oasis. O7-26 O7-27 O7-28

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: dean haakenson

Email Address: dean.haakenson@dbo.ca.gov

Phone Number: () -

What do you think about the Sacramento Commons Project?: I do not want to see efforts at Historic Preservation get in the way of expedient urban infill development, and the construction of the most affordable housing as possible, to make Sacramento a dense city... BUT, I think it is important, and adds lots of asthetic and cultural character to an environment to have old things remain where they are... so, as much as we can do to maintain that balance, yes, please preserve old structures... if for no other reason than to save on the WASTE OF SENDING VIABLE BUILDING MATERIALS TO REFUSE O7-29 O7-30 O7-31 O7-32

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Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Karen Jacques

Email Address: threegables@macnexus.org

Phone Number: (916) 452-2631

What do you think about the Sacramento Commons Project?: I think that it is completely inappropriate to demolish Capitol Towers, a much loved, well maintained historic neighborhood that is on the California Register and has been deemed eligible for the national register in the name of greater density or any other alleged benefit. It should be noted that at 58.5 dwelling units per acre, Capitol Towers is currently has the greatest residential density of any blocks in the CBD and that there are many blocks and parcels where high residential density can be achieved without destroying an historic resource. O7-33 O7-34

I also think that we cannot afford to lose the 198 trees, including four heritage trees, that would be destroyed. Trees absorb carbon dioxide, help clean our filthy air and provide badly needed shade. While new trees are proposed to replace those removed, there is no guarantee that any of them will ever be planted and, even if they are, many will not survive our increasingly hot summers and many will be planted on top of podiums and will, therefore, be small ornamentals. O7-35

The garden apartments, all of which are proposed for demolition provide housing that is much more affordable than any of the proposed new market rate housing and we, therefore cannot afford their loss. They are excellent rental choices for families and, if we are to reduce the number of people who commute to the Central City for work, we need to have housing that attracts families. O7-36

The applicant is a real estate investment trust, not a developer. Its' goal is to make money by getting entitlements and then sel off parcels. Because of this, there is no guarantee that Sacramento Commons will ever be built as proposed or that, in the end, there will be any coherency in design or landscaping between what different developers build. In this volatile economy, where many city residents have still not recovered from the economic crash, there may not even be a market for all the high end apartments and condos proposed. O7-37

In conclusion, I fear that, if Sacramento Commons is approved, we will lose an important historic resource and end up with a partially built-out super block that lacks the coherency and sense of place that the current super block has. Cities that aspire to be world class don't demolish significant historic resources. They take pride in them and they retain them. O7-38

Who is your council member?: "District 4 Steve Hansen"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Jennifer Stanley

Email Address: stansylph@aol.com

Phone Number: (916) 456-6538

What do you think about the Sacramento Commons Project?: SAFE Capitol Towers! All of it, Trees, Tower, Garden Apts.! This is already a great community in downtown! There are several locations in the area that are vacant and could be utilized as infill projects. It makes no sense to uproot an existing housing and a thriving community. O7-39

Who is your council member?: "District 3 Jeff Harris"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Stephanie Goodner

Email Address: sgoodner@gmail.com

Phone Number: () -

What do you think about the Sacramento Commons Project?: I think it disregards what the people want and what has already been promised. There is plenty of history and culture here that should be preserved, not destroyed. O7-40

Who is your council member?: "District 4 Steve Hansen"

(Sent via Preservation Sacramento)

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Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Pati Brown

Email Address: patijane@gmail.com

Phone Number: (916) 718-1665

What do you think about the Sacramento Commons Project?: As the former tourism communications director of Palm Springs, a bastion of architectural heritage and preservation, I searched out a Modern apt complex that was architecturally unique and sustainable when I moved to Sacramento in 2001. When I moved into Capital Towers, the 13th floor (yes, lucky 13), the complex was a rare gem. Construction allowed for a sustainable urban living experience beyond what could be found elsewhere in the city . My car was used infrequently due to a grocer, a dry cleaner, a pub, a restaurant and hair salon being on-site. The entire complex provided a unique sustainable urban living environment. O7-41 The rediscovery of Modernist architecture in Palm Springs has revitalized it, making it a tourist mecca for those loving good design. Festivals (Modernist week) have emerged, real estate grown in value. Let Sacramento be more than just 1800's buildings and bungalows. Preserve the urban setting of Capitol Towers en situ as an mid-century example of sustainable living from respected architects and landscape designers of their time. It is a wonderful architectural layer in the city that should not be lost. O7-42
Pati Brown, former Director of Marketing & Planning, Capital District State Museums and Historic Parks.

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Dale Kooyman

Email Address: kooyman801@gmail.com

Phone Number: (916) 443-5543

What do you think about the Sacramento Commons Project?: This project should not be approved as proposed. This is very poor planning but typical of small town Sacramento mentality wanting to be perceived as big city. This is a classic example of old old greedy thinking disregarding needs of its residents and thinking only of the developer adding tremendous amounts of money to his own pocket. O7-43

Is far too much "building" for this small park-like area at a time when modern building concepts promote central cities needing such green spaces. There is no logical reason to remove all these trees. It will add to pollution of the central city which is already the most polluted of the city and greater area. Further it will degrade the health of those children and adults who whole live there now and are expected to move there. IT will raise the temperature of the area and require use of more energy to air-condition all residential units. O7-44 O7-45 O7-46 O7-47

Studies have shown that persons who can view trees from their windows live healthier lives and recover from illnesses and post surgery faster than those who remain in cold isolated areas with no view of nature. O7-48

Much better places to build these kind of high-rises are along transit lines like the downtown plaza where they can just walk downstairs to go to, shop in various boutiques in the Plaza, walk a few feet to the Arena; along J Street in the block where the Scandinavian furniture store used to be(large enough to replace the troublesome liquor store) on the SW corner diagonally across from Chavez Park; K Street just west of the cathedral , eat/drink in restaurants and buy groceries in grocery markets where they won't need to incur the expense of owning cars—like the Golden Gateway Project I lived in in SF. That is City Living not this proposal. O7-49

Who is your council member?: "District 4 Steve Hansen"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 15 (7 days ago)

to me

Name: Richard Herrera

Email Address: rherreralucero@yahoo.com

Phone Number: (916) 519-1200

What do you think about the Sacramento Commons Project?: Like many of us SacMod members & supporters of preservating of historic bldgs., they should be saved & preserved for future generations of Sacramentans, tourists & new comers.
We have lost & are currently losing many midcentury structures rapidly in the Sacramento Region. Sacramento if it wants to be a World Class City it needs to save its historic bldgs particularly its major midcentury structures such as the Capital Towers & the Century Theater Dome Complexes in the Arden-Acade neighborhood-section which I am currently working on to save them. If anybody as questions or suggestion I can be contacted at 916.519.1200 or email: rherreralucero@yahoo.com
Thank you, Richard Herrera. O7-50

Who is your council member?: "District 5 Jay Schenirer"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Randi Kay Stephens

Email Address: randikaystephens@gmail.com

Phone Number: (916) 267-5710

What do you think about the Sacramento Commons Project?: I think the current use is more appropriate for the area. O7-51

Who is your councilman?: "District 4 Steve Hansen"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Kylie jackson

Email Address: stormy1995@gmail.com

Phone Number: () -

What do you think about the Sacramento Commons Project?: .

Who is your council member?: "Not sure, but I live in the city limits"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

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Name: Paula Boghosian

Email Address: historicconsultants1977@gmail.com

Phone Number: (916) 488-

What do you think about the Sacramento Commons Project?: The project should not be allowed. The proposed project is just designed to elevate the value of the property which will then be sold at an elevated price - and we'll start all over. O7-52

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Susie LaPointe

Email Address: bearwme@surewest.net

Phone Number: (916) 718-2512

What do you think about the Sacramento Commons Project?: Please don't destroy our history! Capitol Towers is still serving a very good purpose in downtown. Not everything has to be "Kings New". O7-53

Who is your council member?: "District 3 Jeff Harris"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Laura west

Email Address: junk@fathers.com

Phone Number: (916) 441-4453

What do you think about the Sacramento Commons Project?: I think it and all the art work should stay! O7-54

Who is your council member?: "District 4 Steve Hansen"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Linda dishman

Email Address: linda@dishman.com

Phone Number: (323) 662-9945

What do you think about the Sacramento Commons Project?: The City should require the developer to look at preservation alternatives. This is an important historic resource and should be saved. I grew up in Sacramento and believe that it's Post-War architecture tells a really important story. O7-55

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Emily Elders Balestrini

Email Address: emily@balestrini.net

Phone Number: (916) 532-9196

What do you think about the Sacramento Commons Project?: Capitol Towers provides a significant link between the middle of the last century and the time we're in now. Simple, graceful, useful structures. O7-56
Please do not demolish them to build something shoddy, ugly, contemporary, without character, and unaffordable. O7-57

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Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Sarah singleton

Email Address: sarahbell_us@yahoo.com

Phone Number: (916) 479-3227

What do you think about the Sacramento Commons Project?: please save the original Sacramento Commons. There are plenty of empty lots and other places where new construction for homes would be welcomed. Leave this gem and its residents alone. O7-58
The buildings, the trees, the sculptural wall are all a big part of why downtown is cool--diversity, greenery and artistic vision. O7-59

Who is your council member?: "District 5 Jay Schenirer"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Carmela Ruby

Email Address: books.ruby@sbcglobal.net

Phone Number: (916) 453-1174

What do you think about the Sacramento Commons Project?: I oppose it as one more imposition on downtown-river neighborhood that betrays its history. O7-60
The City Council should for once challenge development for profit that has cost us taxpayers plenty. Development that causes density is not grace. O7-61

Who is your councilman?: "District 3 Jeff Harris"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Kathy Les

Email Address: kathy.les321@gmail.com

Phone Number: () -

What do you think about the Sacramento Commons Project?: I wish to see the historic integrity of the buildings and landscaping kept intact. I also wish to see the buildings listed on the Sacramento Register so that all future remodeling will be subject to historic review. O7-62

Who is your councilman?: "District 5 Jay Schenirer"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Louise Mehler

Email Address: lmehler247@gmail.com

Phone Number: (916) 456-4876

What do you think about the Sacramento Commons Project?: Contrary to the intent of the sponsoring organization, I am not inherently outraged by the proposal to replace Capitol Towers with denser development. Some issues do need to be addressed with care, though. Most importantly, current residents need to be treated with respect and consideration. Someone should also investigate whether the existing layout provides significant services (e.g. green space) to the surrounding community. (A resident of Pioneer Towers claimed to depend on this, leading to the thought that Pioneer Towers provides an example of the sort of development we do not want--featureless storage space for humans, offering no amenities to area residents.) Contribution to convenience and comfort for everyone in the neighborhood should be an important design consideration for any project. O7-63 O7-64

PRESERVATION
SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Nancy Olsen

Email Address: nanucktucktuck@gmail.com

Phone Number: (916) 718-2584

What do you think about the Sacramento Commons Project?: Hello City Planners:

Having (reluctantly) moved to Sacramento from Los Angeles, I have become a MAJOR city booster! The easy lifestyle, quaint Midtown, beautiful nearby neighborhoods, wonderful local restaurants: there is so much to admire about my adopted home!

And a large part of what makes this such a lovely city is its historic buildings. Lose those, and a good part of the city's charm is lost as well. Let's take a note from other cities that have maintained older structures and, with them, the beauty of historic architecture. The Capitol Towers, in particular, represent the VERY HIP mid-century modern that so many are now looking to inhabit. O7-65

In the '60s and '70s, Sacramento razed so many of its stately Victorians; let's not make the mistake of tearing down more of our city's fantastic landmarks.

With respect,

Nancy Olsen, PhD
Language and Literature Division
Sacramento City College

Who is your councilman?: "District 4 Steve Hansen"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 14 (8 days ago)

to me

Name: Melissa Mourkas

Email Address: mmourkas@mac.com

Phone Number: (916) 508-0755

PRESERVATION
SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

What do you think about the Sacramento Commons Project?: Mid-century Sacramento landmark Capitol Towers is threatened by a development project that could easily be located on one of several nearby vacant sites instead of a fully occupied, densely populated, economically viable architectural landmark.This historic neighborhood is the product of some the leading designers of its time and has stood the test of time remarkably well. I believe the Preservation Commission should recommend to City Council to list Capitol Towers on the Sacramento Register as an historic district. The Planning Commission should recognize the intrinsic value of an historic district listed on the California Register of Historic Places and send this poorly considered proposal back to the drawing board. Capitol Towers and Garden Apartments already meets sustainability and transit-friendly goals of the General Plan. The Sacramento Commons project, on the other hand, is in direct conflict with the following Land Use Goals: Goal LU 2.1: City of Neighborhoods:Policy LU 2.1.2-Protect Established Neighborhoods; LU 2.4 City of Distinct and Memorable Places: Policy 2.4.1: Unique Sense of Place and Policy 2.4.2 Responsiveness to Context. Policy CC.HCR 1.1 Preservation, "The City shall support programs for the preservation of historically and architecturally significant structures which are important to the unique character of the Central City". Capitol Towers and Garden Apartments already embodies each of those goals and policies of the General Plan. Capitol Towers and Garden Apartments should be preserved and celebrated for what it has provided for this city. O7-66

Who is your councilman?: "District 6 Eric Guerra"

(Sent via Preservation Sacramento)

Squarespace <no-reply@squarespace.com> Apr 16 (6 days ago)

to me

Name: Margaret Buss

Email Address: bussmlou@gmail.com

Phone Number: (916) 448-6246

What do you think about the Sacramento Commons Project?: I am distressed that the city would permit a project that would destroy essential features of this National-Register eligible property, a rare example of collaboration amongst some of the giants of mid-century modern architecture: Wurster, Bernardi, & Emmons, Lawrence Halprin, and Overhoff. The landscape and the architecture work as a group. However, good the design of the new project, to break them up and take away key elements would be akin to putting a modern apartment house in the middle of the Old Sacramento National Register District or the grounds of the Memorial Auditorium or Capitol Park. It would destroy a unique resource for the sake of a new development that could be placed elsewhere and might, in fact, be a better location. I strongly urge you to ask the developer to consider other sites. The Commons project could be a wonderful complement to Capitol Towers, doubling the vibrant infill. Thank you for your consideration. O7-67 O7-68

Who is your council member?: "District 3 Jeff Harris"

RESPONSE TO COMMENT O7-1

The commenter urges the City to reject the DEIR due to alleged inconsistencies and inadequacies.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The DEIR proposes mitigation measures and alternatives that may reduce or avoid the significance of such adverse impacts. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact. Please see Master Response 2.3.4.2 and 2.3.4.5 for responses related to historic resources impacts and General Plan consistency.

RESPONSE TO COMMENT O7-2

The commenter references the DEIR's reference to assessments relative to the historic status of the project site early in the environmental document's scoping, prior to the release of the DEIR.

The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes. The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. Please see Master Response 2.3.4.3 regarding the timing related to evaluating the property as an historical resource for CEQA purposes as discussed in the DEIR.

RESPONSE TO COMMENT O7-3

The commenter references the historic status of the project site.

The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes.

RESPONSE TO COMMENT O7-4

The commenter discusses EIR alternatives and asserts lack of consistency with the General Plan and City Code related to historic resources.

See Master Response 2.3.4.5 relative to General Plan consistency related to various goals and policies of a General Plan. Neither the proposed project nor the project alternatives are inconsistent with Chapter 17.604 (Historic Preservation) of the City's Planning and Development Code. Chapter 17.604 recognizes the value of historic resources and benefits of preservation and rehabilitation of historic

resources. (See, e.g. City Code, Sec. 17.604.100). However, Chapter 17.604 also addresses proposed demolition or relocation of buildings or structures that are 50 years old or older. Furthermore, the City Code expressly provides for a process that could allow the appropriate City decision-maker (here the City Council), when specified findings can be made, to approve proposed development projects located in an historic district or involving a landmark (as defined in the City Code) that would require demolition of a landmark or contributing resource. (See City Code, Sec. 17.808.180(A)(2)).

RESPONSE TO COMMENT O7-5

The commenter references the adequacy of alternatives analysis related to reduction of impacts.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, and Master Response 2.3.7.4 for an analysis of impacts of the alternatives.

RESPONSE TO COMMENT O7-6

The commenter references additional alternatives ideas.

Please see Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements on alternatives. Please see Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, including discussion of an alternative that would allow new development in existing parking areas or the site of the existing parking structure as suggested by commenter.

RESPONSE TO COMMENT O7-7

The commenter suggests that the project is inconsistent with City preservation policies.

Please see Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan and related policy considerations.

RESPONSE TO COMMENT O7-8

The commenter claims that the DEIR does not analyze vibration impacts on the Heilbron House.

Please see Section 4.9 of the DEIR, which specifically discusses and analyzes vibration impacts related to the Heilbron House. The historic Heilbron House located at 704 O Street, is approximately 100 feet east of the project site. The Capitol Towers building, which was constructed in 1966, is located approximately 60 feet from the nearest construction site, as measured from the closest point. The historic Heilbron House located at 704 O Street is located approximately 100 feet east of the

construction site. As indicated in Table 4.9-12 and Table 4.9-13 (pages 4.9-20 and 4.9-21 of the DEIR), the estimated vibration levels at this location is anticipated to be below the significance threshold of 0.2 in/sec PPV, even with the use of the worst-case approach to pile installation (impact) at the upper (not typical) range. No mitigation is required for potential impacts that are less than significant. (See CEQA Guidelines, § 15126.4, subd. (a)(3)). However, Mitigation Measure 4.9-3b identifies methods to reduce vibration impacts and incorporation of this mitigation have the benefit of further reducing vibration from project construction.

RESPONSE TO COMMENT O7-9

The commenter discusses housing affordability.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. Chapter 3 of the EIR, however, provides an analysis of housing in the Central City area, including housing cost. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O7-10

The commenter identifies a General Plan policy related to affordable housing.

Chapter 3 of the EIR provides an analysis of housing in the Central City area, including housing cost. Please see Master Response 2.3.4.5 regarding consistency with the General Plan. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The proposed project is not inconsistent with the City's Housing Element Strategy to rehabilitate and preserve existing housing. This strategy concerns the City's intent to provide rehabilitation investment funding to properties in distressed neighborhoods with substantial blight and to promote preservation of existing affordable housing. The proposed project is not seeking rehabilitation investment funding, the project site includes market rate housing, and the proposed project would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy to shift towards an infill focus. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment…" Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O7-11

The commenter references income inequality and disrepair.

Please see Response to Comment O7-10, above and Master Response 2.3.6.1 in relation to economic feasibility. Additionally, the project applicant has an economic incentive to maintain and lease existing residential units until demolition is necessary for project construction. Therefore, if the proposed project

is approved, no evidence suggests the project applicant would stop maintaining existing residential units on-site. Please see Section 2.7 of the EIR, which describes the proposed phasing of demolition and construction of the project (DEIR pages 2-22 through 2-24). Similarly, project construction will not result in blight or urban decay in the surrounding neighborhood. Construction activities are common in an urban setting and no evidence suggests residential or commercial properties surrounding the site would become unmarketable as a result of project construction. CEQA does not require an EIR to evaluate every asserted "possibility," and the mere possibility of an unintended consequence does not constitute a "legal or factual basis" to conclude an EIR is deficient. (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 222; see also *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145). Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O7-12

The commenter references the density of the existing project site.

Pursuant to the 2030 and 2035 General Plans, density is evaluated in consideration of all parcels included in a proposed project. (See, e.g., 2035 General Plan, LU 2.1.4). The 500 N Street and Pioneer Towers parcels are not included in the proposed project. Including only parcels included in the proposed project, the current density of the project site is approximately 40 units per acre. Even if the density of 500 N Street and Pioneer Towers are considered, the superblock falls below the minimum residential density contemplated in the 2030 and 2035 General Plans of 61 units per acre. Commenter is correct that the General Plan density range of 61 to 450 units per acre does not require the City to approve additional density on the project site. However, the existing density on the project site and on the superblock constitute relevant planning consideration for the City in evaluating the need for and merits of the proposed project. Please see Master Response 2.3.11 in relation to density. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment…"

RESPONSE TO COMMENT O7-13

The commenter references the density of the existing project site and adjacent properties.

See Response to Comment O7-12. The project does not involve the City's determination of consistency with density requirements for parcels that are not a part of this proposed development project. Please see Master Response 2.3.11 in relation to density.

RESPONSE TO COMMENT O7-14

The commenter references the density of development in the vicinity of the project site.

Please see Response to Comment O7-13, above, as well as Chapter 3 of the EIR, which provides an analysis of housing in the Central City area. Please see Master Response 2.3.4.5 regarding consistency with the General Plan. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment…" Please see Master Response 2.3.11 in relation to density.

RESPONSE TO COMMENT O7-15

The commenter references the density of development in the vicinity of the project site.

Please see Master Response 2.3.11 in relation to density. Chapter 3 of the EIR provides an analysis of housing in the Central City area. Please see Master Response 2.3.4.5 regarding consistency with the General Plan. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment…"

RESPONSE TO COMMENT O7-16

The commenter suggests off-site alternatives be explored.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, and Master Response 2.3.7.5 for information on consideration of off-site alternatives.

RESPONSE TO COMMENT O7-17

The commenter describes the types of entitlements sought in this application.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and is provided here for City Council consideration.

RESPONSE TO COMMENT O7-18

The commenter references actions by the City of Sacramento from 1950-1970 relative to loss of population in the central city.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, the comment is noted, and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT O7-19

The commenter suggests that there are other sites that could accommodate the project, or provide an alternative plan enhancing density on the proposed project site.

Please refer to Master Response 2.3.7.5 for information on consideration of off-site alternatives and Master Response 2.3.7.6 for information on consideration of additional on-site alternatives.

RESPONSE TO COMMENT O7-20

The commenter suggests an on-site alternative that builds new residential units on existing parking lots or site of existing parking garage.

Please refer to Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O7-21 THROUGH 68

The commenter has compiled a number of form email messages that were sent to Preservation Sacramento and have been re-submitted by the commenter as comments on the project and EIR. These comments largely reiterate topics raised in Comments O7-1 through O7-20 above, and mention the historic status of the site, the need for additional alternatives, affordability of housing, historic architecture and landscaping, the loss of trees and tree canopy, aesthetics, construction and demolition waste, density of existing development, heat island effect, the loss of green space, and consistency with the General Plan.

Please see Master Response 2.3.4.1 for information on historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of the project's historic resources impacts, Master Response 2.3.4.3 regarding disagreement among experts in an EIR, Master Response 2.3.4.4 for additional mitigation considered for historic resources impacts, Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan and related policy considerations.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an

alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements on alternatives.

Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

The 2013 CALGreen Code (Title 24, Part 11 of the California Code of Regulations) requires all construction contractors to reduce construction waste and demolition debris by 50%. Existing City regulations require all contractors to comply with the Construction and Demolition Debris Recycling Ordinance (Title 8, Chapter 8.124 of the Sacramento City Code) by reducing project waste entering landfill facilities by 50% by weight through recycling.

Please see Master Response 2.3.11 for information related to density of development. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

Please see Appendix B of the DEIR, which details urban heat islands and heat island effects (DEIR, Appendix B, pages 3.3-12 and 3.3-13). The California Attorney General, in its guidance on how to address heat island effects through general plan and other policies (The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level), recommends the adoption of a heat island mitigation plan, which could include requirements for cool roofs, cool pavements, and strategically placed shade trees. According the Attorney General's guidance, darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas. The City's General Plan includes policies and implementation programs that implement the recommendations included in the Attorney General's guidance and directly and indirectly address urban heat islands. See DEIR, Appendix B, pages 3.3-12 and 3.3-13, describing how the proposed project would comply with the heat island strategies directed by the General Plan and Central City Urban Design Guidelines. The proposed project would result in a

substantial reduction in the existing quantity of darker colored roofs located on-site, since “cool” (lighter colored) roofs are a part of the prescriptive requirements of California's energy code, the Title 24 Building Energy Efficiency Standards (CEC 2015). Cool roofs reduce the need for air conditioning and the urban heat island effect (CEC 2015). The project would also remove existing surface parking lots, and would incorporate project features that further ensure, as compared to existing conditions, that the proposed project would result in no impact with respect to urban heat islands.

See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy. As discussed in the DEIR (see Section 4.10 in particular), there are City parks and other publicly accessible parks and urban open spaces located near the project site. To determine potential impacts to parks and recreational facilities, the DEIR considers relevant regulatory requirements of the City Code and General Plan for parkland requirements, parkland dedication requirements, and in-lieu fee requirements, based on the number of new dwelling units and residents that could be accommodated by implementation of the proposed project. To address parkland impacts caused by projects that generate additional resident and employee populations within the City, the Sacramento City Code provides standards and formulas for the dedication of parkland and payment of in-lieu fees (Title 16, Chapter 16.64), and imposes a park development impact fee on new projects within the City (Title 18, Chapter 18.44) for both residential and non-residential development. The proposed project will comply with its Parkland Dedication Requirement. The Sacramento Central City Urban Design Guidelines includes requirements to implement the 2030 General Plan and PRMP for small public spaces. According to the guidelines, new development should provide a range of open space types for its users and visitors, that are open to the street or public right-of-way and accessible to all citizens; and include hard and soft landscaping, areas for sun and shade, benches, and water features, where appropriate. The proposed project provides a number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space. Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or

accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

Please see Master Response 2.3.4.5 for information related to General Plan consistency.

COMMENT LETTER O8 –SACRAMENTO MODERN

Letter O8

April 20, 2015

Submitted via e-mail
Scott Johnson, Associate Planner
City of Sacramento Community Development Dept.
Environmental Planning Services
300 Richards Blvd., 3rd Floor
Sacramento, CA 95881
E-mail: srjohnson@cityofsacramento.org

Re: Draft Environmental Impact Report for the Sacramento Commons Project (P14-012) (SCH#2014042032)

Dear Mr. Johnson:

On behalf of Sacramento Modern (SacMod), thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Sacramento Commons Project (Sacramento Commons). O8-1

SacMod is a 501(c)(3) non-profit organization founded in 2010; we are dedicated to preserving modern art, architecture, and design in the Sacramento region. We do this by conducting home tours, bike tours, walking tours, film screenings, preservation campaigns, researching, writing, and educating the public about modernism. O8-2

Capitol Towers is a historic district pursuant to Federal and State law. Since the Notice of Preparation for Sacramento Commons in September 2014, Capitol Towers Historic District has been formally determined eligible to be listed on the National Register of Historic Places and is on the California Register of Historical Resources. The City of Sacramento Preservation determined it should be a landmark and voted in favor of placing it on the Sacramento Register of Historic and Cultural Resources. O8-3

Capitol Towers Historic District was built from 1959 to 1965. The award-winning original design for this rare and intact mid-20th century established community includes the interplay of high-rises, individual low-rise garden apartments, green spaces, recreational O8-4

A 501(c)(3) non-profit organization dedicated to promoting, preserving and protecting modern art, architecture and design in the Sacramento region.
Gretchen Steinberg 4910 South Land Park Drive, Sacramento, CA 95822
gretchen@SacMod.org
SacMod.org

areas, and car-free bicycle and pedestrian areas. It is an urban oasis and early example of mixed-use development in the heart of downtown Sacramento. O8-4 cont.

Capitol Towers has been acclaimed for its thoughtful and people-oriented design and planning features from conception through completion. It was the first redevelopment project constructed by many of its talented design team that included Wurster, Bernardi, and Emmons, Edward Larrabee Barnes, DeMars & Reay, and Lawrence Halprin, and reflects their social and aesthetic philosophies. In particular, Capitol Towers embodies the design and planning approach of Wurster, Bernardi, and Emmons applied to a large urban property, and is considered by Lawrence Halprin to be his first urban plaza. O8-5

But Capitol Towers Historic District is more than a collection of low-rises, a high-rise, trees, landscaping, and the sculptural wall. It is more than the impressive list of master architects and the designers involved in making it. It is a beautiful and intact neighborhood that continues to be successful even 50 years after it was completed. It includes open, park-like green spaces and gathering places. It is a historic district worth preserving for future generations to experience and enjoy. The neighborhood is already one of the most densely populated residential areas in downtown Sacramento. O8-6

Sacramento Commons disingenuously and incorrectly identities itself as a "sustainable communities project" while eviscerating Capitol Towers Historic District. The proposed project as described in the DEIR violates local, state, and federal public policies and needlessly exposes taxpayers to litigation arising out of these violations. O8-7 O8-8

Furthermore, the cornerstone of Sacramento Commons DEIR relies on Sacramento Area Council of Government (SACOG)'s "Consistency Determination" letter — which fails to take into account the historical resources on site and pre-dates the formal finding that Capitol Towers has been determined eligible to be listed as a historic district on the National Register of Historic Places and is listed on the California Register of Historical Resources. O8-9

Sacramento Commons uses greenwashing to sell the wrong product in the wrong place. The Applicant, Kennedy Wilson, is unlikely to deliver the currently proposed project after receiving entitlements and flipping the properties pursuant to its track record. O8-10

Capitol Towers Historic District is a thriving, vibrant, established community that already embodies the standards, principles, and intentions that Sacramento Commons seeks to achieve. The buildings are inhabited, recently rehabilitated, and fully economically viable. O8-11

The items set forth in the DEIR for Sacramento Commons *must* be considered in light of the neighborhood's historical status. Sacramento Commons' planned demolition and redesign of the historic district will have devastating impacts on numerous levels that *CAN and SHOULD be avoided*. O8-12

Capitol Towers Historic District and neighborhood's density units per acre, according to our calculations, is 59.8. This is remarkably close to complying with the Central Business District minimum density of 61 units pursuant to the 2030 General Plan that is intended for *new* developments. As a matter of fact, Capitol Towers Historic District and neighborhood is *already* one of the densest areas of downtown Sacramento, second only to Sacramento County Jail, according to U.S. Census data. Sacramento Commons seeks to shoehorn more density in an area that essentially conforms with the 2030 General Plan. O8-13

Capitol Towers Historic District already meets or can accommodate Sacramento Commons DEIR's project objectives without demolition. In particular, the project objective of adding further density can be achieved on site *without* harming the majority of historical resources. Wedging more density by destroying viable housing stock in a historic district does not make sense. Why would the City be in favor of destroying the second most densely populated area in downtown Sacramento? O8-14

Furthermore:

1) there are dozens of other projects that have received entitlements by the City that achieve the City's goal of density. SacMod counted a total of at least 26,146 new or entitled units in or close to Central City and another 21,946 units nearby in Natomas, South Sacramento, and West Sacramento;
2) there are other more suitable sites — that do not contain an established historic district and park neighborhood — that would benefit from such development. O8-15

For instance, "The Docks" area would be an ideal location for Sacramento Commons due to its proximity to the waterfront and the proposed streetcar line. O8-16

Sacramento Commons DEIR's version of mitigation — retaining the existing Tower, relocating the sculptural wall and recordation with various interpretive plaques and exhibits after the demise of Capitol Towers Historic District — is insufficient. This very type of mitigation has been successfully challenged in court. "'Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers.'" *Architectural Heritage Association v. County of Monterey*, 122 Cal.App.4th 1095, 1119 (2004), quoting from *League for Protection of Oakland's etc. Historic Resources v. City of Oakland*, 52 Cal.App.4th 896, 909 (1997). The gross inadequacy of the Applicant's proposed mitigation here is perhaps best stated in *Architectural Heritage Association*, supra, 122 Cal.App.4th at 1119: O8-17

> "As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level."

Simply put, Applicant does not seek to mitigate negative impacts on a historic district, it eradicates any sense of community, neighborhood, or civic pride. It destroys a uniquely "Sacramento" style of city living that continues to serve as the model for an urban core. O8-17 cont.

According to CEQA law — as it *correctly* applies to Sacramento Commons — project alternatives *MUST* be carefully examined. During the CEQA process it is incumbent upon the City to provide the necessary leadership, guidance, and commitment to ensure that CEQA law is upheld. Design problems warrant design solutions. Preservation *and progress* can be achieved at the same time through compromise and ingenuity. O8-18

Background

Kennedy Wilson (KW / Applicant), a real estate investment services company, purchased Capitol Towers around May 2012. In December 2013, KW presented their plans to demolish and rebuild parts of the neighborhood. KW hired agents, including AECOM (Architecture, Engineering, Consulting, Operations, and Maintenance) to assist with the entitlement process. O8-19

On February 18, 2014, SacMod board members attended a public meeting during which representatives from KW and AECOM discussed their proposed plans to develop the Capitol Towers neighborhood into "Sacramento Commons." During this meeting, KW refused to have a meaningful dialogue with residents of the neighborhood and community about their concerns, which included a clear advisement on the existence of historical resources from members of the preservation community. O8-20

KW's perfunctory meetings to announce the Sacramento Commons project without allowing for meaningful input and dialogue has resulted in opposition from neighborhood residents and the preservation community. O8-21

In the following months, KW and its agents have continued to misinterpret and abuse CEQA law in an effort to dismiss and deny that Capitol Towers contains historical resources. O8-22

SacMod is opposed to the specific proposed actions listed in the March 2015 DEIR and Draft Planned Unit Development (PUD) Guidelines to:

- demolish the historical low-rise apartments and the majority of the established tree canopy;
- re-zone the historic district;
- chop the historic district into six smaller and separate parcels;
- relocate the historical sculptural wall by artist Jacques Overhoff; and
- significantly alter the historical high-rise's appearance.

O8-23

Despite unanimous validation from the Keeper of the National Register, the California State Historical Resources Commission, and the City's Preservation Commission and O8-24

Director, Sacramento Commons' DEIR refuses to fully acknowledge Capitol Towers Historic District, citing that "experts disagree."

Of note, the only voice of disagreement is a discredited historical analysis — by the Applicant's hired historical consultant. O8-24 cont.

In fact, the proposed Sacramento Commons project will:

- destroy a highly successful established community and model for livable downtown housing that is densely populated, high-occupancy, and has been mixed-use for over 50 years. Applicant has a demonstrated track record of flipping properties and virtually no demonstrated track record of development. O8-25

- displace hundreds of middle income renters in favor of higher income renters, forcing them to the suburbs and facilitating longer commutes. This paradoxically will result in a net increase in greenhouse gasses, not a decrease as the project's proponents claim. O8-26

- negatively impact the quality of life for seniors and persons with disabilities who live in adjacent buildings in the neighborhood. O8-27

- destroy the majority of the property's urban tree canopy of old growth trees which is critical for the health and well-being of all city residents and visitors. These trees are a vital contributor to cooling Downtown's microclimate and help remove pollution. O8-28

In essence, Sacramento Commons decimates Capitol Towers Historic District — an established park neighborhood and successful pedestrian / bicycle-friendly mixed-use residential community. Capitol Towers Historic District's award-winning design includes large open vistas and park-like green spaces / gathering places — unlike what is being proposed by Sacramento Commons. Of note, most of Sacramento Commons' purported improvements and amenities already exist in Capitol Towers Historic District or can be easily added without wasteful and needless demolition. O8-29

Alternatives that respect the District's historical resources *MUST* be considered. O8-30

Capitol Towers Historic District is eligible for and should receive recognition by the City of Sacramento City Council as a local landmark by placing the district on the Sacramento Register of Historic and Cultural Resources so that it obtains the proper stewardship it merits. O8-31

Capitol Towers Historic District's Status Has Been Firmly Established at Local, State, and Federal Levels — and Among National Experts

Even though DEIR 4.4-17 states "While disagreement exists between historical experts concerning the historical value of the project site," there is overwhelming evidence of consensus and agreement among numerous experts that Capitol Towers is a historic district. In fact, there is unanimous validation among experts at local, state, and federal levels — and among national experts and organizations — as demonstrated below:

1) On August 20, 2014, the analysis within the evaluation by Applicant's historical expert JRP Historical Consulting, LLC, was unanimously and vociferously discredited by architects and professional historic preservationists during testimony at the City of Sacramento's Preservation Commission.

2) On October 16, 2014, the City of Sacramento's Preservation Commission wrote a letter to Mayor Kevin Johnson that stated: "After reviewing the nomination and hearing public testimony, the Commission voted unanimously to send a letter in support of the nomination of Capitol Towers for listing in the National Register of Historic Places."

3) On November 7, 2014, the California State Historical Resources Commission unanimously determined that Capitol Towers is eligible to be listed on the National Register and forwarded their findings to the Keeper of the National Register. O8-32

4) On December 31, 2014, the Keeper of the National Register determined that Capitol Towers was eligible for the National Register of Historic Places (National Register).

5) On January 16, 2015, California State Historic Preservation Officer Carol Roland-Nawi wrote: "As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations."

6) On February 19, 2015, the City of Sacramento's Preservation Director: "held a public hearing, reviewed the nomination application submittal materials, took public comments, and:

   - "made a preliminary determination regarding the eligibility of the resources, concurring with the nomination proposal, that Capitol Towers is eligible for listing in the Sacramento Register as a Historic District, including the proposed Contributing Resources;
   - nominated the Capitol Towers as a Historic District including its' Contributing Resources for listing in the Sacramento Register, to be forwarded to the Preservation Commission for its consideration and recommendation to the City Council;

- made recommendations, to be forwarded to the Preservation Commission, regarding the significant features or characteristics of the nominated resources; and,
- forwarded the nomination to the Preservation Commission for its consideration and recommendation to the City Council on the nominated historic district, contributing resources, and features and characteristics, for listing in the Sacramento Register…."

7) On April 15, 2015, the City of Sacramento Preservation Commission:

- determined Capitol Towers Historic District should be a landmark and voted in favor of placing it on the Sacramento Register of Historic and Cultural Resources;

- voted against the applicant's request for demolition;

- recommend that the City of Sacramento Planning and Design Commission deny approval for the Sacramento Commons as it is currently written. In particular, the Preservation Commission determined that project alternatives should include decreased density options and alternative sites.

O8-32 cont.

In addition to Capitol Towers Historic District being vetted at four levels of expert review as outlined above, there is additional consensus from multiple national experts and organizations.

This includes letters of support for Capitol Towers Historic District from experts such as:

- Barry Wasserman, FAIA; Former California State Architect; Professor Emeritus, California State Polytechnic University, Pomona, Department of Architecture.

- Wayne Donaldson, FAIA; appointed in 2010 by President Barack Obama as Chairman of the National Advisory Council on Historic Preservation.

- Richard Peters; FAIA; Professor Emeritus of Architecture at the University of California, Berkeley; noted author and expert on the work of William Wurster.

- Charles Birnbaum, FASLA, FAAR; coordinator of the National Park Service Historic Landscape Initiative (HLI); noted author and landscape historian; Visiting Professor at the Columbia University Graduate School of Architecture Planning + Preservation.

- Alan Hess, AIA; noted author and architectural historian.

- Pierluigi Serraino, AIA; noted author and architectural historian.

Their letters — and other letters of support — are attached to this response.

O8-33

Additional facts and information regarding Capitol Towers Historic District can be found

O8-34

in an article, "Capitol Towers - Sacramento's Modernist Gem," published Winter 2015 in California Garden & Landscape History Society's quarterly journal, *Eden*. (Also attached.) O8-34 cont.

This article was written by Flora Chou, LEEP AP, and national board member of Docomomo US, the United States chapter of Docomomo International, a non-profit organization dedicated to the documentation and conservation of buildings, sites and neighborhoods of the modern movement. Ms. Chou also wrote the nomination for Capitol Towers Historic District that was accepted by the Keeper of the National Register. O8-35

Capitol Towers Historic District Includes Landscaping and Additional Contributing Elements

The historical resources in Capitol Towers Historic District are not simply limited to buildings. The site's landscape design is also an integral part. The District also includes contributing resources such as:

- the central plaza;
- secondary courtyards;
- landscape courts;
- small scale features;
- swimming pool;
- circular fountain;
- spatial organization;
- building placement and relationships;
- circulation;
- landscape features;
- views and vistas; and,
- the sculptural wall by Jacques Overhoff;

O8-36

Sacramento Commons' proposed move of the historical sculptural wall is unnecessary and exposes it to the potential for irreparable damage. SacMod cautions that potential harm may occur should there be an attempt to relocate it, and asks the Applicant and City to provide appropriate expert consultations before such an attempt is made. O8-37

Tree Canopy

Sacramento Commons removes the majority of Capitol Towers Historic District's greenspaces and trees — and replaces it with cement and younger, and less robust vegetation. O8-38

The tree canopy is the first Sacramento asset that Mayor Kevin Johnson mentions in his "Mayor's Message" on the City of Sacramento's website:

> "… We have so much to be proud of, like our unique and diverse neighborhoods, our thousands of beautiful trees…."

On September 4, 2014, Ray Tretheway, President of the Sacramento Tree Foundation wrote to the Planning and Design Commission:

> "*The City of Sacramento needs to aggressively address Urban Heat Island effects through the expansion and protection of our urban forest canopy.* The 10 warmest years on record have occurred since 1998 (NOAA State of the Climate Global Analysis 2012). To address this trend, the City needs to redouble its efforts to aggressively mitigate and reduce the adverse impacts of Urban Heat Islands. These impacts include air quality issues, water and energy usage and public health issues. An aggressive expansion of our urban tree canopy will make direct contributions to the long-term livability of our city and the health of all city residents….
>
> We desire a City where greenspaces and trees are valued for the benefits they provide and are planned for as part of the city's infrastructure. Green spaces and green canopy create a sense of calm and sense of place, making city life more sane and secure.
>
> Infill development is important but should not occur at the expense or elimination of the City's richest, defining legacy: the greenspaces and tree canopy that defines the essence of our public realm…."

O8-38 cont.

SacMod's research indicates that extraordinary measures by the Capitol Towers Historic District design team were taken to preserve pre-existing heritage trees on site. The Commons project should not harm Sacramento's urban tree canopy, which is a vitally important contributor to cooling Downtown's microclimate. Trees help remove pollution, which is an important public health benefit. In a recent article, the research and innovation director for the Sacramento Tree Foundation recently explained the additional public benefits associated with our urban trees.

O8-39

Testimony from a former City of Sacramento Arborist for Urban Forest Services at the July 24, 2014 City of Sacramento's Planning and Design Commission should receive full attention. The arborist warned that Sacramento Commons, as planned, would create a substantial impact on the environment by creating an urban heat island. The removal of over 200 trees (including heritage trees) on site would result in the loss of oxygen and public health benefits. The arborist also pointed out that replacement trees have failed to thrive in other Sacramento developments and therefore are not an effective alternative/mitigation strategy.

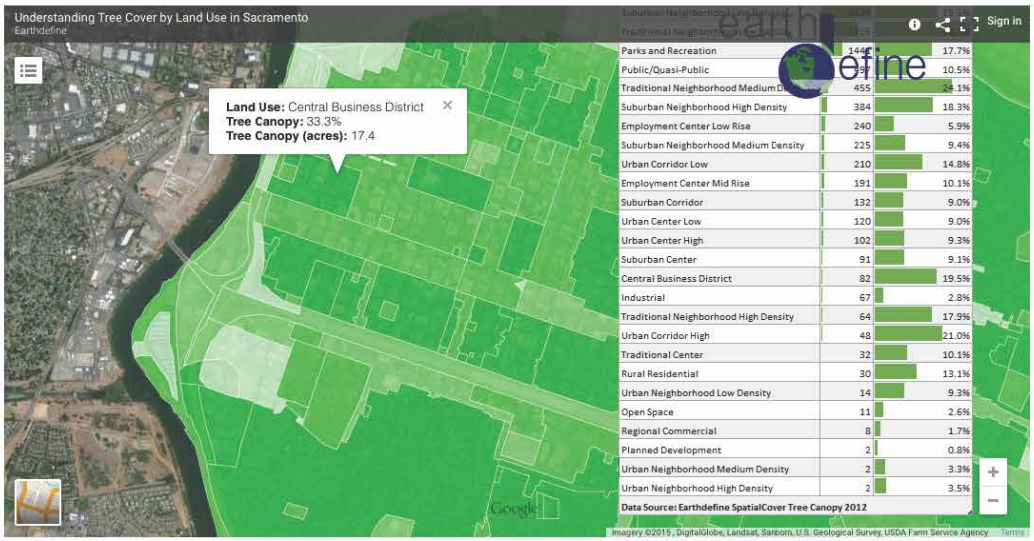
O8-40

"Understanding Tree Cover by Land Use in Sacramento"

According to Earthdefine, Capitol Towers Historic District, located in the Central Business District, has a tree canopy of 33.3%. Per Earthdefine's "Understanding Tree Cover by Land Use in Sacramento,":

> "Sacramento's urban forest covers 16.5% of its area with a total tree canopy cover of 10,506 acres. This map shows the distribution of tree cover between different land use classes. Suburban low density neighborhoods contain most of the trees in Sacramento while traditional low density neighborhoods have the highest average percent tree cover. The table lists the average values for tree cover for each land use class."

Per Earthdefine, the urban forest coverage for the Central Business District is 19.5%.



O8-41

Why would the City of Sacramento be in favor of destroying the 33.3% tree canopy and park neighborhood in Capitol Towers Historic District?

O8-42

Sacramento Commons is NOT Exempt From Full CEQA Review

SacMod challenges the misinterpretation of CEQA law by the Applicant and Applicant's agents. Sacramento Commons inappropriately categorizes as a Sustainable Communities project but it does not qualify.

O8-43

Nor does the Sacramento Commons project meet the criteria for housing infill. Thus, the project does not qualify for or comply with the streamlining provisions for "infill projects" set forth in CEQA law.

O8-43 cont.

This project must bear the full scrutiny and review mandated by CEQA law. There is no applicable exemption to CEQA for this project.

Sacramento Commons is NOT a Sustainable Community Project (Public Resources Code Sections 21155, et seq., do NOT Apply)

Applicant improperly seeks to characterize this project as a "transit priority project" (TPP) under Public Resources Code Sections 21155, et seq., in an attempt to evade application of CEQA law. Sacramento Commons is not a TPP. Capitol Towers Historic District and neighborhood — as it was built over fifty years ago — *already* meets TPP qualifications.

As attorney Brian Turner with the National Trust for Historic Preservation (NTHP) correctly points out in his Notice of Preparation letter to the City dated September 5, 2014 (Attached): "The square footage, density, and proximity to a major transit facility already qualify this existing development as a Transit Priority Project."

O8-44

It therefore is of little significance that Sacramento Commons espouses to achieve TPP goals. Public policy should not reward the destruction of one TPP site for the creation of another. The net effect would be an increase, not decrease, in greenhouse emissions (as opposed to developing a TPP in an otherwise noncompliant location).

Sacramento Commons essentially seeks to avail itself of the benefits conferred on a TPP through the destruction of a historical and architecturally significant site that managed to achieve the goals and benefits of a TPP long before such classification was statutorily conceived.

Moreover, even if Sacramento Commons was considered a TPP, the project is not exempt from CEQA law because it has a significant effect on a historical resource (destruction of Capitol Towers Historic District and neighborhood). Pursuant to Public Resources Code Section 21155.1, a TPP project may be exempt from CEQA law ONLY IF it meets certain specifically defined criteria. One such criteria is that the project "not have a significant effect on historical resources pursuant to Section 21084.1." Public Resources Code Section 21155.1(a)(5).

Pursuant to Section 21084.1, the project site is deemed a historical resource as a result of being listed in the California Register of Historical Resources.

Public Resources Code Section 21084.1 specifically states: "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources."

O8-45

The Sacramento Commons project most certainly has a significant effect on historical resources. Therefore, Public Resources Code Section 21084.1 prevails and makes the project ineligible to be a Transit Priority Project. O8-45 cont.

Finally, if the Sacramento Commons project is considered a TPP, which it assuredly is not, it is NOT a sustainable communities project. The project site exceeds the maximum acreage (8 acres) to qualify as a sustainable community. Public Resources Code Section 21155.1(b)(1). The project also exceeds the maximum residential units allowed by law (200 units). Public Resources Code Section 21155.1(b)(2). And it appears that Sacramento Commons will result in a net loss of affordable housing, contrary to the goals and requirements set for sustainable communities. Public Resources Code Section 21155.1(b)(3). A sustainable communities project must also assure adequate levels of low-income housing (20%) and/or open space (5 acres per 1,000 residents); assurances not made by Applicant here. See Public Resources Code Section 21155.1(c). Therefore, Sacramento Commons is NOT an exempt sustainable communities project. O8-46

Sacramento Commons is NOT an Infill Project Entitled to Special Streamlined CEQA Review (Public Resources Code Section 21159.21, et seq., do NOT Apply)

Public Resources Code Sections 21159.21, *et seq.*, provide streamlined environmental review for certain housing projects. Applicant improperly seeks to avail itself of the streamlined review procedures provided for in the Act. But even the most cursory review of the statute makes clear that it does not apply to Sacramento Commons. As with the TPP exemption, streamlined review is available ONLY IF: "The project does not have a significant effect on historical resources pursuant to Section 21084.1." Public Resources Code Section 21159.21(g).

Again, this site is deemed a historical resource pursuant to Public Resources Code Section 21084.1 as a result of its listing on the California Register of Historical Resources. Thus, the special housing project exemption to CEQA law does not apply.

In complete disregard of the historical resource status of the project site, Applicant insists that Sacramento Commons is an infill project entitled to streamlined review under Public Resources Code Section 21159.24. Section 21159.24 is inapplicable where, as is the case here, the project fails to satisfy the initial criteria set forth under Section 21159.21. See Public Resources Code Section 21159.24(a)(3). Applicant cannot ignore the historic district's status. Any exemption is negated as a result of Capitol Towers' eligibility on the California Register of Historical Resources. O8-47

Even if Applicant was entitled to streamlined review under Public Resources Code Section 21159.24(a) — which it is not — new information relative to the historic eligibility of the site must be subject to CEQA review. See Public Resources Code Section 21159.24(b)(3). Applicant is not permitted to ignore the historical resources, nor may the City do so.

Finally, the project is not truly "residential" for purposes of streamlined review. Section 21159.24(d) defines "residential" as a project either consisting solely of residential units or residential with not more than 25% of the space dedicated to "primarily neighborhood-serving" businesses. Applicant readily admits the project is not intended solely for residential purposes. Nor though will the business use be "primarily neighborhood-serving." It is believed and understood from on-site investigation conducted by SacMod that Applicant will force out most of the truly local businesses serving the needs of the residents and replace them with franchises aimed at generating business from customers off site and the greater downtown area. O8-48

Regardless of whether the project is residential, infill, transportation-oriented, or otherwise, the simple fact remains that this project is subject to the full scope of review afforded by CEQA law because Capitol Towers Historic District and neighborhood is a historical resource. Significant impacts to the historical resource, as intended by Applicant, must be mitigated. O8-49

Applicant is NOT Exempt From Considering Alternative Locations and Densities as Mitigation

In a final effort to avoid responsible stewardship of the historical resource, Applicant contends it need not consider offsite alternatives or changes in density to mitigate the significant impact the proposed project will have on Capitol Towers Historic District and neighborhood. [DEIR 5.1.1 "Pursuant to both Public Resources Code section 21155.2(c)(2) and 21094.5(b)(1) this EIR is not required to evaluate an offsite alternative even if adequate offsite locations were available and the project proponent could obtain control of such locations."]

However, this too is a flawed assertion by the Applicant. It again seeks to rely upon sustainable communities classification as a basis for avoiding consideration of all means of mitigation. As previously discussed, the project does not qualify as a sustainable community project or TPP. Therefore, Public Resources Code Section 21155.2(c)(2) is inapplicable. Similarly, the offsite mitigation limitation provided for in Public Resources Code Section 21094.5 is intended to promote establishment of a sustainable community project. Offsite mitigation need not be considered IF "a sustainable communities environmental assessment could not be otherwise adopted." Public Resources Code Section 21094.5(b). That is not an issue here, the site already qualifies as a sustainable community and TPP. If Applicant's approach were adopted, every existing TPP could be readily altered, modified or destroyed regardless of the environmental and historical resource impacts under the guise of re-qualifying as a sustainable community. Nothing could be less sustainable. O8-50

Appendix A — SACOG'S "Consistency Determination" Letter — is Invalid on Numerous Counts

On December 8, 2014, SACOG (Sacramento Area Council of Governments) wrote that it determined that Sacramento Commons is "consistent" with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) [Attachment 8 Appendix A of Sacramento Commons DEIR].

This determination is invalid because:

O8-51

1. SACOG's analysis, based on modified computations from a worksheet dated July 31, 2012, completely ignores the existence of the historical resources on the proposed Sacramento Commons project site;

2. SACOG's letter pre-dates the Keeper of the National Register of Historic Places determination on December 31, 2014 that the site is eligible to be listed on the National Register and — consequently — is automatically listed on the California Register of Historical Resources.

3. SACOG's determination relies on the misinterpretation of CEQA law by the Applicant and Applicant's agents that inappropriately categorizes Sacramento Commons as a Sustainable Communities project.

Capitol Towers Historic District and Neighborhood Already Embodies the Standards, Principles, and Intentions that Sacramento Commons Seeks to Achieve

SACOG MTP/SCS

Capitol Towers Historic District and neighborhood — as it was built over fifty years ago — *already* meets the key "Blueprint" principles that are the foundation for the SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). O8-52

These principles are:
- providing a variety of transportation choices;
- offering housing choices and opportunities;
- taking advantage of compact development;
- using existing assets;
- mixed land uses;
- preserving open space, farmland and natural beauty through natural resources conservation; and
- encouraging distinctive, attractive communities with quality design.

As NTHP Attorney Brian Turner notes in his September 5, 2014 letter to the City, Capitol Towers Historic District:

> "… already embodies the seven interlocking principles of the Sacramento Area Council of Governments Blueprint including compact development, housing and transportation choices, mixed use development, quality design and conservation of natural resources…."

O8-53

Former State Architect Barry Wasserman, FAIA, testified to the State Historical Resources Commission on November 7, 2014 that Capitol Towers is, in fact, an early and groundbreaking model for mixed use planning:

> "When I was state architect and in charge of developing the Capitol area plan, which has received international recognition and has held up over the last 25 years, Capitol Towers was an example of the kind of residential development and spacial development that fit the climate that we used as a underpinning for all that we did afterwards…. One of the things that I emphasize as a teacher is the importance of the space between buildings being just as important as the buildings themselves. In this case, Wurster's buildings are significant because they really represent the architecture of Central California of that time. But the spaces between the buildings, the landscape design is absolutely an example of what we should be doing in the future. It's what we tried to do in the Capitol area, it's what I'd like to see continue in all sustainable development in Sacramento."

O8-54

Indeed, MTP/SCS 2035 Sacramento Area Council of Governments Draft Environmental Impact Report (Chapter 7 – Cultural Resources – Page 7-52) favors mitigation that acknowledges historic districts and adaptive re-use — something that Sacramento Commons DEIR refuses to consider:

> "If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. Adaptive re-use or other measures developed consistent with the Secretary of the Interior's Standards will reduce impacts to a less than significant level unless such measures are unable to avoid materially altering the physical characteristics creating the resource's historical significance in an adverse manner."

O8-55

2035 GENERAL PLAN

Capitol Towers Historic District and neighborhood — as it was built over fifty years ago — *already* meets standards for the 2035 General Plan for development in the Central Business District.

O8-56

According to the 2035 General Plan Final MEIR dated February 24, 2015:

"In adopting the City of Sacramento 2035 General Plan, the City of Sacramento seeks to achieve the following objectives, consistent with the objectives stated in the current 2030 General Plan.

- Character of Place. Preserve and enhance Sacramento's quality of life and character as a city with diverse residential neighborhoods, an extensive urban forest, and role as the center of California's governance.

- Smart Growth. Encourage future growth in the city inward into existing urbanized areas and the central business district to foster infill development, as well as encourage density of development and integration of housing with commercial, office, and entertainment uses that fosters increased walking and reduced automobile use.
- Live More Lightly. Strive to meet the intent of Assembly Bill 32, California Global Warming Solutions Act of 2006, by reducing carbon emissions that contribute to global warming by encouraging "green" building practices, use of solar energy systems, and developing a land use pattern that supports walking, biking, and public transit. O8-56 cont.

- Maintain a Vibrant Economy. Support a diversity of business and employment opportunities by retaining existing and attraction of new businesses; maintain and expand recreational, arts, and cultural facilities; and nurture diverse community events and celebrations.

- Healthy Cities. Preserve and enhance land use patterns and densities that foster pedestrian and bicycle use and recreation through expanded parklands, sports, and athletic programming as well as provide incentives for expanding the availability of organic foods, and protecting residents from crime and natural or terrorist acts.

- Sustainable Future. Accommodate growth that protects important environmental resources as well as ensures long-term economic sustainability and health, and equity or social wellbeing for the entire community."

Capitol Towers Historic District and neighborhood already embodies all of these core principles with its diverse housing choices; extensive urban forest; mixed-use planning and award-winning design for smart growth; high density; proximity to transit and car-free bicycle and pedestrian areas; open, park-like green spaces and gathering places. O8-57

In particular, SacMod would like to address the key issue of sustainability among the 2035 General Plan MEIR core policies: there is nothing less sustainable than destroying perfectly good, functional, historical buildings in an established community. Simply adding density after demolishing a livable community does not make a project more sustainable. Merely labeling a project sustainable does not necessarily make it so. O8-58

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Many of the proposed concepts expressed in Sacramento Commons DEIR would result in an increase of energy and resource consumption — and are simply a repackaging and reselling of attributes and amenities that already exist or can be further enhanced on the historic site. O8-59

As NTHP Attorney Brian Turner notes in his September 5, 2014 letter to the City, Capitol Towers Historic District:

> "… Indeed, the existing Capitol Tower and Garden Apartments offer an outstanding example of what is prescribed by the 2030 General Plan for development in the CBD: a mixture of mid- and high-rise sited to positively define the public streetscape, public parks and open space areas within walking distance of local residents, broad sidewalks appointed with appropriate pedestrian amenities, and consistent planting of street trees providing shade and enhancing character and identity." O8-60

Additionally, Mr. Turner advised the City:

> "The National Trust's Preservation Green Lab has evaluated the environmental impacts of building reuse compared to demolition and new construction for a variety of building types, notably in our publication The Greenest Building: Quantifying the Environmental Value of Building Reuse. This study found that building reuse typically offers significant environmental savings over new construction -- even when that new construction is energy efficient. Indeed, building reuse can offer climate change savings and reductions in resource depletion when compared to new construction." O8-61

Per that study's Executive Summary:

> "It is often assumed that the CO2-reduction benefits gained by a new, energy efficient building outweigh any negative climate change impacts associated with the construction of that building. This study finds that it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process." O8-62

How will the City of Sacramento test the applicant's assertion that the project is "sustainable" to make sure that there is factual evidence and expert scientific evaluation to support this claim? O8-63

DEIR Project Objectives were Already Met Before Sacramento Commons was Conceived

Capitol Towers Historic and neighborhood — as it was built over fifty years ago — *already* meets the Project Objectives outlined in Sacramento Commons DEIR:

The project objectives for the Sacramento Commons project are to: O8-64

▶ intensify an existing urban downtown residential community close to urban amenities (e.g., shopping, services, transit, entertainment, and cultural attractions);

Capitol Towers Historic District already achieves this goal, which can be further intensified without destroying historic resources.

▶ support investment and reinvestment in downtown Sacramento, particularly with provision of more residential uses;

▶ intensify an existing infill development project with a new project that includes additional residential uses near the major employment centers of downtown Sacramento; O8-65

These goals can be achieved through proactive stewardship of the existing Historic District consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties — and can be further intensified without destroying the majority of historic resources.

▶ provide high-density residential uses that utilize surrounding transit services and provide access to a variety of transportation modes; O8-66

Capitol Towers Historic District already achieves this goal.

▶ enhance pedestrian movement through the central portions of the project site; O8-67

Capitol Towers Historic District already achieves this goal, which can be further intensified without destroying historic resources.

▶ provide additional housing choices for Sacramento's diverse population, and supporting retail and other commercial services for the residents and guests of the proposed development; O8-68

Capitol Towers Historic District already has a large variety of housing choices and thereby achieves this goal.

▶ provide open space areas that support uses on-site and provide places for community gathering, activity, privacy, and connectivity; O8-69

Capitol Towers Historic District already achieves this goal. O8-69 cont.

▶ provide development that is consistent with the City of Sacramento's General Plan and the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS); and O8-70

Capitol Towers Historic District already achieves this goal.

▶ incorporate sustainability features that help the City and region achieve its sustainability targets, while enhancing the livability of the community. O8-71

This goal can be achieved without destroying the Historic District.

PUD Guideline Improvements and Amenities

Capitol Towers Historic District *already has* — or can easily integrate — the improvements and amenities touted by Sacramento Commons without destroying historical resources. These include: open promenades; gathering areas; street lighting, furnishings, amenities; public art; retail spaces; signage; specialty market; for-sale condos; water efficiency; energy efficiency; climate-appropriate planting; low-impact design features; retail kiosk; live-work units; fixed and movable seating areas; bicycle parking facilities; a rooftop garden; shade structure; and water run-off management. O8-72

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Density of Capitol Towers Historic District and Neighborhood

Capitol Towers Historic District and neighborhood encompasses four city blocks.

It includes:

1) Capitol Towers Historic District - 409 units - 10.13 acres
(source: SacCommons DEIR)

Parcel 00603000040000
Parcel 00603000030000
Parcel 00603000020000
- 10.13 acres per DEIR

2) Bridgeway - 134 units (source: SacCommons DEIR)
Parcel 00603000070000 (42689 sq ft - source: SacCounty Assessor)
- 0.98 acres

3) Pioneer - 198 units (source: SacCommons DEIR)
Parcel 00603000050000 (55757 sq ft - source: SacCounty Assessor) O8-73
- 1.28 acres

Total Units = 741 units

Total Acres = 12.39 acres

Current units per net acre calculation = 59.8

This number — 59.8 for the established Capitol Towers Historic District and neighborhood — is remarkably close to complying with the Central Business District minimum density intended for new developments (61 units per net acre pursuant to the 2030 General Plan). As a matter of fact, Capitol Towers Historic District and neighborhood is *already* one of the densest areas of downtown Sacramento, second only to Sacramento County Jail, according to U.S. Census data.

Sacramento Commons seeks to shoehorn more density in an area that already and essentially conforms with the 2030 General Plan.

Why would the City be in favor of destroying the second densest area of downtown Sacramento?

City of Sacramento has Already Granted Entitlements Elsewhere to Achieve Density Objective

Table 1: SACRAMENTO COMMONS : COMPETING DENSITY PROJECTS *

Name	Location	# Units	Source
16 Powerhouse	16th & P	50	CADA
515 T Street	515 T Street	14	Sac. Business Journal
700 K Street	700 K Street	137	Sac. Business Journal
1500 S Street	1500 S Street	76	Sac. Business Journal
Whole Foods	21st & L	140	Sac. Business Journal
2500 R Street	2500 R Street	34	Sac. Business Journal
Broadway Triangle	39th & Broadway	29	Sac. Business Journal
Cathedral Square	11th & J	233	Sac. Business Journal
Crystal Ice Blocks	16th/17th & R	150	Sacramento Bee
Curtis Park Village	Sutterville & 24th Street	510	Petrovich Development
Downtown Plaza	5th/7th & J/K	550	Sac. Business Journal
Eviva	16th & N	118	Sac. Business Journal
Hall of Justice	813 6th Street	42	Sac. Business Journal
Hyatt Place (Marshall)	1122 7th Street	15	Sacramento Bee
i15	1431 I Street	96	Sac. Business Journal
La Valentina	12th & D	81	Domus Development
Legado de Ravel	16th & O	84	CADA
McKinley Village	East Sac/Bus I-80	336	McKinley Village
Mercy Housing	7th & H Streets	150	Sac. Business Journal
Pacifica Senior Artists	700 16th	160	Sac. Business Journal
Sutter Park	East Sac/F Street	125	Sac. Business Journal
Tapestri Square	2010 20th Street	58	Sac. Business Journal
The Arbors @ Oak Park	3820 Broadway	56	Sac. Business Journal
The Creamery	D & 10th	117	Sac. Business Journal
The Docks	Front Street	1155	City of Sacramento

O8-74

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(TABLE 1: CONTINUED FROM PREVIOUS PAGE)

Name	Location	# Units	Source
The Metropolitan	10th & J	320-380	Sac. Business Journal
The Mill @ Broadway	2630 5th	968	Thomas Law
The Ridgeway	912/914 12th Street	22	Sac. Business Journal
The River District (includes Township 9 + Twin Rivers)	south of the American River and north of the Railyards above Downtown Sacramento	8144	City of Sacramento
Union Pacific Railyards	north of Downtown and south of the River District	12000	Mosaic Partners
Warehouse Artists Lofts	11th & R	116	CADA

O8-74 cont.

TOTAL # NEW / ENTITLED UNITS IN OR CLOSE TO CENTRAL CITY = 26,146

ADDITIONAL PROJECTS NEARBY *

Name	Location	# Units	Source
Delta Shores	I-5 & Beach Lake Road South Sacramento	5200	Merlone Geier
Mutual Housing	Stockton Blvd South Sacramento	120	Sac. Business Journal
Greenbriar	Natomas	3000	Thomas Law
North Natomas	Natomas	2119	City of Sacramento
Bridge District	West Sacramento	4000	The Bridge District
Capitol Yards	West Sacramento	270	City of West Sacramento
Delta Lane	West Sacramento	71-177	Sac. Business Journal
Landmark Lofts	West Sacramento	60	Sac. Business Journal
Pioneer Bluff incl Stone Locke	West Sacramento	5000 2000	SACOG

O8-75

TOTAL # NEW / ENTITLED UNITS NEARBY = 21,946

* not necessarily complete lists; table data are known projects as of 4.15.15

Sacramento Commons DEIR is Inconsistent with City of Sacramento and Regional Policies

Sacramento Commons is inconsistent with the following City of Sacramento policies:

2030 General Plan Policy LU 1.1.5 Infill Development.

> "The City shall promote and provide incentives (e.g., focused infill planning, zoning/ rezoning, revised regulations, provision of infrastructure) for infill development, redevelopment, mining reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian- and bicycle-friendly neighborhoods, increase housing diversity, ensure integrity of historic districts, and enhance retail viability."

O8-76

Capitol Towers Historic District is an established and successful mixed use residential community; pedestrian and bicycle-friendly; is already Transit Priority Project compliant; and is inhabited, recently rehabilitated, and fully economically viable. Why would the City be in favor of destroying an established and successful mixed use community that complies with the City's goals as stated above?

2030 General Plan Policy LU 2.1.1: City of Neighborhoods.

> "Recognizing that Sacramento's neighborhoods are the basic living environments that make-up the city's urban fabric, the City shall strive through its planning and urban design to preserve and enhance their distinctiveness, identity, and livability from the downtown core to well integrated new growth areas."

2030 General Plan Policy LU 2.1.2: Protect Established Neighborhoods.

> "The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and requiring new development, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood."

O8-77

Capitol Towers Historic District is an established park neighborhood. Does the City only believe this applies to single family homes? It should apply to apartment communities as well. Why would the City be in favor of destroying an established park neighborhood? Why wouldn't the City be encouraging a sense of community and creating more civic pride that is associated with a historic district?

2030 General Plan Goal LU 2.3: City of Trees and Open Spaces.

"Maintain multi-functional "green infrastructure" consisting of natural areas, open space, urban forest, and parkland, which serves as a defining physical feature of Sacramento, provides visitors and residents with access to open space and recreation, and is designed for environmental sustainability." O8-78

Sacramento Commons removes the majority of Capitol Towers Historic District's 33.3% tree canopy with old-growth, established greenspaces and trees — and replaces it with cement and younger, and less robust vegetation. Why would the City of Sacramento be in favor of destroying the 33.3% tree canopy and park neighborhood at Capitol Towers Historic District?

2030 General Plan Goal LU 2.4: City of Distinctive and Memorable Places.

"Promote community design that produces a distinctive, high-quality built environment whose forms and character reflect Sacramento's unique historic, environmental, and architectural context, and create memorable places that enrich community life." O8-79

2030 General Plan Policy LU 2.4.1: Unique Sense of Place.

"The City shall promote quality site, architectural and landscape design that incorporates those qualities and characteristics that make Sacramento desirable and memorable including: walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles." O8-80

2030 General Plan Policy LU 2.4.2: Responsiveness to Context.

"The City shall require building design that respects and responds to the local context, including use of local materials where feasible, responsiveness to Sacramento's climate, and consideration of cultural and historic context of Sacramento's neighborhoods and centers."

Capitol Towers Historic District is an established, distinctive, and memorable community that reflects Sacramento's unique historical, environmental, and architectural context. The historic district is a rare example of urban planning and design from the redevelopment era and, in particular, Northern California Regionalism that directly responds to Sacramento's climate. These are expressed in its broad overhangs, shade trees, and celebration of outdoor living. It was envisioned and pioneered at the human scale, with landscape and architecture designed to enhance the livability for residents, neighbors to the site, and the larger community, thereby providing a public benefit to the entire City of Sacramento. Why wouldn't the City be encouraging a unique sense of place and creating more civic pride that is associated with this historic district? O8-81

2030 General Plan Goal HCR 1.1: Comprehensive City Preservation Program.

"Maintain a comprehensive, citywide preservation program to identify, protect, and assist in the preservation of Sacramento's historic and cultural resources."

2030 General Plan Policy HCR 2.1.1 Identification.

"The City shall identify historic and cultural resources including individual properties, districts, and sites (e.g., archaeological sites) to provide adequate protection of these resources."

2030 General Plan Policy HCR 2.1.2 Applicable Laws and Regulations.

"The City shall ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented, including the California Historical Building Code and State laws related to archaeological resources, to ensure the adequate protection of these resources."

2030 General Plan Policy HCR 2.1.8 Historic Preservation Enforcement.

"The City shall ensure that City enforcement procedures and activities comply with local, State, and Federal historic and cultural preservation requirements." O8-82

2030 General Plan Policy HCR 2.1.14 Demolition.

"The City shall consider demolition of historic resources as a last resort, to be permitted only if rehabilitation of the resource is not feasible, demolition is necessary to protect the health, safety, and welfare of its residents, or the public benefits outweigh the loss of the historic resource."

2030 General Plan Policy CC.HCR 1.1 Preservation

"The City shall support programs for the preservation of historically and architecturally significant structures which are important to the unique character of the Central City."

As described in great length in the earlier part of SacMod's response, Capitol Towers is a historic district pursuant to Federal and State law. It has been formally determined eligible to be listed on the National Register of Historic Places and is listed on the California Register of Historical Resources. The City of Sacramento Preservation Director and Preservation Commission determined it should be a landmark and voted in favor of placing it on the Sacramento Register of Historic and Cultural Resources.

What has the City done to ensure that project alternatives and measures are taken to preserve the historical resources in Capitol Towers Historic District? These would include exploring decreased density options and alternative sites. How has Applicant

demonstrated that they need the proposed number of units for the project? Is the proposed Phasing indicated in the DEIR realistic? How has the City ensured that viable project alternatives have been thoroughly explored and considered? Most certainly, Sacramento Commons DEIR has failed to do so. O8-82 cont.

2030 General Plan Policy LU 5.6.2 Family-Friendly Downtown.

> "The City shall promote the CBD as a family-friendly area by requiring the development of a variety of housing types, daycare and school facilities, family-oriented services, and parks, plazas, and open spaces that will safely and comfortably accommodate those who wish to raise a family."

O8-83

Sacramento Commons, as described by the Applicant during separate meetings with community groups, is not being built to be family-friendly. Their target demographic is young, single, higher-income, and childless.

2030 General Plan Policy H-3 5.6.2 Preservation Options (Affordable Housing).

> "In addition to identifying units at risk of converting to market rate housing, Government Code Section 65583(a)(8)(B) requires a comparison of costs to replace lost units through construction or rehabilitation to the cost of preserving the existing units. Preservation of the at-risk units can be achieved in several ways, including 1) facilitating a transfer of ownership of these projects to affordable housing organizations; 2) purchasing of affordability covenants; and 3) providing rental assistance to tenants."

O8-84

What measures is the Applicant and City taking to ensure that preservation of similarly affordable housing for displaced Capitol Towers residents is achieved?

Policy CC.H 1.1 Mixed Use Buildings.

> "The City shall provide the opportunity for mixture of housing with other uses in the same building or on the same site at selected locations to capitalize on the advantages of close-in living. The City of Sacramento General Plan, Land Use and Urban Design section contains key urban form characteristics envisioned for development within the Central Business District:
> 1. A mixture of mid- and high-rise buildings, creating a varied and dramatic skyline with unlimited heights;
> 2. Lot coverage generally not exceeding 90%;
> 3. Buildings are sited to positively define the public streetscape and public spaces;
> 4. Building facades and entrances directly addressing the street and a high degree of transparency;
> 5. An interconnected street system providing for traffic and route flexibility;

O8-85

6. Vertical and horizontal integration of residential uses;
7. Public parks and open space areas within walking distance of local residents;
8. Parking is integrated into buildings or placed in separate structures;
9. Minimal or no curb cuts along primary streets;
10. Side or rear access to parking and service functions;
11. Broad sidewalks appointed with appropriate pedestrian amenities, including sidewalk restaurant/café seating;
12. Street design integrating pedestrian, bicycle, transit and vehicular use and incorporates traffic-calming features and on-street parking."

O8-85 cont.

Capitol Towers Historic District already embodies these principles.

Sacramento Area Council of Governments MTP/SCS 2035 DEIR-
Mitigation Measure CR-1: Conduct historical resource studies and identify and implement project-specific mitigation.

"If the Historical Survey Report indicates that NRHP, CRHR or locally listed or eligible historical resources exist in the project study area, the implementing agency should consider avoidance as the primary mitigation measure. If avoidance is possible, mitigation is complete, and the impact to historical resources would be less than significant (LS).

If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. Adaptive re-use or other measures developed consistent with the Secretary of the Interior's Standards will reduce impacts to a less than significant level unless such measures are unable to avoid materially altering the physical characteristics creating the resource's historical significance in an adverse manner. If the implementing agency determines these measures cannot avoid such material alterations to the physical characteristics creating the resource's historical significance, then the impact would remain potentially significant (PS)."

O8-86

As previously discussed, Capitol Towers Historic District already embodies the nine goals of Sacramento Commons' DEIR. It is therefore possible to mitigate impacts to a lesser degree than what is offered in the DEIR. The DEIR fails to recognize and inappropriately dismisses other viable project alternatives.

Applicant has a Demonstrated History of "Flipping" Properties and has Virtually NO Development Experience

Evidence of Applicant's track record of flipping a property and abandonment after receiving entitlements can be found in its presentation dated April 13, 2013, on page 10 — a "Case Study" in Hawaii — The Kohanaiki Golf & Ocean Club, which: "consists of a 450 acre site fronting over 1.5 miles of the Kona Coast of the Big Island of Hawaii.

- Originally acquired by Kennedy Wilson in 1997
- Company gained entitlements in 2004
- Kennedy Wilson sold its interest in the property in 2007; the new owners then invested approximately $300 million for zoning, engineering, entitlement, and construction
- Kennedy Wilson reentered partnership in 2011 at a significantly reduced basis."

O8-87

KW has virtually no experience doing development. Per the Beverly Hills Planning Department, KW's development experience has been limited to minor improvements, including a request for a Development Plan Review to allow a rooftop lunchroom with outdoor seating and associated amenities; façade remodel; landscaping; a sign accommodation for a ground sign; and a sign accommodation to allow business identification signage. Only a handful of model homes at luxury resort Kohanaiki have been completed since KW's repurchase.

Stewardship Issues

While the fate of Capitol Towers Historic District is being decided, SacMod calls upon the City to ensure that KW proactively maintain and provide necessary repairs to the neighborhood so that "demolition by neglect" does not occur.

O8-88

SacMod has received disturbing reports by Capitol Towers residents about practices such as:
- renting out Villas without disclosure to tenants the site is slated for demolition;
- rent increases with concurrent demise of services;
- site notice for the proposed project was posted but then was removed within 24 hours.

Project Alternatives

O8-89

As previously demonstrated, the majority of ideas for improvements expressed by the applicant either already exist at the site or can be accomplished without demolition or destruction of the historical buildings, the historical structures, the historical landscaping, and the historical master plan. Demolition and/or alteration of these historical resources would be a significant and *avoidable* impact. Applicant's DEIR

erroneously asserts that it can dismiss alternatives that address density and alternatives sites. There are many viable alternatives.

As acknowledged in DEIR 5-2, CEQA guidelines "… state that 'the discussion of alternatives shall focus on alternatives to the project or its location [that] are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly' (CEQA Guidelines, Section 15126.6[b]). Ironically, Sacramento Commons DEIR fails to comply with this guideline. Throughout the entitlement process, Applicant has refused to consider such alternatives. O8-89 cont.

1) No Project Alternative

Ideally, Sacramento Commons could be built on a more suitable and nearby available non-historical site that would benefit from such development. KW can modify the project for a site that is not currently inhabited by a historical resource. KW can build the project elsewhere in a vacant or available lot that needs enhancement, thereby actually fulfilling the true goals envisioned and promoted by TPP and infill policies.

Sacramento Commons' DEIR has chosen not to explore off-site alternatives that would prevent adverse effects of historical resources, despite the project's proximity to multiple large, vacant parcels and lots that contain no historical resources, which are also zoned for high residential density, and are adjacent to transit lines.

We suggest "The Docks" area would be an ideal location for Sacramento Commons due to its proximity to the waterfront and the proposed streetcar line. This location has already been approved for high rise residential. Additional nearby sites where potential off-site projects could be located include the 3/4 vacant city block across the street from the site between 7th , 8th , O and P Streets; the city block between 3rd, 4th, R and S Streets; and the city block at 3rd, 4th, L and Capitol. All are close to existing or planned transit lines, vacant, and zoned for high density residential use. O8-90

Furthermore, the majority of ideas for improvements expressed in the currently proposed Sacramento Commons development either 1) *already exist* at the site — or 2) can be accomplished without wasteful and needless demolition.

The No-Project Alternative is the only alternative that meets the requirements of the City of Sacramento's General Plan. The rest of the alternatives in Sacramento Commons' DEIR violate the City's Municipal Code Section 17.64.100, prioritizing preservation of historical resources as a method to sustain and revitalize neighborhoods, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability, and urban character.

2) Historic Stewardship Alternative

KW can embrace and respect the existing historic district's design and become an award-winning example of historic stewardship. KW can rehabilitate Capitol Towers Historic District within the with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. Adaptive re-use or other measures developed consistent with the Secretary of the Interior's Standards will reduce impacts to a less than significant level unless such measures are unable to avoid materially altering the physical characteristics creating the resource's historical significance in an adverse manner.

KW can meet most of the expressed objectives in the March 2015 DEIR and March 2015 Planned Unit Development Guidelines by using already existing historical assets or by adding amenities to the existing historical assets. These objectives can be achieved by *enhancing* what is there, not destroying it. O8-91

Furthermore, the Applicant is eligible to receive tax credits and incentives to do improvements and repairs — thanks to the status of the Historic District. There are benefits and incentives that official National Register designation provides should the Sacramento Commons project choose to make use of these benefits. Tax credits and deductions include a 20% Federal tax credit for the rehabilitation of historical income-producing properties in accordance with national standards. These incentives are available to Kennedy Wilson as the owner of the historic district. For more about the Federal Historic Preservation Tax Credit Program, please see http://ohp.parks.ca.gov/?page_id=25007. If AB 771 passes, the historic district could also receive additional tax credits. For more about Historic State Tax Credits, please see http://ohp.parks.ca.gov/?page_id=27495

3) **Adding Density to the Existing Historic District Alternative per SOI Standards**

On site, improvements and density could be achieved at the historic district in a manner that is more respectful and sensitive to the original master plan and design. A balance of increased density and retention of historical resources could be achieved.

There are ways to create new housing and infill development within a historic district that meet the Secretary of the Interior's Standards and City of Sacramento guidelines regarding infill in historic neighborhoods. The Applicant and Applicant's agents have not explored any alternatives with this approach. O8-92

For instance, there is opportunity for residential density, parking, and additional retail/ commercial areas and perhaps even a boutique hotel where Parking Garage structure and adjacent parking lots on the East side of the Historic District are located. This minimizes impacts to resources within the Historic District. Depending on the skill, intelligence, and finesse of the approach and design, the advantages in the Historic Stewardship could apply.

4) **Carey & Company Sacramento Commons Preservation Alternatives 1 & 2 (DEIR Appendix D) 15-Story / 24-Story Core Retention Alternatives**

Carey and Co.'s November 5, 2014 Preservation Alternatives 1 and 2 (DEIR Alternatives 2 and 3) allow for some retention of the Historic District while allowing for demolition of historic resources.

While we consider these alternatives the least desirable of Alternatives 1 through 3 mentioned in our response above, there are some great ideas — such as the restoration of architectural features from the original Capitol Towers site — that should be considered and encouraged. O8-93

These proposed alternatives did not incorporate residential areas above parking levels and miss the opportunity for retail and commercial areas on the ground floors, but could be modified to do so. This would minimize the footprint of parking additions to the site.

Carey and Co.'s proposed alternatives could be improved so that density could be added while substantially lessening impacts on historical and cultural resources. For example, the Site B Tower (DEIR Figure 5-2) is currently proposed to have a north/ south alignment and replaces a significant amount of the historical low-rise apartments. If it was reoriented to the east and west and moved slightly south to the existing parking lot, it would be a better design that responds to the Sacramento climate (less heat gain) and would not require demolition of existing historical resources.

Conclusion

SACRAMENTO COMMONS DOES NOT OFFER SUFFICIENT PUBLIC BENEFITS TO JUSTIFY THE DEMOLITION OF CAPITOL TOWERS HISTORIC DISTRICT.

The demolition of Capitol Towers Historic District is unnecessary. It would be the loss of a highly successful, established, mixed-use community and park neighborhood that has been a model for livable downtown housing for over 50 years. It is a thriving, vibrant, livable and established community that already embodies the standards, principles, and intentions that Sacramento Commons seeks to achieve. The buildings are inhabited, recently rehabilitated, and fully economically viable. O8-94

Capitol Towers Historic District and neighborhood is *already* one of the densest areas of downtown Sacramento, second only to Sacramento County Jail. Sacramento Commons seeks to shoehorn more density in an area that essentially conforms with the 2030 General Plan. The neighborhood's overall density is 59.8 units per acre. O8-95

Furthermore, the Applicant has claimed that a fundamental reason for the new project is to increase density of the existing Capitol Towers Historic District site, from O8-96

approximately 44 units per acre, compared to the property's land use category that recommends a density of 60-450 units per acre. But this land use category is not a strict limitation on densities allowed in the site, and is intended as an aggregate of *neighborhood* density. By comparison, the downtown Entertainment & Sports Complex, a similarly sized development project under the same land use category, is planned for a maximum total density of 550 units, or 55 units per acre, and currently only 69 units of housing are planned for the site, less than 7 units per acre. This zoning category also includes office and commercial buildings with no residents. O8-96 cont.

The Applicant, Kennedy Wilson, is unlikely to deliver the currently proposed project after receiving entitlements and flipping the properties pursuant to its track record. The Applicant is not a builder, it is a real estate investment trust. It does not plan on being the builder of this property. This proposal is a Planned Unit Development, intended to entitle the land for high-rise use, not a formal development plan to actually construct the buildings. However, there is no long-term requirement for a subsequent purchaser of that land to follow the PUD if they decide that another use is more beneficial to them — they only need to submit a new plan to the city that could ignore this plan entirely by seeking new entitlements. Sacramento Commons is a "flip" of the existing property based on potential future value that sacrifices the existing, occupied, densely populated, well-maintained and economically viable apartment complex on the site so Kennedy Wilson can profit from the speculative future value of the land underneath the buildings. O8-97

The demolition of Capitol Towers Historic District unnecessarily destroys a vital contributor to the City's urban forest. Our urban forests are linked to the overall health and wellness of our residents. While other major cities such as New York and Chicago are seeking innovative ways to add park space to their urban cores (for example High Line, Pier 55 Park, Millennium Park), Sacramento Commons significantly reduces the greenspace and tree canopy in the Sacramento Central Business District. Additionally, there would be loss of park space and open space at human scale in an established neighborhood that is already pedestrian and bike friendly — and near bus stops and light rail. O8-98

The demolition of Capitol Towers Historic District and replacement with new construction for Sacramento Commons would increase usage of water, a scarce natural resource during drought conditions. O8-99

Sacramento Commons is surprisingly car-centric. The current number of parking spaces is 390 for 409 units. This amounts to about .95 spaces for each unit. The proposed number of parking spaces is 1701 for 1,470 units. This amounts to a higher ratio of about 1.16 spaces for each unit. This adds a total of 1311 cars to the area — while at the same time — destroying the urban tree canopy that helps clean the air. O8-100

Sacramento Commons will displace hundreds of middle income renters in favor of higher income renters, forcing them to the suburbs and facilitating longer commutes. This paradoxically will result in a net increase in greenhouse gasses, not a decrease as the project's proponents claim. Additionally, the building of new "luxury" branded O8-101

apartments is inconsistent with Mayor Kevin Johnson's City 3.0 goals regarding income and housing inequality. O8-101 cont.

Furthermore, demolition of the historical low-rises at Capitol Towers Historic District means the loss of 220 reasonably priced apartments that are affordable to working people, recently restored, currently inhabited and economically viable as they are currently built. The proposed replacement housing is far more expensive, meaning that those displaced by demolition would not be able to afford the new project's rents. Thus, approval of this project means a loss of affordable housing in the central city that can only be replaced by later public subsidy in another project. O8-102

The demolition of Capitol Towers Historic District and replacement with new construction is wasteful, unnecessary, and antithetical to the nature of sustainability. As discussed earlier, it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process. O8-103

The proposed improvements outlined in Sacramento Commons' March 2015 PUD Guidelines could be achieved without destroying Capitol Towers Historic District. Capitol Towers Historic District *already has* — or can easily integrate — the improvements and amenities touted by Sacramento Commons without destroying historical resources. O8-104

The City of Sacramento has already granted entitlements elsewhere to achieve its goal for density. SacMod counted a total of at least 26,146 new or entitled units in or close to Central City and another 21,946 units nearby in Natomas, South Sacramento, and West Sacramento. O8-105

Sacramento Commons DEIR's version of mitigation through documentation and recordation with various interpretive plaques and exhibits after the demise of Capitol Towers Historic District is insufficient. This very type of mitigation has been successfully challenged in court. O8-106

Finally, Sacramento Commons' DEIR violates local, state, and federal public policies and needlessly exposes taxpayers to litigation arising out of these violations. O8-107

The Applicant and Applicant's agents have been unyielding to any compromises or alternatives from the beginning. Neighbors' and residents' concerns were dismissed and ignored. This is in great contrast with other large-scale developments in the City (for example, Delta Shores) who have taken the time to listen to and integrate the input of residents, neighbors, and the community into their projects. O8-108

Though Applicant and Applicant's agents were advised by members of the preservation community in February 2014 regarding the existence of historical resources, they dismissed this advisement and continued to deny the existence of historical resources O8-109

even after it was formally determined eligible to be listed on the National Register of Historic Places and was listed on the California Register of Historical Resources. O8-109 cont.

In closing, SacMod urges that the City deny the entitlements currently sought by the Sacramento Commons project and to provide the necessary leadership, guidance, and commitment to ensure that CEQA law is upheld. In the excitement surrounding the developments downtown and consequent rush to get in on the action, this neighborhood has been inappropriately targeted. O8-110

It does not make sense to destroy the most beautiful, functional, successful, dense, established residential community downtown. This historic district and neighborhood remains unparalleled in the architectural talent and planning principles it embodies even to this day. Furthermore, the historic district is mis-categorized as an "infill" project and already exemplifies the very core concepts the Commons project is seeking to achieve. The neighborhood is already walkable, livable and desirable; why ruin a perfectly nice place to live? O8-111

Historic districts are our connection with the past and give our city character. Historic districts offer our city flexibility and stability, and provide centers of civic and economic activity. They encourage ongoing care of existing properties and recognize organic growth. Together, these are the ingredients for a vibrant and interesting cityscape. They offer a sense of place and are the cultural heart of our city. O8-112

As eloquently noted by Tom Mayes:

> "Old places are deeply beneficial to people because of the way they give us a sense of continuity, identity and belonging, because they inspire us with awe, beauty and sacredness, because they tell us about history, ancestry and learning, and because they foster healthy, sustainable communities….
>
> …. as Donovan Rypkema, real estate consultant and principal of PlaceEconomics puts it, 'The good news is historic preservation is good for the economy. In the last 15 years dozens of studies have been conducted throughout the United States, by different analysts, using different methodologies. But the results of those studies are remarkably consistent—historic preservation is good for the local economy. From this large and growing body of research, the positive impact of historic preservation on the economy has been documented in six broad areas: **1)** jobs, **2)** property values, **3)** heritage tourism, **4)** environmental impact, **5)** social impact, and **6)** downtown revitalization.'" O8-113

Let's break the cycle of wasteful and needless destruction of beautiful and historical structures. Let's retain vibrant established communities such as Capitol Towers that breathe life and a sense of place into our City. O8-114

This is a long, complicated process, but SacMod seeks to facilitate a measured, rational, and reasonable outcome for Sacramento Commons. Preservation AND progress can be achieved through compromise and ingenuity.

O8-115

Sacramento Commons should go back to the drawing board. We CAN and we SHOULD do better — for our city — for our people — and for our future.

Respectfully submitted,

Gretchen Steinberg, President, SacMod
In conjunction with the SacMod Board of Directors:
Dane Henas, Vice President
Nick Vinciguerra, Secretary
Zann Gates, Treasurer
Justin Wood, Director At-Large
Jon Hill, Director At-Large

Capitol Towers
Sacramento's Modernist Gem

Flora Chou

Despite winning many awards, the 1965 Capitol Towers is today a little-known but excellent example of modernist urban housing. Intended to be an integral element of Sacramento's first realized urban redevelopment project, its all-star design team rejected the rows of identical towers associated with typical urban renewal projects of the day. Instead they placed emphasis on human-scaled urban living, mixing earlier Garden City principles of affordable, low-rise garden apartments in a parklike setting, while introducing a modern high rise for increased density and a public plaza at the heart. The resulting mix of both vertical and horizontal building elements, linked by landscaped spaces and a now-mature tree canopy, created a well-scaled, well-planned, and highly livable community.

An important work for all the architects involved, Capitol Towers is also a key work by master landscape architect Lawrence Halprin. It was among Halprin's earliest urban plazas and shows some early exploration of themes that became Halprin signatures in the years that followed: the collaborative design process, the way people move through public spaces, and most importantly, the civic plaza integrated with art and the built environment. Capitol Towers was Halprin's first exploration of this design trademark, which he would further develop at places like Ghirardelli Square and Embarcadero Plaza in San Francisco.

A proposed new development threatens to erase what has been a beloved and livable community for more than 50 years and a rare example of an urban garden apartment complex designed by a stellar group of the most talented designers of their time.

Urban Renewal

In the years following World War II, massive urban renewal projects sought to rehabilitate deteriorating city centers by replacing "blighted" downtowns with modern urban cores. By the time California had the tools in place for urban renewal in the mid-1950s, a backlash was mounting against the "bleak towers" and "box-like buildings, no better than the slums they replaced," that defined redevelopment projects elsewhere.[1] In 1958, the same year New York developer James Scheuer was selected to develop Capitol Towers, he wrote:

> We have now been warned that unless urban renewal is radically improved it will die aborning through lack of public support. The public will simply refuse to make the necessary capital investment, not only in terms of money but in terms of the inconvenience and dislocation which are unavoidable costs of redevelopment… there is no reason why redevelopment projects cannot be exciting and attractive. Why must all buildings in a project be identical?[2]

Capitol Towers was Scheuer's and his design team's response. Designed and constructed in phases between 1958 and 1965, Capitol Towers is a unique collaboration by some of the most distinguished and highly regarded modern designers of the period. Leading the team was Wurster, Bernardi and Emmons, whose principals William Wurster, Theodore Bernardi, and Donn Emmons were instrumental in defining the look and feel of Bay Region Modernism. Joining them was the architectural team of Vernon DeMars and Donald Reay, fellow San Francisco architects also influential in the Bay Region Modernism movement. Rounding out the team was Edward Larrabee Barnes, a New York-based architect and former Wurster employee who would go on to a distinguished design career.

Combining Garden City planning principles with Le Corbusier's "ideal city" high-rise planning from earlier in the twentieth century, Capitol Towers is a 10-acre superblock (equaling four city blocks) just south of Sacramento's Capitol Mall. The 409 rental units are housed in eight two- or three-story garden apartment buildings and one 15-story tower. Automobiles are confined to the perimeter parking courts and a parking structure. The pedestrian-only interior extends from the existing street grid along walkways that divide the site into four quadrants. At the core of the site, the walkways intersect to open into a central plaza at the heart of the community. A striking sculptural wall by artist Jacques Overhoff anchors the plaza and divides it from the complex's swimming pool. Toward the center is the tower, which houses restaurants and retail at its ground floor.[3]

The design of the low-rise garden apartments was kept deliberately simple, as is typical for Bay Region Modernism. Staggered unit modules, deep overhangs, and open breezeways varied the design. Between the buildings, courtyards and landscaped courts were shared by the community. Balancing the public open spaces, each apartment has a private outdoor space in either an upper floor balcony or an enclosed ground floor patio. The balconies of the garden buildings typically overlook the shared lawns, while the enclosed patios are at the opposite side of the buildings to maximize privacy. Each tower unit also has a balcony. O8-116

Halprin's Landscape Plan

Lawrence Halprin (1916-2009) was one of the most prolific American landscape architects of the postwar years. His work exhibits an attention to human scale, user experience, and social impact. Capitol Towers came about during a transitional period from private residential, shopping mall, and college campus commissions to the larger-scale public and urban projects for which he is best known. As he later recalled, the Capitol Towers project shows Halprin exploring early iterations of

Opposite top: *Central plaza with sculptural wall and swimming pool on the other side.*

Opposite bottom: *Main walkway and landscape into Capitol Towers flanked by staggered garden apartment buildings and on axis with the central plaza and sculptural wall in the background.*

Images courtesy Page & Turnbull, 2014.

O8-116
cont.

themes that would later become his design signatures:

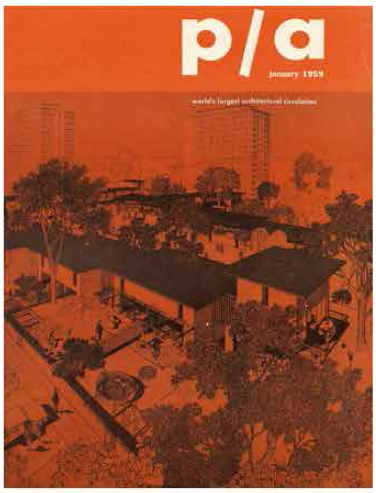
> I was now working closely with some world-class architects and … getting a great deal of experience. I designed my first urban plaza at the center of the Sacramento project [Capitol Towers], and brought in the sculptor Jacques Overhoff to work on an enclosing cast concrete wall. I was developing street details for these larger commissions and I was learning about graphics from the great graphic designer Saul Bass.[4]

Although budget constraints simplified Halprin's initial plans, landscaping was a defining element of the site planning for Capitol Towers. The low-rise buildings with shared lawns front the main walkways as if along a street. They also enclose more intimate courtyards in less trafficked areas, and their backs are around the service and parking courts. Landscaped courts with grids of trees or low plantings are found at each parking court and at the tower base, marking the transition into the site's pedestrian interior. Some existing site trees were saved and incorporated, and the design team fought to save street trees from proposed street widening by the city.[5]

While Capitol Towers engages the city beyond its site, the central feature is the internal plaza at the core. With a grid of London plane trees and a low circular fountain at the southeast corner, the plaza is a quiet gathering place enlivened by Overhoff's robust sculptural wall. In his 1963 book *Cities*, Halprin uses the plaza of Capitol Towers to illustrate his text on minor plazas, which encapsulates how he viewed plazas:

> At the confluence of streets there are often small spaces which should be developed as handsome and colorful incidents in the heart of the city. A small plaza can contain, in a relatively casual way, sculpture, fountain, art exhibits, cafes, and benches which are human in scale, intimate, and usable. A local plaza gives a sense of place and becomes a focus for its neighborhood. It can be a rallying place for neighborhood activities and establish a quality and character for its inhabitants.[6]

Capitol Towers appears frequently throughout *Cities* as Halprin examines the elements that constitute successful urban spaces. In addition to the minor plaza, Capitol Towers' walkways are an example of a pedestrian mall, Overhoff's "great frieze, cast in concrete … and tilted into place" illustrates when more solid barrier walls are needed to screen noise and views between busy public spaces and recreation areas, and a detailed notational system of walking through Capitol Towers is included to demonstrate Halprin's process for examining "the kinesthetic experience."[7] He later



expanded his notation system as part of his RSVP Cycle and his constant fascination with movement through space. The street furniture Halprin designed for Capitol Towers—a globe light standard, wood-slat benches, a kiosk, among others—also make appearances in *Cities*.

The design of Capitol Towers was recognized early on with awards from *Progressive Architecture*, the Northern California Chapter of the AIA, and the Governor's Design Awards Program.[8] Some changes have occurred over the last 50 years, including the loss of Halprin's light standard and the kiosk, but overall, Capitol Tower's primary spatial relationships, residential buildings, and key landscape features remain intact.

Under Threat

As with other garden apartment complexes, the abundance of open space and the relatively low scale that make Capitol Towers such a unique, livable place also make it vulnerable to calls for higher density. In December 2013, current owners Kennedy Wilson proposed to demolish all the low-rise buildings and much of the landscape in order to build over 1,200 new units and a hotel. The new buildings range from eight-story mid-rises to several buildings over 20 stories tall. More than 1,700 parking spaces would be in two large parking structures in the center of the site. Capitol Towers' original tower, axial walkways, and the central plaza would remain but would become unrecognizable.

A local preservation organization, Sacramento Modern, has been leading the advocacy effort to save Capitol Towers, and has been joined by the City of Sacramento Preservation Commission and the State Historic Resources Commission, which voted in November to recommend Capitol Towers for the National Register of Historic Places. However, this does not prevent demolition, and the city's political leadership has not committed to saving Capitol Towers. The Draft Environmental Impact Report, expected early in 2015, will consider Capitol Towers a historic resource and should include preservation alternatives. ■

Endnotes

1. James H. Scheuer, "Letters to the Times: To Beautify Housing," *New York Times*, July 8, 1958. For more on the delayed urban redevelopment in California and in Sacramento, see Daniel S. Maroon, "Redevelopment in the Golden State: A Study in Plenary Power under the California Constitution," *Hastings Constitutional Law Quarterly*, Vol. 40:2, Winter 2013, 453-474 and Richard Trainor, *Floor, Fire and Blight: A History of Redevelopment in Sacramento*, (Sacramento: Sacramento Housing & Redevelopment Agency, 1991).

2. Scheuer, "Letters to the Times."

3. Two additional towers at the superblock's corners are located where towers were planned, but they were constructed in the 1970s and 1980s by different developers and design teams, and are not part of Capitol Towers.

4. Lawrence Halprin, *A Life Spent Changing Places* (Philadelphia: University of Pennsylvania Press, 2011), 108.

5. Newspaper articles and correspondences from 1958 in Sacramento Redevelopment Correspondence folder (014.I.A.6000) from Lawrence Halprin Collection, The Architectural Archives, University of Pennsylvania, Philadelphia, Pennsylvania.

6. Lawrence Halprin, *Cities*, Revised edition, (Cambridge, MA: MIT Press, 1972), 27.

7. Halprin, *Cities*, 21, 131, and 212-213.

8. Wurster, Bernardi, and Emmons, *Wurster, Bernardi and Emmons, Inc., Architects* (San Francisco, CA: Wuster, Bernardi and Emmons, Inc., 1967), 30.

O8-116 cont.

Flora Chou is a cultural resources planner at Page & Turnbull's Los Angeles office. Prior to joining Page & Turnbull, she was a preservation advocate for the Los Angeles Conservancy, helping to implement the organization's advocacy efforts to protect historic resources. Flora holds a master's degree in historic preservation from Columbia University and is a LEED-accredited professional. Since 2012, she has served on the national board of Docomomo US, a national nonprofit organization that advocates for the buildings and sites of the modern movement.

Above: *Capitol Towers and Gardens featured on the cover of* Progressive Architecture, *January 1959.*

BARRY L. WASSERMAN FAIA

Community Facilitation
Urban Design
Architecture

October 24, 2014

Carol Roland-Nawi, Ph.D
State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Dear Ms. Roland-Nawi,

I wish to add my voice to those supporting the nomination of the Capitol Towers complex in downtown Sacramento to the National Register of Historic Places. The nomination packet submitted by Sacramento Modern clearly establishes the historic significance of Capitol Towers using applicable National Register Criteria A. and C.

The Capitol Towers complex is a non- replicable study resource for the general public and design professionals as they continue to deal with the national issue of providing central city housing solutions to deal with our nations ongoing housing need.

O8-117

The complex is a significant example how privately sponsored urban redevelopment was utilized to support the public good. It is also an example of the design work of a significant group of design professionals who have been recognized nationally for their career work.

As the former California State Architect (1978-1984) who directed the development of the Sacramento Capitol Area Plan I can attest to the significance of this complex as a precurser to the basic principles of livability for urban infill that supported the Plan and its subsequent success as a revitalization of its 42 acres of downtown Sacramento.

As a former Principal of Lawrence Halprin Associates I can attest to the significance of the urban and landscape design of the complex to the body of work of Lawrence Halprin.

P. 2

Memory of the best of our past is to be revered and preserved. As Winston Churchill said "We shape our buildings and they shape us". In this case the complete Capitol Towers complex serves to provide an ongoing testimony to the impact good urban design can have on our community.

O8-117 cont.

Capitol Towers was far reaching in its time and continues to be significant in the present. Sacramento and California cannot afford to see it lost. It deserves to be added to the National Register of Historic Places.

Sincerely.

Barry L. Wasserman, FAIA

Crain, Amy@Parks

From:	David Crowe
Sent:	Monday, October 20, 2014 10:50 AM
To:	
Cc:	Crain, Amy@Parks;
Subject:	In Support of Capitol Towers and Garden Apartments, Sacramento

RE: In Support of Capitol Towers and Garden Apartments, Sacramento

October 19, 2014

Dear Ms. Roland-Nawi:

My wife and I moved into Capitol Towers when we first moved to Sacramento in 2006. We wanted to experience high-rise living and took a 10th floor unit on the north side with a view of the Capitol. Our stay there drives us to speak out about the unique virtues of the development.

Capitol Towers is not only of historical significance, but also a valuable teaching environment for developers, planners, architects and the general public. It's a testament of what good urban housing can and should be. To walk through the square block park is to experience a sense of place, a respite from the hurried city that surrounds it. Truly, a place its residents can relax in and enjoy the outdoors within walking distance of downtown and light rail. Its lone tower set back amongst the low-rise apartments is allowed to be the viewing platform to the city that it was meant to be. And the units themselves are spacious, open and light-filled with walls of glass that promote indoor/outdoor living that is rare in contemporary urban development. O8-118

Now, developer financial-driven housing is based on what will pencil-out, not the livability of what is left behind. As an architect, I understand times have changed and real estate is at a premium in the area, but what hasn't changed is why we should be building housing. Capitol Towers reminds us that housing is for people not only for investment. There are lessons to be learned from this place. Lessons about light and air, privacy, and breathing room. Once the infill begins, and density devours the gardens, the opportunity to experience and learn from what once was a thoughtful development will be lost forever. Please, let it be.

Thank you for your consideration.

1

Sincerely,

David Crowe

2

docomomo_us

documentation and conservation
of buildings, sites and neighborhoods of the
modern movement

Northern California Chapter
PO Box 29226
San Francisco, CA 94129
info@docomomo-noca.org
www.docomomo-us.org

October 13, 2014

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Re: Capitol Towers Nomination

Dear Ms. Roland-Nawi,

I am writing to express support for the nomination of Capitol Towers in Sacramento, California, to the National Register of Historic Places. DOCOMOMO/NOCA is the Northern California chapter of the international non-profit organization Documentation and Conservation of the Modern Movement, established nearly 25 years ago to provide leadership, education, and advocacy assistance to people committed to saving places and collectively shaping the future of America's stories.

As the first privately-sponsored redevelopment project in California, the Capitol Towers site is a significant example of Modern planning, landscape and architectural design. It represents the successful collaboration of multiple noted mid-20th century architects and designers: Wurster, Bernardi, and Emmons; Edward Larrabee Barnes; DeMars & Reay; and Lawrence Halprin; who together created a pedestrian-oriented housing complex that remains a unique and innovative example of the redevelopment era. O8-119

Large-scale Modern sites are increasingly facing development pressures, and continue to be lost even as their age exceeds the 50 year threshold. For example, Parkmerced, a significant modern housing complex in San Francisco, was found to be eligible for listing on the National Register, but was never officially listed and was approved for demolition in 2011. The submitted Capitol Towers National Register nomination is a thorough and well-research document. Board members of the Northern California Chapter of DOCOMOMO US concur with the findings of the nomination that Capitol Towers is an important example of its type, period and the work of masters and is worthy of designation on the National Register. Please feel free to contact us for more information, or if you have specific questions or concerns.

Sincerely,

Justin Greving
President, DOCOMOMO/NOCA

Page 1

Crain, Amy@Parks

From:	Judith Lamare
Sent:	Wednesday, October 15, 2014 1:58 PM
To:	Illa Collin
Cc:	OHP, CALSHPO@Parks; caru.bowns@gmail.com; kathleenforrest@hotmail.com; eric@bbse.com; Huck, Mark@Parks; jon.marschack@att.net; chad.moffett@meadhunt.com; Matthew Piner; gretchen steinberg; Crain, Amy@Parks; rnpreservation@gmail.com; Roberta Deering; Jim Pachl; Carrr Kunze
Subject:	Re: 10/15/14 Item 6, Capitol Towers and Villas

Dear City of Sacramento Preservation Commission, State Historic Preservation Officer and State Historic Preservation Commission:

Below is transmitted an email I received from former Sacramento County Supervisor Illa Collin, expressing her support for the preservation of the Capitol Towers and Villas. She asked me to forward this to you. Illa Collin served decades as a county supervisor, but also she has been very important as a key leader for the Sacramento environmental community. She has been recognized with many awards for protecting Sacramento's natural resources. Because of her huge contribution to Sacramento's civic life, I am very touched by her story below which attributes her move to Sacramento to the Capitol Towers and Garden Apartments. In her email below she explains what Capitol Towers and Villas has meant to her personally.

Statement submitted by Illa Colllin, 7423 Braeridge, Sacramento, CA 95831

> My husband and I moved to California in 1957 and settled in the Bay Area in Oakland where he had a job as insurance adjuster and I was a teacher in Piedmont. He then went to UCBerkeley to study law at Boalt. When he passed the Bar exam he went to work for the California Farm Bureau and quickly became a lobbyist and rented one of the Garden units under consideration for designation for Historical Preservation. I began receiving calls from Assemblymen and Senators encouraging me to agree to move to Sacramento as they wanted my husband to accept a position with the Revenue and Taxation Committee of the Assembly. To me Sacramento was just that horrible hot and grimy place we had to crawl through on our annual trip to Portland. At that time we had 3 young daughters and I did not want to move to the hot, miserable valley and Sacramento. The calls kept coming and they suggested I bring the girls and live with Don for at least a weekend and then see how I reacted to the idea. I did agree to that and it was Fall and maybe not so miserable in the Valley. We stayed in that Garden apartment unit and could not believe such an oasis existed in Sacramento!! Trees and grass and a City that had a real sense of place. We explored the City and found parks and trees right in the downtown area and also discovered Land Park and the Zoo and pony rides. All of which enchanted the girls. So staying there in that incredible oasis in the Garden unit was the key to our decision to move to Sacramento. To have such a treasure downtown deserves recognition. O8-120

Emailed by:
JUDITH LAMARE

Crain, Amy@Parks

From: Judith Lamare
Sent: Thursday, October 16, 2014 9:47 AM
To: Crain, Amy@Parks
Cc: gretchen steinberg; Carr Kunze; Roberta Deering; Michael Galizio
Subject: Re Capitol Towers and Villas, bio/tribute to Illa Collin

Amy

Could we append this tribute to Illa Collin's email that I sent yesterday regarding Capitol Towers and Villas?

It is by Congresswoman Doris Matsui on the occasion of Illa's retirement as a county supervisor in 2007. It notes her role in creating the Sacramento Tree Foundation and the AMerican River Parkway Foundation among other achievements.

Link: http://capitolwords.org/date/2007/01/24/E192-3_retirement-of-supervisor-illa-collin/

Rep. Doris Matsui

DCA
Madam Speaker, I rise in tribute to Sacramento County Supervisor Illa Collin and her esteemed career. Supervisor Collin built a lasting legacy in Sacramento County and her presence on the board of supervisors will be deeply missed. As her friends, family and coworkers all gather to celebrate her career, I ask my colleagues to join me in honoring the dedicated service of one of Sacramento's finest leaders.Illa Collin was first elected to the Sacramento County Board of Supervisors in 1978. She immediately made her presence known by tirelessly working to strengthen neighborhoods and revitalize urban corridors. Through her 28 years on the board of supervisors, she has preserved much of Sacramento County's natural beauty and open space.Supervisor Collin has consistently been praised for her environmental record and leadership. She helped create the Sacramento Tree Foundation and the American River Parkway Foundation. She has received the Outstanding Service Award from the California Parks and Recreation Society as well as the Outstanding Public Official Award from the National Association of County Parks and Recreation Officials. In 2005, Supervisor Collin received the Environmentalist of the Year Award from the Sacramento Chapter of the Sierra Club.Supervisor Collin performed an instrumental role in the women's movement From 1973 to 1975, Illa helped lead the League of Women voters in Sacramento and in 1977 she became the first woman to serve as the President of the State Reclamation Board. She has also received the Hannah G. Solomon Award from the National Council of Jewish Women for improving the lives of women, children, and families.Prior to her service on the board of supervisors, Illa worked to improve Sacramento on a number of fronts, including social services and community planning. Now, after seven terms, Illa will be departing from the board of supervisors. The people of Sacramento will miss her leadership, experience and dedication. Our community has been fortunate to be graced by the presence of such an extraordinary woman.Madam Speaker, I am proud to honor one of Sacramento's most distinguished citizens, Illa Collin. Her success and steady voice has been an inspiration to Sacramento residents throughout the years. I ask all my colleagues to join me in thanking Illa Collin and wishing her continued success and happiness in her future endeavors. O8-121

1

A Letter from Neighbors

October 14, 2014

State Historic Preservation Officer, Carol Roland-Nawi, Ph.D.
State Historic Preservation Commission
1725 23rd Street, Suite 100
Sacramento, CA 95816

Chair and Members of the Commission
Roberta Deering, Staff
Sacramento Historic Preservation Commission
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Capitol Towers and Garden Apartments
Nomination to the National Register of Historic Places - **SUPPORT**

Dear Members of the Commissions:

As neighbors living in towers adjacent to the nominated property, we are pleased to submit this letter in strong and unwavering support of the nomination of Capitol Towers and Garden Apartments to the National Register of Historic Places.

We also would like to commend to you the Page and Turnbull historical survey which outlines and confirms the rationale for this important nomination, organized and submitted by Sacramento Modern, a non-profit dedicated to protection of modern art and architecture in Sacramento. O8-122

The architectural masters, Barnes, Halperin and Wurster were the visionaries of this urban renewal project. Their collective expertise and vision led to what we enjoy today, a true urban oasis under a beautiful canopy of traditional Sacramento trees. Not only is this project significant to our city and state, but to the nation. The principals in the project's design, construction and landscaping are recognized as innovative for their time, and they are all leaders in their fields.

The Capitol Towers and Apartments are a part of a planned central city neighborhood with 748 housing units and ground level retail. It is a wonderful example of just how important urban renewal projects designed by smart and forward thinking designers can be. The unique and creative mid century modern design has made our community one of the most attractive in Sacramento for decades. This mature, healthy and successful project brings to downtown exactly the kind of residents the city is seeking to locate in the downtown area.

Our city has few examples of nationally recognized mid century modern residential housing. Based on our understanding of the preservation criteria, at a minimum the historic buildings and landscape plan meet Criteria A and B. Without this example of great urban architecture, our community will never be the same.

One of the most significant aspects of these buildings and surrounding open space is that they create a comfortable, pleasing yet utilitarian anchor to high rise living. Demolition and construction will tear apart a strong and vibrant downtown community and most importantly, we will fail to preserve and protect what is sure to become increasingly more valuable historic housing in Sacramento.

O8-122 cont.

We implore the Commissions to support the nomination.

Neighbors of Capitol Towers and Villas

George P. Acelerno
500 N. Street, Unit #1602
Sacramento, CA 95814

Elizabeth Acelerno
500 N. St Unit 1602
Sacramento, CA 95814

Michael Galizio and Bobbie Metzgar, 500 N, APT 1004

PETER KMETO

Peter Kmeto, 500 N, APT 610

2

James P. Pachl and Judith Lamare, 500 N, APT 1403

Julie Mumma, 500 N, APT 806

Tommy Leong, 500 N, APT 605

JD Rowell, 500 N, APT 504

Kenneth Wemmer, 500 N, APT 1209

And Residents of Pioneer Tower, 515 P Street

3

We implore the Commissions to support the nomination.

Robert L Greer
Malcolm Allen
Judy Kay Stanley
Rena Brown
Jeanne Johnson
Mary Curtis
Maria Guitare
Angie Porter
Martha M. Millhone
NUNEZ EVA
Carolyn Griffin
Mary Ann Millhone
Shirley Ingram
Maria L. Cardenas
Bonnie Danker
Judi Gheza
Gloria Williams
Ida Ramsey

4

Crain, Amy@Parks

Subject: FW: Capitol Towers & Garden Apartments, Nomination for NRHP Listing
Attachments: CA SHPO CapTwrs 100914.pdf

From: Pachl & Lamare
Sent: Friday, October 10, 2014 6:05 AM
To: !
Cc: OHP, CALSHPO@Parks; gretchen steinberg; Roberta Deering; Kimberly Anderson; Brian Sehnert; Peters, Richard;

Subject: Re: Capitol Towers & Garden Apartments, Nomination for NRHP Listing

Excellent letter. Thank you very much.

Jm Pachl

On Oct 9, 2014, at 10:49 PM,

Dear Dr. Roland-Nawi and staff,

Attached please find a PDF of my letter of support for the nomination of Capitol Towers and Garden Apartments to the National Register of Historic Places, pursuant to the Historical Survey prepared by Page and Turnbull of August 27, 2014.

In additon to the relevant factors identified in the Page and Turnbull survey, I have noted in the attached letter additional facts that I believe to be relevant and which should be considered in support of the nomination by the Office and California Historic Resources Commission.

If you have any questions in regards to the points that I have raised, please feel free to contact me by e-mail at the above

O8-123

Thank you very much for your careful consideration of this matter.

Respectfully,

Carr Kunze

1

CARR KUNZE

October 9, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816 via: **calshpo@parks.ca.gov**

RE: Capitol Towers and Garden Apartments, Nomination to the National Register of Historic Places, Letter of Support

Dear Dr. Roland-Nawi and staff,

This letter is submitted in support of the nomination of Capitol Towers and Garden Apartments to the National Register of Historic Places. I wish to fully support the nomination submitted by Sacramento Modern based upon the Historical Survey prepared by Page and Turnbull of August 27, 2014.

O8-124

In addition to the factors considered by the Page and Turnbull survey in regards to Criteria A and B, I will note additional considerations herein below, principally:

- Capitol Towers and Garden Apartments represents an important post WW II introduction of the Bay Area style, (or more appropriately, Northern California Regionalism) to large scale, market rate, multifamily housing.
- Capitol Towers and Garden Apartments is among a select group of urban renewal projects in the nation that were designed by teams comprising architectural masters—the greatest architects of the mid 20th century. There are perhaps no more than 5 to 10 such developments in the country. Some of these, particularly those which have rental tenures, are now threatened with demolition or serious degradation. Their loss would be a serious loss from the architectural, planning, and urban design history of the country and era. These impending losses have gone substantially under-recognized as to their critical relevance to US urban design history.
- Capitol Towers and Garden Apartments is the work of two clearly identified masters: Edward Larabee Barnes, and Lawrence Halprin and most likely a third, W. W. Wurster and thereby, meets Criterion B as well. In addition, the collective team, each member having substantial reputations and works of significance in California, the eastern U.S., and Great Britain, should be considered as a collective work of masters.

1

- Capitol Towers is a vitally important part of the architectural and historic fabric of downtown Sacramento. It represents a major example of Bay Area or Northern California Regionalism in mid-20th Century architecture and of urban design by the architect and firm that were considered the leader of this architectural movement.[1]

The design is a collaborative effort by a team of architects, planners, and landscape architect that were internationally renowned. Two members, William Wilson Wurster and Edward Larabee Barnes, were given AIA Gold Medals—an honor reserved for the greatest architects, internationally, of their era.[2] Wurster was born and raised in Stockton and was the second Californian so recognized after Bernard Maybeck. Lawarence Halprin, the project's landscape architect was also internationally recognized as one of the US' most innovative leaders in his field of the era.

William Wilson Wurster and his practice, Wurster, Bernardi, and Emmons, have received more national awards from the American Institute of Architects for their work in California than any other architectural practice since 1949 to this date.[3]

Importantly, Capitol Towers is an early example applying Northern California Regionalism to market-rate multifamily housing. It incorporates elements not previously brought together for multifamily housing: garden patios, balcony porches, with sun-screening provided by large roof overhangs and trellises over the larger sliding glass door openings[4]. At the same time, Wurster's team

O8-124 cont.

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[1] Bay Area Regionalism was recognized as a 'softer approach' to modernism, utilizing greater informality and typically native materials and forms. W.W. Wurster was first identified as leading this movement by architectural critic and urban historian Louis Mumford ("The Skyline: The Status Quo", *The New Yorker*, October 11, 1947, pp. 106, 109). Also recognizing Wurster's leadership of this school are former California State Historian Kevin Starr, (*California*, 2005, p. 295), and architectural historian Kenneth Frampton (*Modern Architecture, a critical history*, 1980, 2007, p. 320) among others.

[2] In the decade preceding Wurster's award in 1969 were in order by year from 1959: Walter Gropius (Bauhaus founder), Ludwig Mies van der Rohe, Le Corbusier, Eero Saarinen, Alvar Aalto, Pier Luigi Nervi, Kenzo Tange, Wallace K. Harrison, and Marcel Breuer. Frank Lloyd Wright was gold medalist in 1949. Following Wurster were: R. Buckminister Fuller, Louis Kahn, Pietro Belluschi, Richard Neutra, and Philip Johnson.

[3] AIA records begin in 1949. Wurster/WB&E received 8 Merit or Honor Awards. Frank Ghery has received 7. Anshen & Allen: 6; Richard J. Neutra/Neutra & Alexander/Neutra & Neutra: 6; John Carl Warnecke & Assoc.: 6; Joseph Esherick/Esherick Homsey Dodge & Davis: 5.

[4] Some of these elements could be found earlier, but usually in more parsimonious form such as smaller balcony areas, extensions of 2nd floor exterior walkways, or small utility yards for storing garbage or hanging out laundry. WB&E's introduction of large overhangs and trellis screening at Capitol Towers, appear upon review of earlier publications, to be the first time such elements are used together with the more ample and

incorporated motifs that trended away from other modern architecture: tall vertical windows harkening to the vernacular properties of gold-rush, Old Town and Victorian architecture that reduce heat-gain/loss, accommodating the Central Valley's climate.

Capitol Towers is a prime example of Wurster's and the team's approach to a more humanistic architecture, dedicated to its users rather than serving as a monument to the designer. This was an attitude that was shared by the team as noted in their work and respective biographies. At the time of entering into the contract for Capitol Towers and assembling the design team, Wurster and his wife, the eminent housing reformer of the era, Catherine Bauer, had just returned from a sabbatical to Europe and Asia. Wurster had revisited old friends and colleagues in Europe: Alvar Aalto of Finland and Kay Fisker of Denmark and others who shared the Wursters' regionalist and humanistic values as applied to multifamily housing, where Scandinavians had taken a leadership role.

Indeed, if as the writer and statesman Johann Wolfgang von Goethe, had once noted, "architecture is like frozen music", then Capitol Towers should be regarded as the Wurster/WB&E team's apotheosis to Aaron Copeland's "Fanfare for the Common Man". It creates a respectful, understated, informal series of receding planes in structures that step back and form public and private garden spaces for use by its residents, neighbors, and the local public. It brings, art, landscape architecture, architecture, and urban design to a level rarely experienced in California or national multifamily residential architecture. O8-124 cont.

In many respects, Capitol Towers surpasses the more formal and somewhat rigid structuring of buildings and spaces that characterized much of the urban renewal planning of the era, including the earlier concepts proposed by Richard Neutra. The Sacramento Redevelopment Authority had exercised great vision to turn from Neutra to the W.B.&E team's regional sensibilities.

Great architecture is not just about buildings: their rooms, arrangement, and facades, it is also about space—the quality of interior spaces, as well as the spaces which the buildings form. The search by architects for those limited opportunities to create great spaces has continued over the epochs. One thinks of what many have considered the most beautiful of these: St. Marks Square in Venice, but other great spaces have been created elsewhere. From a residential form giving standpoint, the out-door rooms created by J. Wood, the elder and John Wood the younger at the Circus and Crescent of Bath, England, respectively come to mind.

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considered design of balconies and private garden spaces in large scale garden apartment developments—including here, the reversal of floor plans to assure garden patio area privacy.

Urban renewal gave several architectural teams the opportunity to create a new generation of grand urban spaces. The results were often stultifying and rigid when carried out in the rectilinear patterns of some internationalists. Yet, a few would stand out. In this regard, Capitol Towers and Garden Apartments truly 'broke the mold' of the era with its complement of intimate as well as larger yet informal spaces—a tribute to this special collection of humanistic, regionalist designers.

W.B.&E's and Barnes' approach to modernism is easily misunderstood. One of the books reviewing Wurster's work is entitled "An everyday modernism: the houses of William Wurster"[5]. Wurster's work was at times maligned, particularly by the 'internationalists', but more often appreciated for achieving its quintessential 'artlessness'—a casualness that would become characteristic of much of Northern California's domestic architecture. However, this architecture requires close examination of the details referenced above to appreciate what distinguishes it from lesser works that would imitate and follow from it.

There may be some contention as to whether Capitol Towers represents the work of a master. As noted above, I believe that it can ultimately be established that it is the work of three masters. While it has been difficult to establish W. W. Wurster's own hand in the project, as referenced earlier, it is unlikely given his then recent return from Europe and interactions with designers of comparable stature that he did not so engage in the project's design. His keen interest in multifamily housing together with that of his wife, Catherine Bauer, as well as this project representing an opportunity to expand upon ideas he had been fostering for more than a decade would argue heavily for his involvement and influence despite the absence of notes. O8-124 cont.

The design work of the other two primary recognized masters, Edward Larabee Barnes and landscape architect Lawrence Halprin is more clear.

Nonetheless, an issue in preservation is raised as we go forward. While being able to definitively identify a project as the 'work of a master' may be a measuring stick against works of earlier centuries, it may be a terribly inappropriate one in the latter part of the 20th century, and as we move into the 21st , in view of how the process of architectural design transpires in large offices that engage in the larger and more complex projects. By such a standard, there would be very little 'great' or historically significant architecture to come out of the 21st century given the process and structure of architectural offices these days.

Moreover, a 'master' has several ways of being engaged in the design process. This can be accomplished through sketches (which are often not saved), or verbally in exchanges with associates who are participating in the design decision-making, or via a process of critique of the ideas of junior designers who

[5] Marc Teib, ed., S.F. Museum of Modern Art in assoc. with U.C. Press, 1995.

are working alongside or are bringing back for review the proposal. Is the master's signature on the most recent electronic adjustment or conceptual development that is being shared across multiple computers? Which is the master's adjustment and that of the partner or senior designer?

Skidmore, Owings, and Merrill received much of the credit for the iconic Lever House in New York City, yet most know that Lever House was designed by Gordon Bunshaft of their firm. How much credit should Le Corbusier get for the UN building versus Oscar Niemeyer? And, we know that Wesley Peters, Aaron Green, or Fred Langhorst often had considerable roles in designing and carrying out Frank Lloyd Wright's later works. If we go back far enough, how much credit should Raphael receive for painting the "School of Athens" in the Vatican, when he engaged several members of his atelier of 50 in executing the work?

In regards to Capitol Towers being the work of a master, consideration should be made for the evolving collaborative design process.[6] Wurster may well have been more involved than the evidence shows—with sketches just lost, or the commentary, critiques, and exchanges not recorded. Indeed, as referenced above, here was Wurster's opportunity with his great interest in housing to engage in a design for the everyday person; to explore, interpret, and re-assert ideas that he had just shared with his eminent European colleagues. If not so, why indeed after the initial phase's design was completed would the City go on to appoint him to the Capitol Building and Planning Commission of Sacramento?

O8-124 cont.

Sacramento has comparatively little in the way of nationally noted examples of architecture, particularly in regards to that of the mid-20th century. Thus a loss of Capitol Towers would be a blow to this very limited cultural resource inventory. A review of the National AIA's list of Honor and Merit awards for California, dating from 1949 to present shows Sacramento as receiving 3 such awards (2 of which were for renovations), while San Francisco has 20, Los Angeles 24, San Diego 5, and seven other cities, including Berkeley, Santa Monica, Pasadena, and Mill Valley had received 4 awards over the last 65 years.

A more comprehensive but very dated survey (1973)[7] identified some 35 structures in Sacramento as architecturally noteworthy. These ranged from the

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[6] The 'collaborative' design process in modern architecture was advanced by Walter Gropius, Bauhaus founder and later, chair of architecture at Harvard. Wurster would engage in graduate study at Harvard at the time, while going on to become dean of architecture at MIT while Gropius was next door. Wurster would carry on the collaborative approach in his own practice, which would serve as the mentoring grounds for not only Barnes, but also many architects who would gain recognition while extending and reinterpreting Northern California Regionalism in architecture.

[7] David Gebhard, Roger Montgomery, Robert Winter, John Woodbridge, Sally Woodbridge, *a guide to Architecture in San Francisco & Northern California*, 1973, pgs. 394-403. No comparable region-wide survey appears to have been subsequently made.

Stanford-Lathrop house, to the Capitol, Willis Polk's Western Pacific RR Station (the Spaghetti Factory, today), and yes, Capitol Towers, to Dreyfuss & Blackford's SMUD office building. Yet the same survey would identify 344 notable structures in San Francisco, 81 in Oakland, 174 in Berkeley (incl. UC Campus), 37 in Petaluma, 27 in Sausalito (Polk, Coxhead, up through many of the then current regionalists), and 30 in Stockton.

Thus, for Sacramento to lose what is one of its few, truly significant works of mid-20th century regionalism designed with particular deference to Sacramento's historic milieu and climate, with heritage trees previously preserved in a park-like setting in the heart of the city, would be a cultural loss that the city nor for that matter, the State or the fields of architecture and urban design, can ill afford. O8-124 cont.

Capitol Towers and Garden Apartments is an important milestone in the evolution of a comprehensive approach to urban environmental design, as uniquely interpreted in its Northern California milieu. It brings forward the Garden Cities movement and Radburn concepts into a new urban context and serves as a reference point for future generations of environmental designers.

I urge the California Office of Historic Preservation and the California Historic Resources Commission to endorse the nomination of Capitol Towers and Garden Apartments to the National Register.

Respectfully Submitted,

Carr Kunze, Housing Professional
B. Architecture, U.C. Berkeley
M.S.Urban Planning, Columbia University, NY.

cc:
Gretchen Steinberg, President, SacMod
Roberta Deering, Preservation Director, City of Sacramento
Anthony Veerkamp, Field Director, S.F., Nat'l. Trust for Hist. Pr.
Kris Barkley, AIA, President C.V. A.I.A.
Brian Sehnert, AIA, Director C.V. A.I.A.
Richard C. Peters, F.A.I.A., Prof. Emiritus, U.C. Berkeley
William Burg, President, Sacramento Old City Assoc.

6

MELISSA E. MOURKAS

October 1, 2014

Dear Commissioners:

My name is Melissa Mourkas. I am an architectural historian and a landscape architect residing in the City of Sacramento.

I am writing in support of the National Register Nomination of the **Capitol Towers and Garden Apartments**.

In addition to the applicability of the Criteria as submitted by the applicant(s), I would add under Criterion C/3 ***"the work of a master"***. In fact, it is this particular assemblage of well-known and highly respected modern designers that makes it unique and special, and decidedly the work of a master. To quote from page 31 of the original JRP Historic Inventory and Evaluation Report "WBE was one of the best known architectural firms in California during the 1950's to 1960's" (JRP 2014). On pages 33-34, the report goes on to note "Lawrence Halprin was one of the most well-known landscape architects in the latter half of the 20th Century. He came to prominence in the 1950's with his innovative designs for urban environments…" O8-125

EXACTLY!

I believe we should recognize the collective accomplishment that is the Capitol Towers. Capitol Towers and Garden Apartments not only won 7 or more awards at the time of its design and construction, it has withstood the test of time as a legacy to the changes occurring in the urban design at that time. It is a site plan and landscape that works. Research by SacMod, Page and Turnbull and others makes clear that the site plan in particular was in the vanguard of both mixed use super-block design and civic spatial design.

I support this nomination as both a resident of the City of Sacramento and as a Historic Preservation professional.

Sincerely,

Melissa Mourkas ASLA

References:
JRP 2014—JRP Historical Consulting, LLC. *Historical Resource Inventory and Evaluation Report, Capitol Towers Apartments.* May 2014.

SACRAMENTO OLD CITY ASSOCIATION
Sacramento Old City Association - PO Box 162140, Sacramento CA 95816 – (916)202-4815 – info@sacoldcity.org

September 24, 2014

State Historic Resources Commission
P.O. Box 942896
Sacramento, CA 94296-0001

Re: Nomination of Capitol Towers to the National Register

Dear Commission Members

O8-126

Founded forty years ago, the Sacramento Old City Association is a 501©4 dedicated to good planning and the preservation of historic resources in the City of Sacramento. Our board is pleased to send this letter in support of the nomination of the Capitol Towers site, including all buildings and surrounding landscape, to the National Register of Historic Places.

Built between 1958 and 1965, Capitol Towers is one of the first redevelopment projects in the country. It was designed by some of Northern California's the most prominent Mid-Century Modern architects and played a significant role in the development of our city. We are grateful to SacMod for bringing this nomination forward and eagerly anticipate the inclusion of Capitol Towers in the National Register.

Thank-you for this opportunity to submit comments.

Sincerely,

Karen Jacques

Karen Jacques
Preservation Chair
Sacramento Old City Association

1

Crain, Amy@Parks

From: Willis-Hunter, Twila@Parks
Sent: Friday, August 22, 2014 9:38 AM
To: Burg, William@Parks; Crain, Amy@Parks; Correia, Jay@Parks
Subject: FW: Preservation Project/Development Proposal

Hello Registration Unit,

Could you read the email below. Thanks.

Twila Willis-Hunter
Executive Secretary
Office of Historic Preservation
TEL: 916.445.7052
FAX: 916.445.7053
CELL: 916.869.8100
E-Mail: thunter@parks.ca.gov
WEB: www.ohp.parks.ca.gov

Note: My new email address is Twila.Willis-Hunter@parks.ca.gov.
Please update your records for future use.

From: OHP, CALSHPO@Parks
Sent: Friday, August 22, 2014 9:29 AM
To: Willis-Hunter, Twila@Parks
Subject: FW: Preservation Project/Development Proposal

From: Leslie Medina
Sent: Thursday, August 21, 2014 7:40 PM
To: OHP, CALSHPO@Parks
Subject: Preservation Project/Development Proposal

Dear Commissioners:

I am a long time resident of Sacramento - and someone who cares greatly about preservation.

Capitol Towers and Garden Apartments at the "N" Street Superblock is functioning just as it was planned and proposed many years ago as a great central city neighborhood. I want to preserve and protect the buildings, the open space and the functioning central city neighborhood. O8-127

I don't want to see Kennedy Wilson destroy the central city neighborhood as they sell parcels to developers. All KW wants is to gain approvals for the tentative subdivision map to subdivide this superblock into 6 parcels.

Our city has lost too many of its significant landmarks. Don't let this happen again.

Capitol Towers & Garden Apartments is an exemplary example of Mid-Century Modern architecture and urban garden apartment living designed as a mixed density development in a park like setting, by renowned architectural firm of Wuster, Bernardi and Emmons and completed in 1961.

Do not let these land speculators from Southern California win. Protect and preserve this central city neighborhood.

1

Thank you for your consideration,
Leslie Medina

O8-127
cont.

Leslie Medina

2

From: **Hilary West** |
Subject: RE: Support for SacMod Capitol Towers/Garden Apartments Preservation Nomination
Date: August 20, 2014 at 8:12 PM
To: calshpo@parks.ca.gov
Cc: SHansen@cityofsacramento.org

Dear Office of Historic Preservation Staff :

Capitol Towers and Garden Apartments at the "N" Street Superblock is functioning just as it was planned and proposed 53 years ago. It is a great central city neighborhood — and I would add, one of the few in Sacramento.

The new owners, Beverly Hills land speculators Kennedy Wilson, hired JRP Historic Preservation Consultants to evaluate the historic significance of this complex. Unfortunately, JRP's report contains dozens of inaccuracies. Further, the conclusions are based scant evidence and designed to only meet the needs of the KW's vision for Sacramento - not the facts or the public interest.

Sacramento Modern, a volunteer, non-profit organization, has completed a National Register nomination. It is honest and accurate and is based on careful review and professional study.

I am concerned that whatever KW does, they will not develop the property, they are not developers. What they will do is to acquire demolition permits to take out over 200 trees, some heritage trees, and demolish the historic garden apartments. Once they are gone — they're gone. O8-128

The result will be our city will loose a beautiful, functioning and historic neighborhood where some of Sacramento's and the Capital's interesting historical figures lived.

You have worked to save this type of important neighborhood and heritage buildings before. It's time to step-up again. I would propose to you that our state has lost too many of its significant landmarks. **This significant historic redevelopment project in a superblock will never be duplicated again.**

Capitol Towers & Garden Apartments is an exemplary example of Mid-Century Modern architecture and urban garden apartment living designed as a mixed density development in a park like setting, by renowned architectural firm of Wuster, Bernardi and Emmons and completed in 1961. Even 40 some odd years later, it is an oasis in the middle of the downtown.

Do not let these land speculators make this historic decision for us. California needs to save it's heritage. **We're California, and we work to protect and preserve our** history.

Hilary West

August 19, 2014

OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816

RE: Commons Project

Office of Historic Preservation:

I am a long time resident of Sacramento - and someone who cares greatly about preservation.

Capitol Towers and Garden Apartments at the "N" Street Superblock is functioning just as it was planned and proposed many years ago as a great central city neighborhood. I want to preserve and protect the buildings, the open space and the functioning central city neighborhood.

I don't want to see Kennedy Wilson destroy the central city neighborhood as they sell parcels to developers. All KW wants is to gain approvals for the tentative subdivision map to subdivide this superblock into 6 parcels. O8-129

Our city has lost too many of its significant landmarks. Please don't let this happen again.

Capitol Towers & Garden Apartments is an exemplary example of Mid-Century Modern architecture and urban garden apartment living designed as a mixed density development in a park like setting, by renowned architectural firm of Wuster, Bernardi and Emmons and completed in 1961.

Do not let these land speculators win. Protect and preserve this central city neighborhood!

Best regards,

Jerry Coleman

date: 20, August 2014

to: Carol Roland-Nawi, Ph.D, State Historic Preservati on O ffi cer
California State O ffi ce of Historic Preservati on
1725 23rd Street, Suite 100
Sacramento, CA 95816

re: Lett er of Support for the Nominati on for Capitol Towers to the Nati onal Register of Historic Places

Dear Ms. Roland-Nawi,

My name is Pierluigi Serraino; I am a practi cing architect and author of books on mid-century modern architecture. "Modernism Rediscovered" (Taschen, 2000) and "NorCalMod: Icons of Northern California Modernism" (Chronicle Books, 2006) are two ti tles of mine dealing with the extraordinary legacy of post-war architecture in the Golden State. O8-130

I am writi ng to you to support the nominati on of Capitol Towers in Downtown Sacramento to Nati onal Register of Historic Places. The cast of characters that designed this project is nothing short of excepti onal. William Wilson Wurster was the power broker of a great many key events in the unfolding of the modernist trajectory in North-ern California. Landscape architect, Lawrence Halprin, designed the master plan for Sea Ranch. Edward Larrabee Barnes left his disti ncti ve mark in the New York skyline through his Citi corp highrise. These are but a few of the protagonists giving their design signature to the Capitol Towers scheme.

Between 1959 and 1965, the years of constructi on of Capitol Towers, similar housing experiments were implemented across California. Among the most notable are the Golden Gateway Apartments in San Francisco, and Park La Brea in Los Angeles. The common denominator of these urban schemes was a balanced approach of higher density and choreographed nature. Under the mounti ng pressure of a rising populati on att racted to the mirage of California living, architects and urban planners endeavored to conceive concrete responses to the growing post-war citi es.

Consciousness of the momentous importance of California Modernism is on the rise nati onwide. The nominati on of the Capitol Towers to the Nati onal Register of Historic Places would consti tute a culturally a ffi rming statement that modern architecture was practi ced responsibly and in a learned fashion all across the state, and not just in Greater Los Angeles and the Bay Area.

pierluigi@pierluigiserraino.com
www.pierluigiserraino.com

Sincerely

Pierluigi Serraino

Pierluigi Serraino,
AIA

pierluigi
serraino
architecture

Richard C. Peters, FAIA

August 4, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816 via: **calshpo@parks.ca.gov**

Re: Support of Nomination for Capitol Towers and Garden Apartments to the National Register of Historic Places

Dear Dr. Roland-Nawi and staff:

I wish to extend my support of the nomination to the National Register of Historic Places Registration Form for Capitol Towers and Garden Apartments, located at 1500 7th Street, Sacramento, CA 95814. I am Professor Emeritus of Architecture at the University of California, Berkeley, and co-authored with Caitlin Lempres Brostrom, "The Houses of William Wurster: Frames for Living", released in 2011.

Capitol Towers was California's first residential urban renewal project. There are extraordinarily few such projects—perhaps a handful-- designed by teams of the very best architects, planners and landscape architects of the era. These developments comprise a unique approach to urban form giving. Some are now threatened with destruction just for the architectural space creating and saving function that they have performed. O8-131

As referenced in the nomination, Capitol Towers is an early example of Wurster Bernardi and Emmons' work in multifamily, market-rate housing. Wurster had earlier produced public housing and war housing designs. This development incorporates many of the ideas that Wurster had been developing in collaboration with his wife, Catherine Bauer, one of the nation's foremost housing reformers of the era. In an Architectural Forum, September, 1949 article William Wurster sets forth some of his ideas as to how the garden apartment or row house can be created with private spaces related "properly to [the] interior living room and kitchen". He noted how such a "system also permits greater density with corresponding savings in utilities and transportation" versus the urban land consuming single family dwelling that dominated post WW II urban development.

At the time of entering into the contract to assemble a team and design Capitol Towers, Wurster had just returned from an extended tour of Europe and Asia, where again he had met with and shared ideas with several close friends of

Scandinavia, including Alvar Aalto, Kay Fisker, and others who had also been advancing concepts of creating private outdoor space in multifamily dwellings.

By this time, Wurster had already been established as the leader of what would be called Bay Area or Northern California regionalism in architecture—an approach which loosely, may also be found in the works of other regionalists, including Aalto and Fisker, as an alternative to the more strict formalism of the International Style as practiced at the time.

Capitol Towers also advances Wurster's approach to regionalism with a design particularly tailored to California's Central Valley climate with less window exposure, the use of large roof eave overhangs, trellises over the sliding glass doors, and historical recall through the verticality of the windows and their placement, reminiscent of Sacramento's vernacular structures of its gold rush era and its Victorians.

In addition to setting forth a regionalist variant of modern architecture in a multifamily venue, Capitol Towers exemplifies Wurster's and his team's concern for context. A feeling for context was a natural component of Wurster's designs and of those who worked with him. Two or three decades later, 'contextualism' would become a more formalized movement in some architectural practices. O8-131 cont.

Capitol Towers is a very important legacy in California's and the nation's history of architecture, landscape architecture and urban planning in its humanistic approach to housing. Several of its features—balconies, individual patios, trellises over large window areas—rarely used in the U.S. before, would contribute to and become a part of the vocabulary of garden apartment and townhouse design in future decades. Wurster's, Edward Larabee Barnes' and WB&E's collaborators' design comprises a form of artful understatement that easily allows it to be overlooked and misunderstood in today's urban environment. One author entitled a book on Wurster's work, not inappropriately, as an 'everyday modernism'.

Accordingly, I am pleased to endorse this nomination of Capitol Towers to the National Register of Historic Places, as researched and prepared by Page and Turnbull on behalf of Sacramento Modern.

Very truly yours,

Richard C. Peters

Richard C. Peters, FAIA
Professor Emeritus of Architecture
University of California, Berkeley

July 23, 2014

Dr. Carol Roland-Nawi – SHPO
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

RE: Supporting the National Register for the Capitol Towers & Garden Apartments

Dear Dr. Roland-Nawi and OHP Staff:

I am writing today to support the Sacramento Modern nomination of Capitol Towers and Garden Apartments to the National Register.

This project is an excellent example of the architecture of the mid-century modern period. From the Sac Mod research and other information, the project was the largest residential undertaking in Sacramento. The Capitol Towers and Apartments project was envisioned and completed by the renown architecture firm of William Wurster, Bernardi and Emmons, as well as the landscape architect Lawrence Halprin. The goal was to make the area a livable urban complex, providing green space, a swimming pool and needed features for residential living. O8-132

Today, as you can see, it's a successful, fully mature, beautiful residential neighborhood just a stones throw from the center of downtown Sacramento and the State Capitol.

I should note that the Bridgeway Tower and the Pioneer Tower (senior living high-rise apartments) are neighbors that were built later. These two residential units were part of the original Wurster plans.

This is a unique opportunity to save the very best examples of mid-century modern innovative architecture. Let's not let this slip away just because some land speculators want to make way for poorly planned and unnecessary high-rise buildings and parking lots.

I join with my friends and neighbors and urge the State Office of Historic Preservation to recommend this nomination for the National Register and for immediate preservation.

Sincerely,

Sophia Cazanis

ALAN HESS
ARCHITECT

July 22, 2014

Carol Roland-Nawi
State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

re: Capitol Towers and Garden Apartments nomination

Dear Ms. Roland-Nawi:

I would like to express my strong support for the nomination of Sacramento's Capitol Towers and Garden Apartments complex for landmark status.

This is a design of both historical and architectural significance, under Criteria A and C. I say this as an architect and historian, author of nineteen books on Modern architecture (often focused on California), and as the architecture critic of the *San Jose Mercury News.*

First, Capitol Towers' historic character: it represents a key but neglected chapter in the story of California's contributions to good urban planning in the midcentury period. A widely held myth is that California in this period was dominated by unplanned sprawl. Capitol Towers' existence disproves this myth; it shows that good architects and good planners created well-designed, workable, and successful developments incorporating high density, diverse housing types, public art, and excellent landscaping, all well-integrated into its urban context. O8-133

Capitol Towers should be preserved as a high standard for current development to live up to. It should be celebrated, not demolished.

Second, as architecture, the designers of Capitol Towers were among the best and most distinguished of the period. Wurster Bernardi and Emmons was one of the most influential firms of the time, setting high standards for the rest of the profession. Vernon DeMars and Donald Reay were architects who brought a strong architectural sensibility to planning design. Edward Larrabee Barnes was a nationally respected designer. And Lawrence Halprin has long been recognized as the dean of American landscape architects. That such designers would devote

their talents to this project shows their regard for the importance of urban life in California.

An important example of California's design leadership and innovation is at risk. For the sake of recognizing California's extraordinary achievements in good architectural and urban design, and for the genuine livability and urban quality that this historic complex brings to Sacramento, Capitol Towers should be given landmark status. O8-133 cont.

Thank you for your consideration.

Sincerely,

Alan Hess

ARCHITECT MILFORD WAYNE DONALDSON FAIA

July 24, 2014

Carol Roland-Nawi, Ph.D,
State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Support Letter for the Capitol Towers to the National Register of Historic Places

Dear Ms. Roland-Nawi,

Capitol Towers and Garden Apartments (Capitol Towers), constructed between 1959 and 1965 on most of a four-block area in downtown Sacramento, California, is significant under Criterion A in the area of Community Planning and Development as the first privately-sponsored urban redevelopment project in Sacramento and in California. Its initial phase of 92 garden apartment units, dedicated in 1960, represents the first implementation of federal urban redevelopment funds in the West.

Capitol Towers is also significant under Criterion C as a well-planned and well-designed example of urban redevelopment housing. Having walked through the complex several times and visiting a friend who used to live in one of the units, its pedestrian-oriented design combination of low-rise and high-rise buildings, integrated landscape features is unique. The site also maintains a strong urban presence while balancing privacy and community for its residents. In addition, it was the first redevelopment project for many of its talented design team that included Wurster, Bernardi, and Emmons, Edward Larrabee Barnes, DeMars & Reay and landscape architect Lawrence Halprin. O8-134

The Capitol Towers neighborhood has been a successful mixed-use residential community for 50 years. As past California State Historic Preservation Officer, I fully endorse the Capitol Towers to be nominated to the National Register of Historic Places.

Milford Wayne Donaldson, FAIA

Crain, Amy@Parks

From: Correia, Jay@Parks
Sent: Monday, July 21, 2014 12:21 PM
To: Crain, Amy@Parks
Subject: FW: Letter in Support of the Preservation of Sacramento's Capitol Towers

Follow Up Flag: Follow up
Flag Status: Flagged

For you...

Jay Correia
State Historian III
Supervisor, Registration Unit
California State Office of Historic Preservation
916-445-7008

From: Roland-Nawi, Carol@Parks
Sent: Monday, July 21, 2014 10:30 AM
To: Correia, Jay@Parks
Subject: FW: Letter in Support of the Preservation of Sacramento's Capitol Towers

Carol Roland-Nawi
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
916 445-7050

From: Heather David
Sent: Sunday, July 20, 2014 9:07 PM
To: Roland-Nawi, Carol@Parks
Cc: 'gretchen steinberg'
Subject: Letter in Support of the Preservation of Sacramento's Capitol Towers

Heather M. David

July 20, 2014

1

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Dear Ms. Roland-Nawi:

My name is Heather David. I am a California native and an advocate for the preservation of the State's mid-century modern resources. I write today in support of the preservation of Sacramento's Capitol Towers residential community.

In addition to the Capitol Towers development being an excellent example of a thoughtful approach to postwar urban renewal, the complex is as attractive and functional today as it was some 50 years ago.

The minds behind the Capitol Towers master plan were arguably some of the best and brightest of their era - William Wurster, Vernon DeMars, Lawrence Halprin, etc. No one can argue against these individual's significant contributions to Modern design, in general, and to California Modernism, in particular. O8-135

The Modern approach to urban residential living centered on increasing the quality of life through the effective use of interior space and integrating the indoors with the outdoors. In comparison, it seems that the current trend in urban "renewal" is to compromise quality of life for the pocketbooks of developers and higher tax revenues.

High density development is great for developers. It is great for tax revenues. But is it great for the people who must live in these highly constricted spaces? Please save Capitol Towers. It is not only an iconic example of postwar urban residential architecture, it is HOME to many people.

Sincerely,

Heather M. David

2

PAGE & TURNBULL

imagining change in historic environments through design, research, and technology

July 16, 2014

Gretchen Steinberg
Sacramento Modern
4910 South Land Park Drive
Sacramento, CA 95822

Ms. Steinberg,

I am writing to provide a letter of support for the nomination of Capitol Towers to the National Register of Historic Places and recognition of the property as a successful urban development with character worth preserving. I do recognize Page & Turnbull prepared the nomination materials being submitted to the State Historic Preservation Office on behalf of Sacramento Modern, and therefore we are responsible for formulating a statement of eligibility. I wanted to take this opportunity, however, to reiterate a few thoughts regarding the signature historical significance of the housing development and the unique planning project situated in our own local environs in downtown Sacramento. It is, I feel, not only important relative to an historic context, but valuable to us as a community seeking the best for our downtown.

As stated in the National Register Nomination application, we find Capitol Towers to possess an exemplary representation of redevelopment housing design by a group of innovative, talented designers between 1959-1965. Specifically, the complex is comprised of a pinwheel arrangement of staggered low-rise units, a high-rise building, and service buildings interwoven into landscape elements, exterior amenities, and shaped outdoor spaces. The result is a delicately balanced environs of urban housing, shaded green zones and social interactive spaces, both private and public. The managed, skillful design is clearly evident today, in good part due to the high level of maintenance at the facility. A walk through the complex, as available to any local making their way through the City grid, is delightful.

O8-136

This combination of elements in the proportion as originally conceived here are rarely found in today's development, with the extreme pressures on development ratios and financial terms. To drastically alter this site now, as is currently proposed, would be a sorrowful waste of an urban icon in Sacramento. Densification and infill is desirable in downtown Sacramento - but the action here comes at the complete destruction of a successful mixed-density urban housing development. Do we need to repeat the removal of cultural history in order to build our urban centers? Can we not learn from the ills of Redevelopment, as effected to Japanese settlements here in the 1950s, and continue to learn from the best thinking of Modern era architects and planners, as current residents, locals and design practitioners benefit from now? There are better opportunities for high-rise infill at other underutilized, non-historic sites in our city. There could be ways to incorporate some modifications to the Capitol Towers site, in a manner that protects the overall character of the planned community. The first step in doing so is to recognize and systematically identify the existing significance and character, from a local perspective and historic resource perspective. I hope our Preservation and Planning Commissioners will respond with careful consideration in this situation and support our opinion Capitol Towers is an historic property with unique urban qualities worthy of preservation. Placemaking is here at Capitol Towers in its current form.

Sincerely,

Melisa Nelson Gaudreau, Director- Sacramento Office, Page & Turnbull, Inc.

ARCHITECTURE
PLANNING & RESEARCH
PRESERVATION TECHNOLOGY

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July 16, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816 via: calshpo@parks.ca.gov

Re: Support for Capitol Towers and Garden Apartments to the National Register of Historic Places

Dear Dr. Roland-Nawi and staff:

I am writing in support of Capitol Towers and Villas to the National Register of Historic Places. This project is part of a four block "super block," assembled and originally planned for development by the City's Redevelopment Agency. The 12 story building, Pioneer Tower, that I live in was also part of that design. Pioneer Tower is a senior living environment.

The Capitol Tower project qualifies for inclusion into the National Registry of Historic Places. What we, as local residents, cherish are the mature trees and sweeping tree canopies, as well as the well-placed Villa Apartments, the swimming pool, leisurely walkways, sparkling fountain and quietness. We seniors think of this special place as our oasis or park. We encourage you to walk through the "super block" area in order to appreciate this 50+ year old grand lady of parks. O8-137

What upsets us is that should the owners, Kennedy Wilson LLD, tear out the Villa Apartments, our heritage trees, and sheltered walkways, the downtown area will lose a unique and successful living environment created by award-winning architects. We will never acquire another, as how many property owners are willing to build another tree-canopied beauty in downtown Sacramento?

Thank you for considering the nomination.

Sincerely,

Judy Kay Stanley

Judy Kay Stanley

Dr Carol Roland-Nawi –SHPO July 15, 2014

Office of Historic Preservation

1725 – 23rd Street-Suite 100

Sacramento, CA 95816

RE: SUPPORTING THE NATIONAL REGISTER FOR THE

Capitol Towers & Garden Apartments

Dear Dr Roland-Nawi and OHP Staff:

This 'super block' project is an example of the architecture of our recent past-the mid-century modern period. It was the largest residential project in the Redevelopment process in Sacramento that began in 1958. Redevelopment was 'revitalizing' the core of many other major cities in the US to eliminate slums and blight. 223 blocks were demolished on the west end of Sacramento.

The effort and concern by the renown architecture firm of William Wurster, Brrnardi and Emmons, as well as the landscape architect Lawerence Halperin, to make Capitol Towers a livable urban complex, providing green space, a swimming pool and needed amenities in this project. It is today a healthy, functioning, beautiful residential neighborhood just two and half block from the center of downtown Sacramento.

It has been modified or altered very little in the last 50 years. The Bridgeway Condominiums and the Pioneer Tower, a senior living high-rise apartments, are not part of Capitol Towers and were built later in the 60's. However, they were in the original Wurster plans.

O8-138

I urge the State Office of Historic Preservation recommend this nomination to the Keeper at the National Parks Service.

Yours in Preservation,

Kathleen Green, a Concerned Preservationist

TELEPHONE 916 453-1234
FACSIMILE 916 453-1236

3540 FOLSOM BOULEVARD
SACRAMENTO, CALIFORNIA
95816-6699

DREYFUSS & BLACKFORD

ARCHITECTS

15 July 2014

Carol Roland-Nawi, Ph.D
State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Re: Capitol Towers Nomination to National Register of Historic Places

Dear Mrs. Roland-Nawi:

We are writing in support of the nomination of the Capitol Towers complex in Sacramento for National Register of Historic Places. As one of the very first redevelopment projects undertaken in the 1950's, this project was significant for Sacramento and the State of California. The design, execution and realization of this project were all pioneering actions by remarkable visionaries and designers. The redevelopment of the West End in Sacramento is well documented, acknowledged as a pioneering redevelopment effort in the state. The construction of the first phase of 92 low-rise garden apartments in 1960 represented the first private investment in urban redevelopment housing in California. FHA provided the mortgage insurance and imposed certain design requirements. Capitol Towers was the only "federally assisted slum clearance development project to be constructed in the western states," according to *The Sacramento Bee*, March 27, 1958 front page article.

Capitol Towers is a durable and successful interpretation of urban renewal planning of the 1950's era, drawing from the 'City Beautiful Movement' in Europe (led by Le Corbusier) and the 'Garden City' urban planning concepts developed in the United States. Fifty years after opening, it remains very nearly intact - with mature landscape, well maintained buildings and even the original public art. That it continues to be fully leased and highly sought after is a testament to the character and quality of the design. O8-139

The design team that created this landmark was quite extraordinary. This is a rare example of early work for each of these esteemed practitioners. Wurster Bernardi Emmons; DeMars & Reay; Lawrence Halprin; Edward Larrabee Barnes - all seminal practitioners in the 20th century, shaping our western cities and influencing several generations of architects and planners. That they came together to collaborate on this ground-breaking urban project is a minor miracle in itself. Each firm went on to build highly successful portfolios of lasting influence.

The design success of this project is well documented, having received numerous regional, state and national design and planning awards. A key element of this inspired parti is the careful balance of low-rise and high-rise structures on the site. The mix of building types turned out to be crucial to the success of Capitol Towers. History shows us that many contemporary redevelopment projects with dense, monolithic high-rise buildings have not fared so well. Indeed a number of infamous projects from this period were deemed civic failures and were demolished well before their time. Capitol Towers, on the other hand, presents a vibrant and varied community with ample landscape and discreet vehicle parking. It remains a lively and desirable living place to this day. We believe this to be a unique, vital cultural and architectural example with significant historical value. As a firm, we believe it is well worth preserving in our community.

Very Truly Yours,
Dreyfuss & Blackford Architects

Kristopher Barkley, AIA, Vice President

July 10, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816 via: **calshpo@parks.ca.gov**

Re: Support Nomination for Capitol Towers and Garden Apartments to the National Register of Historic Places

Dear Dr. Roland-Nawi and staff:

I am writing in support of the nomination of Capitol Towers and Villas to the National Register of Historic Places. This project is part of a four block "super block", assembled and originally planned for development by the City's Redevelopment Agency. The condominium building in which I am an owner (Bridgeway Towers at 500 N Street) was also part of that design.

I have been the beneficiary of the long range thinking and expert architecture employed in designing this area over 50 years ago. I have lived in this community since 1989 when I purchased a condominium, and I have found it to be safe, scenic, comfortable, with housing and other amenities available to 750 households in four square blocks. The complex mixes high rise and low rise, rental and ownership units, with large trees and open lawns, and many pleasing views. This has produced a densely populated area that also is very livable, and maintains its value very well, in large part because of the presence of an urban forest with large canopy trees. This forest and associated low-rise apartments are threatened by removal. O8-140

Sacramento Modern has engaged in a heroic effort to document and educate the community, particularly your agency, about the unique and enduring values of this area. I applaud their effort to list Capitol Towers and Garden Apartments on the National Registry of Historic Places.

The historic designation recognition could help further to alert the community and our city government that healthy neighborhoods should not be disposable for the "next big thing". If they endure and thrive because they were designed and planned by leading architects, they deserve respect and protection for the values they bring to the city as a whole and the downtown area in particular.

Thank you for considering this nomination.

Sincerely,

Jude Lamare Judith Lamare

c: Sacramento Modern

The Cultural Landscape Foundation
1711 Connecticut Avenue NW, Suite 200, Washington, DC 20009 (t) 202.483.0553 (f) 202.483.0761
stewardship through education
www.tclf.org

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

July 14, 2014

RE: National Register Nomination of Capitol Towers, Sacramento, CA

Dear Ms. Roland-Nawi:

The Cultural Landscape Foundation would like to express our strong support for the nomination of Capitol Towers in Sacramento, California to the National Register of Historic Places.

Capitol Towers, a part of the larger Sacramento Redevelopment Agency's Capitol Mall Redevelopment Project, is an important example of the early planning work of its talented design team which included landscape architect Lawrence Halprin and architects Wurster, Bernardi and Emmons, Edward Larrabee Barnes, and DeMars & Reay. The Capitol Towers development, which won several awards upon its completion in 1965, is an early example of successful urban renewal which served as a model, both for the designer's later works and for further redevelopment projects in California.

Halprin prominently featured the development in his pivotal book *Cities*, where he highlighted elements of the project including the plaza, screening wall, and site plan. He characterized the project as "the first living space to follow the redevelopment process" and outlined the movement notation sequence (a pre-cursor to his RSVP cycles) for the project's circulation patterns. The project was also featured as an early example of urban redevelopment in *Lawrence Halprin: Changing Places*, a catalog of the landscape architect's work published in 1986. The project's success is largely due to its unique integration of architectural and landscape design elements—aided by its thoughtful incorporation of pedestrian circulation, gardens, recreational areas and a plaza at its core. The complex as a whole is a unique historic resource, and significant example of the architecture of its time. O8-141

The Cultural Landscape Foundation's mission is to provide people with the ability to see, understand and value landscape architecture and its practitioners, thus broadening the support and understanding for cultural landscapes nationwide. Capitol Towers plays an important role in the history of Sacramento and California—serving as an example for the redesign of urban areas throughout the state in the second half of the twentieth century and I strongly urge you to approve the nomination of Capitol Towers in Sacramento to the National Register, a worthy designation for this important cultural landscape.

Sincerely,

Charles Birnbaum, Founder and President
The Cultural Landscape Foundation
1711 Connecticut Avenue, NW, Ste 200
Washington, DC 20009

July 10, 2014

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Dear Ms. Roland-Nawi,

I am writing to offer my support for the nomination of Capitol Towers in Sacramento, California to the National Register of Historic Places. As the first privately sponsored redevelopment project in California, the site is an important example of 1960s planning, landscape and architectural design. Captiol Towers represents the successful collaboration of master designers Wurster, Bernardi, and Emmons, Edward Larrabee Barnes, DeMars & Reay and Lawrence Halprin, to create a pedestrian-oriented housing complex that offers a unique and innovative example as compared to its more car-centric counterparts of the redevelopment era. The complex is an important early example of large-scale neighborhood planning by the collaborating design team, who went on to design other noteworthy residential complexes in California in the 1960s.

Neighborhoods of the modern era are increasingly threatened as they exceed the 50 year threshold and many examples have already been lost due to development pressures. Consider the example of Parkmerced in San Francisco, a significant modern housing complex built by the Metropolitan Life Insurance Company with landscapes by Thomas Church and buildings by Leonard Schultze and Associates. Parkmerced was found to be eligible for listing on the National Register, but was never officially listed and was approved for demolition in 2011. The site presently awaits its demise. As important examples of modern-era designs are increasingly threatened, it is essential that they are acknowledged for their contribution to our shared history through designation. O8-142

The submitted National Register nomination is well-research, well-articulated and thorough in its analysis of the site's eligibility for listing. As a planner and cultural landscape historian who specializes in modern-era landscapes, I concur with the findings of the nomination that Capitol Towers is an important example of its type, period and the work of masters and is worthy of designation on the National Register.

Respectfully,

Gretchen A. Hilyard

April 15, 2015

Dear Chair Fuller and Preservation Commissioners:

I am writing to urge you to support Capitol Towers listing on the Sacramento Register, and ultimately the National Register. I also ask that you encourage the Planning Commission to consider the preservation of this existing community as a higher priority than increasing the quantity of high rise housing at THIS site. Please urge the Planning Commission to require the developers to incorporate the historic buildings and landscape into their new plans, and to find a way to preserve the existing community of Capitol Towers.

As a councilmember and later as Mayor, I represented this neighborhood for 19 years. I became very familiar with its residents and businesses and its assets and significance to downtown Sacramento. It's not just an apartment complex, as I'm sure you noticed if you've visited. It's a community of very satisfied residents and business owners who love and contribute to the downtown vibrancy, and have for decades. It is a site which allows the disabled residents to freely navigate from their homes to restaurants, shopping, and other services, without having to cross a street. And for the many employed residents, the adjacency of light rail and the many employers in the area, including the State, means they can get to work without driving. I found it to be one of the safest and happiest neighborhoods in the city. It seems unfair to disrupt this neighborhood just because they are renters. This wouldn't and couldn't happen in another residential block in downtown Sacramento, because the residential property owners wouldn't allow it. O8-143

I support higher density and worked hard for years to encourage more housing in the central city. I'm pleased to see the interest and demand for downtown living. But this is an existing neighborhood, and is already one of the densest housing in the central city. Its success should serveas a model for other development, not a reason to take it down. Within just a few blocks are a half dozen empty or underutilized

blocks that would be so much more appropriate for this development. The general plan specifically calls for "protection of existing neighborhoods" (see quote below), based on input from residents throughout Sacramento.

Sacramento is a special city, and part of what it makes it so special, is that we have preserved what makes it unique. One of my goals as mayor was to preserve the unique historic buildings and neighborhoods in downtown. That effort is part of what has positioned Sacramento for its current round of progress. It's part of what has attracted residents and businesses to locate here. Capitol Towers, with its stability, walkability, tree canopy, and sense of community is a special place that should also be preserved. O8-143 cont.

Thank you for considering my comments.
Heather Fargo
former Mayor of Sacramento (2000-2008)

from the City's General Plan -"Protect Established Neighborhoods"
"The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and by requiring new development, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood. (RDR)"

April 13, 2015

Members of the Sacramento Preservation Commission
Members of the Sacramento Planning and Design Commission
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Dear Commissioners and Staff:

We strongly urge you to vote in support of the nomination of Capitol Towers and Garden Apartments (Villas) as an Historic District, including its Contributing Resources, to be listed in the Sacramento Register of Historic & Cultural Resources, Landmarks, and Historic Districts.

Preservation of some 200 mature trees on site, with replacement in kind as part of the natural life-cycle, would serve to advance Sacramento's leadership role throughout the region, state, and nation as the preeminent City of Trees. As California's capital, with its rich history, the City's preservation of this historic site would serve to expand the stature of Sacramento for its significant architectural heritage.

Development of this 11-acre site in the mid-twentieth century has become celebrated as an important example of *Northern California Regionalism* and humanism. It remains a significant achievement among the few remaining grand urban spaces of redevelopment after World War II. It was envisioned and pioneered as human scale, with landscape and architecture designed to enhance the livability for residents, neighbors to the site, and the larger community, thereby providing a public benefit to the entire City of Sacramento.

Collaboration for this design was an important accomplishment and included: landscape architect Lawrence Halprin, recognized nationally and internationally as an innovative leader in the field; and master architect Edward Larabee Barnes, recipient of Gold Medal awards from the American Institute of Architects. The inclusion of the sculptural wall by artist Jacques Overhoff contributed to the total integration of art, landscape, architecture, and urban design for affordable housing, and which, above all, contributes to "a sense of place," so vital to the human spirit. The influence on Capitol Towers by internationally recognized master architect William Wilson Wurster also is observable, although less documented, and whose contributions appear to be born out by his appointment to the Capitol Building and Planning Commission of Sacramento after completion of the initial design phase of Capitol Towers. O8-144

The City's investment in preserving Capitol Towers and its Contributing Resources as an Historic District is an investment in maintaining the City's role as a leader in livable, urban design that will continue to benefit residents through affordable housing, multi-family residences, and as a model for generations to come.

We urge that you give every consideration to its preservation and placement in the Sacramento Register of Historic & Cultural Resources.

Sincerely yours,

Caroline Goddard
President
East Sacramento Partnerships for a Livable City

RESPONSE TO COMMENT O8-1

The commenter thanks the City for the opportunity to comment on the proposed project.

The City acknowledges this comment and has provided responses to each comment on the DEIR.

RESPONSE TO COMMENT O8-2

The commenter describes the organization's mission.

The City acknowledges this comment and has provided responses to each comment on the DEIR.

RESPONSE TO COMMENT O8-3

The commenter references the historic status of the project site.

The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes.

RESPONSE TO COMMENT O8-4

The commenter provides background on the project site and its existing attributes.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and is provided here for City Council consideration.

RESPONSE TO COMMENT O8-5

The commenter provides background on the project site and its existing design attributes.

Please see response to Comment O8-4.

RESPONSE TO COMMENT O8-6

The commenter provides background on the project site and its existing attributes.

Please see response to Comment O8-4.

RESPONSE TO COMMENT O8-7

The commenter disagrees with the characterization of the proposed project as consistent with SACOG's Sustainable Communities Strategy.

Please see Master Response 2.3.9.4 for information on consistency with regional plans, such as the one referenced in the comment.

RESPONSE TO COMMENT O8-8

The commenter alleges that the project violates various unspecified policies.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The DEIR proposes mitigation measures and alternatives that may reduce or avoid the significance of such adverse impacts. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate or reduce those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact.

RESPONSE TO COMMENT O8-9

The commenter references SACOG's consistency determination with the Sustainable Communities Strategy relative to the timing of the project site's formal finding relative to its historic status.

SACOG prepared a "Determination of MTP/SCS Consistency Worksheet for Qualifying Transit Priority Projects and Residential / Mixed-Use Projects" (SCS Worksheet) to assist lead agencies in determining whether a proposed project is consistent with SACOG's MTP/SCS. (See SCS Worksheet, http://sacog.org/mtpscs/files/Determination-MTP-SCS-Consistency-Worksheet.pdf.) As explained in the SCS Worksheet, four factors (relating to density, uses, location, and transit proximity) must be considered to determine whether a proposed project qualifies as a Transit Priority Project. (SCS Worksheet, p. 2.) Additionally, "[f]or the purposes of determining SCS consistency, the policies of the MTP/SCS are embedded in the metrics and growth forecast assumptions of the MTP/SCS. Projects consistent with the growth forecast assumptions of the MTP/SCS … are consistent with the MTP/SCS and its policies." (Id. at p. 4.) Therefore, as demonstrated in the SCS Worksheet, a potential impact to historic resources is not a factor considered in determining SCS consistency.

The City prepared an SCS Worksheet and submitted it to SACOG for review in May of 2014. SACOG reviewed the worksheet and on June 4, 2014 submitted a letter to the City confirming that SACOG concurs with the City's determination that the Sacramento Commons project is consistent with the MTP/SCS. After June of 2014, the project applicant made several changes to the Sacramento Commons project in response to requests from the public and City staff. In November of 2014, and after the State Historical Resources Commission (SHRC) voted to recommend the Keeper of the National Register to find the Capitol Towers site eligible for listing in the National Register of Historic Places, the City prepared and submitted to SACOG an updated SCS Worksheet to address changes in density and uses contemplated as part of the proposed project.

SACOG reviewed the updated worksheet and, on December 8, 2014, SACOG concluded the proposed changes to the project were "minor" and again concurred "with the City's determination that the revised

project is consistent with the MTP/SCS for 2035." (DEIR, Appendix A). On December 19, 2014, SACOG submitted a follow-up letter explaining that the Sacramento Commons project is located in "the largest, and most imbalanced, employment center in the region" due to the existing undersupply of housing options and, by developing housing in this employment center, the proposed project "would allow for shorter commutes, and more commutes by biking, walking, and transit." (FEIR, Appendix D Finally, on May 12, 2015, after the Keeper made a formal determination that the property is eligible for listing in the National Register of Historic Places and the property was listed in the California Register of Historical Resources, SACOG submitted a letter to the City that concluded the proposed project, based on its "mixed-use redevelopment plan, its location in a neighborhood that provides a surrounding mix of uses – retail, residential, office, and its close proximity to transit – will assist in implementation of the Blueprint and the MTP/SCS." (Ibid.) Please see also Master Response 2.3.9.4 for information on regional plans, such as the one referenced in the comment.

RESPONSE TO COMMENT O8-10

The commenter believes the project is in the wrong location.

Please refer to Master Response 2.3.7.5 for information on the EIR's consideration of off-site alternatives.

RESPONSE TO COMMENT O8-11

The commenter provides background on the existing project site and its existing attributes.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration.

RESPONSE TO COMMENT O8-12

The commenter references the historic status of the project site and suggests impacts from the proposed project could/should be avoided.

Please see response to Comment O8-3. Please also see Master Response 2.3.4.1 for a summary of historic resources impacts, Master Response 2.3.4.3 for a discussion of mitigation measures identified by the Preservation Commission, Master Response 2.3.7.2 for a discussion of the City's process to develop alternatives, Master Response 2.3.7.5 for information about off-site alternatives, Master Response 2.3.7.6 for information on additional on-site alternatives, Master Response 2.3.7.7 for description of a rehabilitation alternative, and Master Response 2.3.1.4 for a discussion of mitigation to address historic resources impacts.

RESPONSE TO COMMENT O8-13

The commenter discusses the existing density of development on-site.

Please see Master Response 2.3.11, which provides information on density.

RESPONSE TO COMMENT O8-14

The commenter suggests that adding further density without demolition on the project site could meet project objectives.

Please see Chapter 5 of the DEIR, which evaluates alternatives to the project. Please refer to Chapter 2 of the DEIR, which identifies the project objectives (see DEIR, page 2-6). Please see Master Response 2.3.7.2 for a summary of the City's process to develop alternatives and Master Response 2.3.7.6, which includes a discussion of additional on-site alternatives that, as the commenter notes, would add density on-site and attempt to reduce adverse impacts compared to implementation of the proposed project.

RESPONSE TO COMMENT O8-15

The commenter references other development projects and suggests that there may be alternative sites.

The City provides a comprehensive discussion of population and housing in Chapter 3 of the DEIR, including information about other developments. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for encouraging infill development in the Central City area. Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-16

The commenter describes another potential off-site location for the proposed project.

Please see the Response to Comment O8-15, above.

RESPONSE TO COMMENT O8-17

The commenter suggests that the project's historic mitigation is inadequate.

Please see the Response to Comment O8-3, above. Please see also Master Response 2.3.12.1 for a discussion of feasible mitigation and Master Response 2.3.12.4 for information about mitigation to address historic resources impacts.

RESPONSE TO COMMENT O8-18

The commenter suggests alternatives must be considered.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-19

The commenter summarizes the property owner's history with the property.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration.

RESPONSE TO COMMENT O8-20

The commenter summarizes public outreach and review opportunities.

The City of Sacramento circulated an NOP with a public response period from August 6, 2014, through September 5, 2014. In addition, the City invited additional comments on the scope of the EIR at a public meeting held on August 27, 2014. Comments submitted at the hearing and those received during the NOP comment period are included in Appendix B of the DEIR. The City has provided the DEIR for public review at the City of Sacramento Community Development Department and on the Community Development Department's Web site. The City has responded in writing to each comment on the Draft EIR that relates to an environmental issue relevant to the project. The City of Sacramento is responsible for certifying that the EIR has been adequately prepared in compliance with CEQA. After certification, responsible agencies may use the EIR in making their determination whether to approve any discretionary actions for which they have jurisdiction.

Extensive outreach with neighbors, residents and other community stakeholders has been undertaken as part of the Sacramento Commons project in order to obtain input on the proposed project. Over three months before its formal application process was commenced with the City of Sacramento, the applicant held its first community meeting. Since that time, additional meetings have occurred with the community, neighbors and other stakeholders, in addition to two hearings before the Planning and Design Commission and Preservation Commission. The meetings the applicant has held up until this time with community groups and other interested parties is documented below:

MEETING	DATE

Meeting with Sacramento Area Council of Governments – SACOG	11/7/13
Meeting with Sacramento Air Quality Management District – SMAQMD	11/7/13
First community meeting	12/16/13
Meeting with Walk Sacramento and SABA	12/17/13
Second community meeting	2/18/14
Meeting with Walk Sacramento and SABA	4/24/14
Meeting with Downtown Sacramento Partnership	4/24/14
Meeting with Capitol Area Development Authority – CADA	4/25/14
Meeting with Downtown Sacramento Partnership	5/28/14
Meeting with Sacramento Regional Transit District	6/11/14
Third community meeting	6/11/14
Meeting with SACOG and Caltrans and City staff	7/16/14
Meeting with 500 North property owners	8/20/14
Meeting with 500 North resident	8/20/14
Meeting with Residential Housing Foundation (owners of Pioneer Tower)	8/25/14
Meeting with neighbors	10/7/14
Meeting with Central Valley AIA Board of Directors	10/7/14
Meeting with Walk Sacramento and SABA	11/6/14
Meeting with neighbor	12/18/14
Meeting with Sacramento Tree Foundation	1/6/15
Meeting with ECOS	3/9/15
Meeting with SACOG and Caltrans and City staff	4/16/15
Meeting with Downtown Sacramento Partnership	4/29/15
Meeting with Residential Housing Foundation (owners of Pioneer Tower)	4/29/15
Meeting with Residential Housing Foundation (owner of Pioneer Tower)	5/28/15

Meeting with Downtown Sacramento Partnership 5/29/15

Based on input received from the community at these meetings, as well based on input received at the scoping meeting for the project's EIR (and the comments received during the public review period on the Notice of Preparation for the DEIR), the applicant made a range of revisions to the project plans. These revisions were discussed at the Planning and Design Commission's review and comment on the project (April 30th, 2015), and are identified below:

Initial development of Site Plan

- Located low rise buildings adjacent to existing high-rises
- Created large central north/south axis
- Created urban east/west axis with live work spaces at grade
- Oriented largest width of building facing the street
- Created urban street front along 5th
- Substantially preserved existing large trees

Site plan revisions subsequent to Second Community Meeting (February 18, 2014)

- Increased spacing between high-rise and low-rise (above podium level) to a minimum of 40'
- Included planting and trees as buffer between buildings
- Moved buildings back on 5th to preserve existing street trees

Site plan revisions subsequent to Scoping Meeting (August 27, 2014)

- Reorganized building footprints to recognize existing easements
- Increased building separation between Pioneer and Bridgeway Towers to 74' from 40' (this increase is for 37% of the building face fronting the towers)
- Increased the width of O Street walkway between the mid-rise buildings to 44'
- Provided for the possibility of a neighborhood market
- Provided ground floor bicycle parking in parking garages
- Revised Landscape Plan to retain additional healthy trees on site
- Revised Landscape Plan to provide additional native trees at corner park on 7th and P Streets

- Created Central Plaza with kiosk
- Moved the sculpture wall north adjacent to the existing Capitol Towers
- Reconfigured the hotel/condo tower further away from Bridgeway Tower
- Added landscaping to roof of parking garages

RESPONSE TO COMMENT O8-21

The commenter summarizes public outreach and review opportunities.

Please see the Response to Comment O8-20, above.

RESPONSE TO COMMENT O8-22

The commenter suggests that the historic status of the project site was mischaracterized.

Please see the Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-23

The commenter expresses opposition to the proposed project elements and PUD Guidelines that would impact existing attributes of the project site.

Commenter's opposition is noted and the comment will be provided to the City Council as part of this FEIR for consideration. Please see the Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-24

The commenter cites DEIR's discussion of disagreement among historic experts.

Please see the Response to Comment O8-3, above. The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes. The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. Please see Master Response 2.3.4.3 regarding the timing related to evaluating the property as an historical resource for CEQA purposes as discussed in the DEIR.

RESPONSE TO COMMENT O8-25

The commenter references the existing site conditions and characterizes the history of activities by the project applicant.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration.

RESPONSE TO COMMENT O8-26

The commenter references housing affordability, commuting, and GHG emissions.

Chapter 3 of the EIR provides an analysis of housing in the Central City area, including housing cost. The infill and mixed-use nature of the project in the City's downtown area would place residents within a close proximity to jobs and commercial amenities, which would facilitate more walking and biking trips, thereby eliminating some vehicle trips and associated greenhouse gas (GHG) emissions. Similarly, the project's transit-oriented location would make using public transit feasible to reach jobs in both the downtown area and the region. The distances of vehicle trips generated by the proposed project would also be reduced and the project site's proximity to amenities and jobs would further reduce vehicle miles traveled (VMT) in the region. The relationships between density, mix of land uses, urban design, and the quality of the non-automobile transportation network, on one hand, and VMT, on the other, are complex. There is extensive academic literature showing that VMT can be reduced with density, land use mix, a connected transportation network, access to employment and regional destinations, and transit-supportive development patterns, among other factors (see work by Reid Ewing, Robert Cervero, Susan Handy, Lawrence Frank, and Gary Pivo, among others).[3] These factors have varying levels of influence on travel demand.

According to the Sacramento Area Council of Governments (SACOG), the project site's location within Center/Corridor Community Type and within the City's Central Business District help to minimize VMT (and associated GHG emissions) due to the presence of higher intensity development, greater accessibility to employment and services, better transit service, and enhanced pedestrian/bike amenities relative to other Community Types. Because of these characteristics, residents of Center/Corridor community areas are estimated to generate 29% less VMT per capita than the regional average and more than twice as many person trips by transit, walk, or bicycle modes compared to the regional average (SACOG 2014). The reduction in VMT associated with the location of the project site has been established through the travel demand analysis that SACOG performed to support the MTP/SCS. The regional VMT per capita in 2008 was estimated to be 26 miles per day. For the traffic analysis zone that includes the Sacramento Commons project site, the average per-capita VMT in 2008 is approximately 9 miles per day. In 2035, forecast regional average per-capita VMT is 24 miles per day, whereas the project site and vicinity would have an average of approximately 5 miles per day (SACOG 2011, Chapter 5B, p. 84). Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

[3] Ewing, Reid and Robert Cervero. 2001. "Travel and the Built Environment" Transportation Research Record, 1780, Paper No. 01-3515. U.S. Environmental Protection Agency. 2013 (June). Our Built and Natural Environments: A Technical Review of the Interactions among Land Use, Transportation, and Environmental Quality. Handy, Susan, Kevan Shafizadeh, and Robert Schneider. 2013 (February). California Smart-Growth Trip Generation Rates Study. University of California, Davis for the California Department of Transportation. Frank, Lawrence and Gary Pivo. 1994. Impacts of Mixed Use and Density on Utilization of Three Modes of Travel: Single-Occupant Vehicle, Transit, and Walking. Transportation Research Record, 1466.

RESPONSE TO COMMENT O8-27

The commenter references negative but unspecified impacts on seniors and persons with disabilities in the vicinity of the project site.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project, including adverse effects on seniors and persons with disabilities, as relevant to CEQA.

RESPONSE TO COMMENT O8-28

The commenter references impacts to trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other regarding environmental benefits of trees.

RESPONSE TO COMMENT O8-29

The commenter characterizes impacts of the proposed project on the existing project design and historic structures.

Please see Master Response 2.3.4.1 for information on historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of the project's historic resources impacts, Master Response 2.3.4.3 regarding disagreement among experts in an EIR, Master Response 2.3.4.4 for additional mitigation considered for historic resources impacts, Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan.

RESPONSE TO COMMENT O8-30

The commenter states that alternatives to address historic resources impacts must be considered.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master

Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-31

The commenter references the project site's historic status.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-32

The commenter references the project site's historic status.

Please refer to Response to Comment O8-3, above. The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes. The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. Please see Master Response 2.3.4.3 regarding the timing related to evaluating the property as an historical resource for CEQA purposes as discussed in the DEIR.

RESPONSE TO COMMENT O8-33

The commenter references support letters for the determination of the project site's historic status.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-34

The commenter references a publication with more information about the history of the project site.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-35

The commenter references a publication with more information about the history of the project site.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-36

The commenter references the project site's historic characteristics.

Please refer to Response to Comment O8-3, above. Relocation of historical structures is a preservation method that has been used successfully within Sacramento and throughout the globe to avoid demolition of historic structures. (See International Association of Structural Movers, http://www.iasm.org/about/; see also Preservation Brief 15 "Preservation of Historic Concrete", http://www.nps.gov/tps/how-to-preserve/briefs/15-concrete.htm). The Overhoff sculptural wall is made up of eight distinct concrete relief panels that can be successfully moved as individual panels. Mitigation Measure 4.4-2(c) requires Overhoff sculptural wall relocation to be completed in consultation with the City's Preservation Director and the Director of the Sacramento Metropolitan Arts Commission. As part of the consultation, the City's Preservation Director and the Director of the Sacramento Metropolitan Arts Commission will require all work be undertaken by a qualified expert with extensive experience. Please see Chapter 3 of the Final EIR for a description of revisions to the DEIR, including reference to the required expertise.

RESPONSE TO COMMENT O8-37

The commenter references the movement of the historic sculptural wall.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-38

The commenter references impacts to trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See also Response to Comment O6-47 regarding urban heat islands.

RESPONSE TO COMMENT O8-39

The commenter discusses on-site trees.

Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-40

The commenter suggests that testimony from a former City of Sacramento Arborist for Urban Forest Services at the July 24, 2014 City of Sacramento's Planning & Design Commission should receive full attention.

The comment does not identify any specific inadequacy of the DEIR in addressing adverse physical environmental effects of the proposed project. Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-41

The commenter provides information on tree coverage in the Central Business District.

The impacts of the proposed project, including those related to trees, are comprehensively evaluated in the DEIR for decision maker consideration. Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-42

The commenter asks whether or not the City would be in favor of removing 33% of the tree canopy on the project site.

Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-43

The commenter disagrees with the use of CEQA streamlining provisions in the DEIR.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-44

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-45

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-46

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-47

The commenter disagrees with the use of CEQA streamlining provisions in the DEIR.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-48

The commenter disagrees with the use of CEQA streamlining provisions in the DEIR.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-49

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions. See also Appendix A to this Final EIR.

RESPONSE TO COMMENT O8-50

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions. See also Appendix A to this Final EIR.

RESPONSE TO COMMENT O8-51

The commenter disagrees with the City and SACOG regarding CEQA streamlining provisions.

SACOG prepared its SCS Worksheet template on July 31, 2012 for use by member agencies to determine whether a project is consistent with SACOG's MTP/SCS. The City used SACOG's template worksheet to evaluate the proposed project's consistency with SACOG's MTP/SCS in May of 2014 and, after additional changes were made to the proposed project, updated the worksheet in November of 2014. The Keeper's December 31, 2014, determination that the Capitol Towers site is eligible to be listed on the National Register and the automatic listings of the site on the California Register of Historical Resources are not factors relevant to evaluating consistency with the MTP/SCS. Nevertheless, on May 12, 2015, after the Keeper made a formal determination that the property is eligible for listing in the National Register of Historic Places and the property was listed in the California Register of Historical Resources, SACOG submitted a letter to the City that concluded the proposed project, based on its "mixed-use redevelopment plan, its location in a neighborhood that provides a surrounding mix of uses – retail, residential, office, and its close proximity to transit – will assist in implementation of the Blueprint and the MTP/SCS" (FEIR, Appendix D). See Response to Comment O8-9.

Additionally, neither the City nor SACOG concluded the proposed project qualifies as a Sustainable Communities Project pursuant to Public Resources Code section 21155.1. See also Master Response 2.3.9 for a discussion of CEQA streamlining provisions applicable to the proposed project.

RESPONSE TO COMMENT O8-52

The commenter believes that the project site with its existing development meets SACOG Blueprint Principles.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR is not intended to evaluate the consistency of existing development with local or regional planning policies and principles, but rather to evaluate consistency of the proposed project with relevant policies, principles, and regulations. See Chapter 3 of the DEIR for an evaluation of regional policies.

RESPONSE TO COMMENT O8-53

The commenter believes that the project site with its existing development meets SACOG Blueprint Principles.

Please see Response to Comment O8-52, above.

RESPONSE TO COMMENT O8-54

The commenter believes that the project site with its existing development represents an early model for mixed-use urban planning.

Please see Response to Comment O8-52, above.

RESPONSE TO COMMENT O8-55

The commenter contends that the DEIR does not consider mitigation options or alternatives that would comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties to reduce historic resources impacts.

Please see Master Response 2.3.7.1, which summarizes the purpose of alternatives development, Master Response 2.3.7.2 for a description of the City's process to develop alternatives, Master Response 2.3.7.6 for additional on-site alternatives, and Master Response 2.3.12.4 for information related to historic resources mitigation. The City's process for environmental review is consistent with the process set forth in Mitigation Measure CR-1 from the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) EIR. Mitigation Measure CR-1 requires an historical resources inventory and an Historical Survey Report to be prepared. Where "avoidance of a significant architectural/built environment resource is not feasible", Mitigation Measure CR-1 identifies a number of potential mitigation options, including "but not limited to," re-use of an historical resource as well as "[c]reation of a Historic American Buildings Survey (HABS)/Historic American Engineering

Record (HAER) standards document will reduce the impact associated with the loss or modification of historically significant physical characteristics of effected resources." (MTP/SCS PEIR, pp. 7-51 to 7-52.) Consistent with these requirements, the proposed project includes the retention and re-use of the Overhoff sculptural wall and the Capitol Towers high-rise. (See DEIR, Mitigation Measure 4.4-2.) The DEIR also requires HABS/HALS documentation. (*Ibid*.) As explained in Mitigation Measure CR-1, where measure such as re-use and documentation are unable to avoid materially altering the physical characteristics creating the resource's historical significance in an adverse manner, a project's impact on the historical resource remains significant and unavoidable. (MTP/SCS PEIR, pp. 7-51 to 7-52.) Consistent with the conclusion in the MTP/SCS EIR, the DEIR concludes the proposed project would have a significant and unavoidable historic resource impact. Also consistent with Mitigation Measure CR-1 from the MTP/SCS EIR, materials related to the proposed project site have been delivered to the North Central Information Center (Ambacher, Patricia, pers. comm. 2015b).

Please see also Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-56

The commenter provides objectives related to the City's General Plan.

Chapter 3 of the DEIR includes an evaluation of consistency with relevant plans and policies including policies from the City's General Plan. Please see Response to Comment O8-52, above. See also Master Response 2.3.4.5 and 2.3.10 for information related to General Plan consistency.

RESPONSE TO COMMENT O8-57

The commenter believes that the project site with its existing development meets General Plan objectives.

Please see Response to Comment O8-52, above.

RESPONSE TO COMMENT O8-58

The commenter contends that removal of buildings and adding density does not necessarily make a project sustainable.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project, including those topics often characterized under the heading "sustainability," including GHG emissions, energy efficiency, water conservation, solid waste demand, travel demand, air quality, and use of resources.

RESPONSE TO COMMENT O8-59

The commenter discusses increase in energy use and resource consumption.

CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code Section 21100[b][3]). The DEIR provides this analysis in Section 4.6. As noted, construction energy consumption is primarily generated from combustion of fossil fuels for vehicles and equipment that, if operated efficiently, use less energy and generate fewer emissions. Although all development projects would involve the short-term generation of construction-related energy consumption, it is important to consider the types of land uses that are developed. For example, construction-related energy consumption used to develop a mixed-use, transit-oriented, and infill project such as the proposed project would help accommodate future residents and employees at a higher GHG and energy efficiency (i.e., less GHG emissions per capita) than a greenfield project located further away from transit options and less central to amenities and populations found in an urban environment (SACOG 2014). In other words, because of the proposed project's proximity to amenities (e.g., distance to jobs, shopping, entertainment) and feasibility of using non-motorized transportation to reach those amenities, regional modeling developed by SACOG demonstrates that this infill project would reduce transportation emissions compared to a project located on the urban fringe without access to transit, with fewer bicycle/pedestrian amenities, reduced access to jobs and amenities, and with lower development densities (SACOG 2014).

RESPONSE TO COMMENT O8-60

The commenter suggests that the project site with its existing development complies with the City's General Plan.

Please see Response to Comment O8-52, above. Chapter 3 of the DEIR includes an evaluation of consistency with relevant plans and policies including policies from the City's General Plan. See also Master Response 2.3.4.5 and 2.3.10 for information related to General Plan consistency. See Master Response 2.3.11 for a discussion of development density, including the existing project site's compliance with the General Plan.

RESPONSE TO COMMENT O8-61

The commenter refers to a publication that compares building reuse and demolition/new construction relative to energy use.

Please see Response to Comment O8-59, above. Please see also the Response to Comment A6-12.

RESPONSE TO COMMENT O8-62

The commenter refers to a publication that compares building reuse and demolition/new construction relative to GHG emissions.

As evaluated in Section 4.6 of the DEIR, consistency with applicable measures from the City's Climate Action Plan and because the City's Climate Action Plan was developed to help achieve the City's fair share of the statewide GHG reduction target, the project would also assist in the state's effort to achieve the statewide GHG reduction target. For a discussion of energy use and GHG emissions associated with demolition and construction compared to the energy and GHG efficiency of the proposed project, please see also the Response to Comment A6-12.

RESPONSE TO COMMENT O8-63

The commenter asks how the City will test the applicant's assertion that the project is sustainable.

Please see Response to Comments O8-58 and O8-59, above.

RESPONSE TO COMMENT O8-64

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Chapter 5 of the DEIR, which evaluates alternatives to the project, including the no project alternative. Please refer to Chapter 2 of the DEIR, which identifies the project objectives (see DEIR, page 2-6). As noted in (page 5-34), Alternative 1 would not meet objectives 1, 3, 4, 5, 6, 8, or 9, which all pertain to intensification or augmentation of existing site characteristics. See also Master Response 2.3.7 concerning alternatives.

RESPONSE TO COMMENT O8-65

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-66

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-67

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-68

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-69

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-70

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-71

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-72

The commenter believes that the project site with its existing development can be made consistent with aspects of the project's PUD Guidelines.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR is not intended to evaluate the consistency of existing development with the PUD Guidelines, but rather to report on adverse physical environmental impacts of the proposed project.

RESPONSE TO COMMENT O8-73

The commenter provides information on existing density in the vicinity of the project site.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR is not intended to evaluate the density of existing development with the PUD Guidelines, but rather

to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.11 and Response to Comment O7-12.

RESPONSE TO COMMENT O8-74

The commenter provides information on other developments in Sacramento.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see Master Response 2.3.7.5 regarding off-site alternatives.

RESPONSE TO COMMENT O8-75

The commenter provides information on other developments in Sacramento.

Please see Response to Comment O8-74, above.

RESPONSE TO COMMENT O8-76

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-77

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-78

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-79

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-80

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the 2035 General Plan, but rather to report on adverse physical environmental impacts that could result from implementation of the proposed project. The comment addresses policy issues that will be considered during the project hearings. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-81

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts that could result from implementation of the proposed project. The comment addresses policy issues that will be considered during the project hearings. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-82

The commenter references General Plan historic and cultural resources guidance and contends that the project site with its existing development complies with this guidance. The commenter asks what has been done with regard to mitigation measures and alternatives to reduce historic impacts.

See response above to Comment O-81. Please see Master Response 2.3.7.1, which summarizes the purpose of alternatives development, Master Response 2.3.7.2 for a description of the City's process to develop alternatives, Master Response 2.3.7.6 for additional on-site alternatives, and Master Response 2.3.12.4 for information related to historic resources mitigation.

RESPONSE TO COMMENT O8-83

The commenter references General Plan land use policy relative to a family-friendly downtown.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The DEIR provides a comprehensive discussion of population and housing in Chapter 3. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O8-84

The commenter references General Plan housing policy relative to preserving affordable housing.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The text referenced in the comment appears at page H-3-51 of the 2030 General Plan. The DEIR provides a comprehensive discussion of population and housing policy in Chapter 3 of the DEIR. This policy is related to assisted housing developments, as defined by Government Code section 65583(a)(9), that are at-risk of converting to market-rate housing. The project site does not constitute an assisted housing development pursuant to Government Code section 65583(a)(9). Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O8-85

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-86

The commenter references a mitigation measure from the MTP/SCS relative to avoiding impacts to historic resources.

The City's process for environmental review is consistent with the process set forth in Mitigation Measure CR-1 from the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) EIR. The project's impact to a historical resource is considered significant. As described in Section 4.4 of this EIR, avoidance of impact to potential on-site historical resources while achieving project objectives is not feasible. Mitigation Measure 4.4-2 has been incorporated into this EIR, consistent with the recommendations of Mitigation Measure CR-1, which requires documentation, interpretation, reuse, and preservation of on-site resources, to the extent feasible. See also Response to Comments O8-3 and O8-55.

RESPONSE TO COMMENT O8-87

The commenter references activities of the applicant

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration.

RESPONSE TO COMMENT O8-88

The commenter references activities on the project site.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration.

RESPONSE TO COMMENT O8-89

The commenter references alternatives to the proposed project.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-89

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-91

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-92

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-93

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-94

The commenter references demolition of the historic district.

Please refer to the Response to Comment O8-3. Please see and Master Response 2.3.4.6 for a discussion of historic resources impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT O8-95

The commenter references the existing density of the project site.

The EIR is not intended to evaluate the density of the existing project site, but rather to report on adverse physical environmental impacts of the proposed project. See also Response to Comment O7-12.

RESPONSE TO COMMENT O8-96

The commenter references the existing density of the project site.

The EIR is not intended to evaluate the density of the existing project site, but rather to report on adverse physical environmental impacts of the proposed project. See also Response to Comment O7-12.

RESPONSE TO COMMENT O8-97

The commenter references activities of the applicant.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. Additionally, future discretionary projects proposed on the project site, as with any other project proposed within the City, must comply with CEQA.

RESPONSE TO COMMENT O8-98

The commenter references loss of trees and green space.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree

removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other environmental benefits of trees. Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy.

As discussed in the DEIR (see Section 4.10 in particular), there are City parks and other publicly accessible parks and urban open spaces located near the project site. To determine potential impacts to parks and recreational facilities, the DEIR considers relevant regulatory requirements of the City Code and General Plan for parkland requirements, parkland dedication requirements, and in-lieu fee requirements, based on the number of new dwelling units and residents that could be accommodated by implementation of the proposed project. To address parkland impacts caused by projects that generate additional resident and employee populations within the City, the Sacramento City Code provides standards and formulas for the dedication of parkland and payment of in-lieu fees (Title 16, Chapter 16.64), and imposes a park development impact fee on new projects within the City (Title 18, Chapter 18.44) for both residential and non-residential development.

The proposed project will comply with its Parkland Dedication Requirement. The Sacramento Central City Urban Design Guidelines includes requirements to implement the 2030 General Plan and PRMP for small public spaces. According to the guidelines, new development should provide a range of open space types for its users and visitors, that are open to the street or public right-of-way and accessible to all citizens; and include hard and soft landscaping, areas for sun and shade, benches, and water features, where appropriate. The proposed project provides a number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space.

Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

RESPONSE TO COMMENT O8-99

The commenter references water demand.

The City along with much of the State of California, is in a state of declared drought. The City has implemented water conservation measures consistent with the Stage 2 Drought described in the City's 2010 Urban Water Management Plan (Section 5.2.3.1 "Stages of Action"). This stage of drought is sufficient for conservation of water up to 30%. The City's conservation goal is 25%, consistent with the Governor's Executive Order B-29-15. The City will continue to enforce Stage 2 drought measures and will implement new measures that will be applicable to new development (also consistent with Executive Order B-29-15). The City Stage 2 drought response does not include suspending the issuances of new connections to the water system. The City anticipates that its water conservation measures will protect its water supply and does not foresee the need to suspend new water connections (Armijo, pers. comm., 2015). Moreover, increasing the percentage of City residents that live in high density residential infill units is one tool that can be used to reduce average household water use within the City. Multi-family homes use approximately half the amount of water for outdoor use compared to single-family homes and approximately 42 of total residential water use is for outdoor landscape irrigation (Public Policy Institute 2006). Therefore, the City views higher-density infill development as part of the solution to address the current and future drought situations.

RESPONSE TO COMMENT O8-100

The commenter references parking.

Public Resources Code Section 21099(d)(1) provides that parking impacts of mixed-use residential projects (like the proposed project), located "on an infill site within a transit priority area shall not be considered significant impacts on the environment."

The Hotel / Condo / Retail Scenario would eliminate the 390 existing surface and garage parking spaces and build up to 1,701 new parking spaces within four parking garages, for a net increase of 1,311 parking spaces on the site. The Scenario proposes to retain the existing Capitol Towers (which contains 203 apartments) and construct a 300-room hotel and 110 condominium units (in conjunction with and above the hotel floors), providing up to 1,171 new dwelling units (increasing the total number dwelling units within project site to 1,374). The Hotel / Condo / Retail Scenario would provide 1,402 parking spaces for 1,374 residential units, or an average of 1.02 parking spaces per unit, which is similar to existing parking conditions on the project site of 0.96 parking spaces per unit.

For the Condo / Retail Scenario, the project would eliminate the 390 surface and garage parking spaces and build up to 1,635 new parking spaces within four parking garages, for a net increase of 1,245 parking spaces on the site. The Condo / Retail Scenario would construct up to 1,267 new dwelling units (increasing the total number of dwelling units within the project site to 1,470). The Condo / Retail Scenario would provide 1,522 parking spaces for 1,470 residential units, or an average of 1.04 parking spaces per unit, which is similar to existing parking conditions on the project site (i.e. 0.96 parking spaces per unit) and similar to parking ratios for dwelling units in the Central City area, which is

typically a 1:1 ratio. Until 2013, the City's Code required this parking ratio (Tom Pace, City of Sacramento, pers. comm., June 3, 2015).

Parking provided by the proposed project is comparable to other residential and mixed use projects proposed within the CBD and surrounding area. For the purposes of the comparison below, consistent with the proposed project, mixed-use projects that include retail or hotel uses are assumed to provide 1 space per 500 sq.ft. of retail space and 1 space per 2 hotel rooms.

- The proposed 840 Delta Lane project located at Tower Bridge Gateway and Riske Lane proposes 192 parking spaces for 90 residential units, 3,200 sq.ft. of retail space and a 50 room hotel, for an average of 1.78 parking spaces per residential unit.
- The recently constructed Capitol Yards project located at Tower Bridge Gateway and 5th Street includes 471 parking spaces for 350 residential units and 5,000 square feet of retail space, for an average of 1.32 parking spaces per residential unit.
- The proposed Metro Crossing project located at 7th Street and G Street proposes 257 parking spaces for 200 residential units, for an average of 1.29 parking spaces per residential unit.
- The proposed Unger Residential project located at Bridge Street and 5th Street proposes 300 parking spaces for 280 residential units and 3,000 square feet of retail space, for an average of 1.05 parking spaces per unit.
- The recently constructed Park Moderns project located Garden Street and Riverfront Street includes 32 parking spaces for 32 residential units, for an average of 1.00 parking space per residential unit.
- The proposed Eviva Midtown project located at 16th Street and N Street proposes 123 parking spaces for 118 residential units and 5,195 sq.ft. of retail space, for an average of 0.96 parking spaces per residential unit.
- The proposed Horatio Courts project located at Bridge Street and Riverfront Street proposes 50 parking spaces for 50 residential units and 4,000 sq.ft. of retail space, for an average of 0.84 parking spaces per residential unit.

The 500 N Street property (also known as Bridgeway Towers) provides parking at a 1:1 ratio. Parking ratios proposed by the project are consistent with, and supported by, prevailing market conditions within the CBD and immediately surrounding area. Please see also Master Response 2.3.5.1.

RESPONSE TO COMMENT O8-101

The commenter references housing, commuting, and GHG emissions.

Please refer to the Response to Comment O8-26.

RESPONSE TO COMMENT O8-102

The commenter references housing affordability.

Please see Response to Comment O8-101, above.

RESPONSE TO COMMENT O8-103

The commenter references energy use.

Please see Response to Comment O8-59, above.

RESPONSE TO COMMENT O8-104

The commenter references alternatives.

Please see Response to Comment O8-88, above.

RESPONSE TO COMMENT O8-105

The commenter references other developments.

Please see Response to Comment O8-74, above.

RESPONSE TO COMMENT O8-106

The commenter believes proposed mitigation is not sufficient.

Please see Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-107

The commenter alleges that the project violates various unspecified policies.

Please see Response to Comment O8-8, above.

RESPONSE TO COMMENT O8-108

The commenter refers to public input.

Please see Response to Comment O8-19, above.

RESPONSE TO COMMENT O8-109

The commenter refers to the historic status of the project site.

Please see Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-110

The commenter urges the City to deny the project.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and this comment is included for City Council consideration.

RESPONSE TO COMMENT O8-111

The commenter expresses opposition to the project and mentions the attributes of the existing development on the project site and use of infill streamlining.

Please see Response to Comment O8-3, above. Please see also Master Response 2.3.9, which provides a detailed description of relevant CEQA streamlining provisions.

RESPONSE TO COMMENT O8-112

The commenter describes historic districts' characteristics.

Please see Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-113

The commenter provides a quote related to positive attributes of historic places.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and this comment is included for City Council consideration.

RESPONSE TO COMMENT O8-114

The commenter expresses desire to retain the existing development at the project site.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and this comment is included for City Council consideration.

RESPONSE TO COMMENT O8-115

The commenter suggests means to achieve both preservation and progress.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and this comment is included for City Council consideration.

RESPONSE TO COMMENT O8-116 THROUGH O8-144

The commenter has compiled a document and a number of letters that were sent to the Sacramento Preservation Commission and Planning & Design Commission prior to the release of the DEIR. These commenters mention the historic status of the site and express support for the historic designation of the project site.

Please see Response to Comment O8-3, above. Please see Master Response 2.3.4.1 for a discussion of historic resources impacts under CEQA and Master Response 2.3.4.2 for a summary of impacts of the proposed project.

COMMENT LETTER O9 –TREES SACRAMENTO