

COMMENT LETTER I29 – JULIE MUMMA

From: [Julie Mumma](#)

Dear Planning Commissioners,

I write in opposition to the proposed development of the Sacramento Commons Project - but wholeheartedly support the EIR alternatives leaving the historic residential structures and tree canopy between Bridgeway and Pioneer Towers intact. This is not about NIMBY but about thoughtful development.

I have previously articulated my strong opposition to the mid-rise structure abutting the property line of Bridgeway tower, at every opportunity – and do so again. The massing and footprints of the proposed mid-rises unnecessarily harm the interests of existing homeowners. First, the magnificent nine story tree that is rooted on the Bridgeway side of the property line will be killed in the process of demolishing the structures for the proposed mid-rise foundations. This tree adds to the property value in my eighth floor unit - I live in a virtual tree house. *See attached photo taken early this morning.* The loss of this tree is not mitigated by the proposal to plant trees along our property line - and would only block more sun from our pool. This is fake mitigation.

Next, the newly proposed mid-rise has added a story since our last meeting before this commission. The mid-rise height is a problem as it still will block the sun from our pool. It is no “concession” that the developer agreed to move a portion of the mid-rise from a legally protected easement or staggered the higher floors – the increased height will block the sun.

I have attended the “community” meetings for this project, which were nothing more than the developer “selling” the project rather than seeking community input like many of the successful projects I heard two weeks ago while waiting before the commission. Unfortunately, I am unable to attend the meeting tonight due to my teaching schedule at Sacramento State, University.

I anticipate the developer will claim that he has “heard” community concerns and has responded with changes to the new mid-rise proposal. The developer flatly ignores concerns about the height of the mid-rise and, in fact, raised it. The “concessions” still have a parking structure (with engine noise and exhaust fumes) positioned adjacent to the living spaces and balconies of Bridgeway Tower homeowners. I attended the planning commission meeting last week and stayed until the end to raise these issues in person.

I applaud the policies designed to add residential housing and vitality to downtown. I live and work in this community and am invested as a lifelong Sacramento resident. I have been car-free for nearly two years and use transit regularly. Individuals who

invested in the downtown core should not get a parking garage on our property line or the loss our tree canopy and sunshine on our pool to appease these developers. This project is a thinly disguised “flip” and is seeking to maximize entitlements.

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cont.

Why is a compromise so hard for these developers to accept? A compromise preserves some of the historic value, a portion of the tree canopy and protects the property values of existing homeowners at Bridgeway Tower while giving the entitlements sought for the massing of the high-rises. The EIR alternatives offer a lovely compromise.

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Thank you for your consideration.

Julie Mumma



RESPONSE TO COMMENT I29-1

The commenter expresses opposition to the proposed project and support for EIR alternatives.

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 I29-2

The commenter discusses opposition to the mid-rise building near Bridgeway Tower.

Please refer to Master Response 2.3.3.4 for a discussion of private views. Please refer to Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.4, 2.3.2.6, and 2.3.2.8 for a discussion of tree impacts and mitigation.

RESPONSE TO COMMENT I29-3

The commenter discusses the project description, sunlight, and easements.

Please refer to Chapter 2 of the EIR, which comprehensively discusses the project details, as well as Master Responses 2.3.3.5 for a discussion of visual changes associated with implementation of the project and response to comment O2-4, which discusses on-site easements.

RESPONSE TO COMMENT I29-4

The commenter discusses changes to the project in response to community concerns, building heights, and location of a parking garage.

Please refer to Chapter 2 of the EIR, which comprehensively discusses the project details, including changes to respond to community input. Please see subsection 2.5.7 of the DEIR for more details. Changes to the project in response to community comments include increasing the spacing between high-rise and low-rise buildings (above podium level) to a minimum of 40 feet; including landscaping and trees as a buffer between buildings; reorganizing building footprints to recognize existing easements; increasing building separation between Pioneer and 500 N Street condominium tower to 74 feet from 40 feet; and increasing the width of the O Street walkway between the mid-rise buildings to 44 feet.

Odors are evaluated in Section 4.2 of the DEIR, "Air Quality." The project vicinity includes residential and office buildings that do not typically generate objectionable odors. However, within and surrounding the project site, odors include those normally associated with an urban residential mixed use and office environment, such as cooking by residents and food establishments, vehicle exhaust, and solid waste storage. Considering the low concentrations of diesel exhaust emitted within parking garages on-site

and diesel exhaust's highly dispersive properties, it is anticipated that nearby residents would not be substantially affected.

The project would result in additional activity and people on the project site – both residents and visitors. However, the character of noise generation after implementation of the project is anticipated to be similar to existing conditions since the project proposes similar land uses to those that exist on-site and in the vicinity of the project site and since noise levels are related to land use types. The project does not propose any on-site substantial sources of noise (such as outdoor manufacturing activities, long-term operation of heavy machinery, or other operational noise sources). Surface parking lots are a source of noise today and the project would include parking garages. Replacement of surface parking with parking garages could reduce noise exposure related to vehicle engine noise and vehicle doors closing since the parking structures would attenuate somewhat the noise experienced by adjacent sensitive receptors. Some rooftop parking is proposed, but this is generally further from nearby sensitive receptors compared to existing surface parking. The 24-hour noise level measurements taken to document existing conditions are representative of a developed, urban environment, and noise sources from these long-term noise measurements were primarily traffic noise. The Planned Unit Development (PUD) Guidelines for the proposed project also requires that live/work units on-site not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors or cause a nuisance to the community (see Section 2.2 of the PUD Guidelines, Appendix N of the DEIR).

RESPONSE TO COMMENT I29-5

The commenter supports additional housing in the Central City area but objects to the development of a parking garage, loss of tree canopy, and loss of sunlight on the commenter's pool.

The City provides a comprehensive discussion of population and housing in Chapter 3 of the DEIR, including information about other developments. 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 2.3.3.4 for a discussion of private views. Please refer to Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.4, 2.3.2.6, and 2.3.2.8 for a discussion of tree impacts and mitigation.

RESPONSE TO COMMENT I29-6

The commenter discusses changes to the proposed project related to historic resources, tree canopy, and property values, and expresses support for the EIR alternatives.

Commenter's opinion that EIR alternatives offer a compromise to the proposed project is noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.7 for a discussion of alternatives, Master Response 2.3.4 for a discussion of historic resources, Master Response 2.3.2 for a discussion of tree and tree canopy impacts and mitigation. The comment about property values 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.

2.2.4 PUBLIC HEARING COMMENTS AND RESPONSES TO COMMENTS

The first hearing where comments and responses are provided below was before the City of Sacramento Preservation Commission on April 15th, 2015 (H1). The second hearing was before the City's Planning & Design Commission on April 30th, 2015 (H2).

2.2.4.1 PRESERVATION COMMISSION COMMENTS AND RESPONSES TO COMMENTS

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CITY OF SACRAMENTO
PRESERVATION COMMISSION MEETING
APRIL 15, 2015

TRANSCRIPT OF AUDIO RECORDING

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<p>1 CHAIRMAN FULLER: All right, everyone, I'd 2 like to welcome you all to the April 15, 2015 version of 3 the Preservation Commission for the City of Sacramento. 4 Today public comments will be taken on all the agenda 5 items in the order that they are presented before the 6 Commission. The non-agenda items will be taken at the 7 end of the meeting. 8 On controversial items, you know, if we 9 could have groups, select two or three people to speak 10 on their behalf, that would be wonderful. If any 11 speaker runs beyond on contentious issues, we certainly 12 reserve the right to have them summarize their points 13 and move along so we can have everybody take their 14 presentations in a timely manner. 15 There are speaker slips in the back, I 16 believe on the right, and if you could fill out one of 17 those with item that you'd like to speak on and bring 18 that up to the clerk, that would be wonderful. And we 19 will be taking all the agenda items in the order that 20 they are shown on the agenda tonight. There won't be 21 anything out of order. 22 If everybody could just set their cell 23 phones, or whatever you have, to some sort of mode that 24 won't disturb the proceedings here, that would be great. 25 We're being recorded, so it helps out, you know, if</p> <p style="text-align: right;">Page 2</p>	<p>1 Preservation Commission. We're looking for comments 2 from the public on that or from Commission members and 3 moving toward a motion to adopting those minutes. 4 Anybody from the public like to speak on 5 that? Seeing none, any commissioners would like to have 6 any commentary on the minutes? 7 Seeing none, anybody like to form a 8 motion for us? 9 COMMISSIONER FORREST: I move to approve 10 the minutes from the March 18th meeting. 11 CHAIRMAN FULLER: Thank you, Commissioner 12 Forrest. And anybody to second? 13 MR. MOFFETT: I second. 14 CHAIRMAN FULLER: And thank you. Okay, 15 if we could have the motion from Commissioner Forrest 16 and the second from Commissioner -- 17 COMMISSIONER MOFFETT: Moffett. 18 CHAIRMAN FULLER: Moffett; thank you, 19 yes. Mental blank there. All those in favor, say I. 20 (Response of "I.") 21 CHAIRMAN FULLER: Any opposed? And 22 abstentions? Seeing none, we will carry that motion 23 forward. 24 Item number two, the Director's report. 25 Roberta.</p> <p style="text-align: right;">Page 4</p>
<p>1 there's as little background noise in the chamber as 2 possible. 3 Since it is being recorded, we'd like to 4 have everybody come up to the podium to speak and to 5 direct their comments to the Commission with any 6 questions or commentary that they might have. Moving on 7 to the roll call, Roberta. 8 MS. DEERING: Commissioner Moffett. 9 COMMISSIONER MOFFETT: Here. 10 MS. DEERING: Commissioner Bowns. 11 COMMISSIONER BOWNS: Here. 12 MS. DEERING: Commissioner Forrest. 13 COMMISSIONER FORREST: Here. 14 MS. DEERING: Commissioner Huck. 15 COMMISSIONER HUCK: Here. 16 MS. DEERING: Commissioner Marshack. 17 COMMISSIONER MARSHACK: Here. 18 MS. DEERING: Commissioner Piner. 19 COMMISSIONER PINER: Here. 20 MS. DEERING: CHAIRMAN FULLER. 21 CHAIRMAN FULLER: Here. 22 MS. DEERING: We have a quorum. 23 CHAIRMAN FULLER: Excellent. All right, 24 we'll right on to item number one. That is the meeting 25 minutes for the March 18, 2015 meetings for the</p> <p style="text-align: right;">Page 3</p>	<p>1 MS. DEERING: I have nothing to report 2 today. 3 CHAIRMAN FULLER: Wonderful. All right, 4 moving on to item number three then, we are looking at 5 the nomination of the Capitol Towers as a historic 6 district to the Sacramento Register and we're looking 7 towards a motion to submit our recommendations to the 8 city council, and I assume we will be having a 9 presentation from city staff. Good to see you. 10 MS. GUMM: Good evening, Commissioner and 11 Chair Fuller. I'm Elise Gumm, Associate Planner with 12 the Community Development Department. The proposal in 13 front of you is the nomination of the Capitol Towers to 14 the Sacramento Register. First of all, I just want to 15 confirm that you received the support letter from the 16 Sacramento Commission for a Livable City. 17 CHAIRMAN FULLER: We did. Thank you. 18 MS. GUMM: All right. The nomination 19 application was submitted by Sacramento Modern, and the 20 evaluation provided by a consulting firm Page & 21 Turnbull. The proposed -- This historic district 22 boundary is within the area bordered on the north by N 23 Street, the south by P Street and the east by 7th 24 Street, and the west by 5th Street, and here is the map 25 outlining the -- thank you -- outlining the -- outlining</p> <p style="text-align: right;">Page 5</p>

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2 (Pages 2 to 5)

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cont.

1 the boundary of the proposed district. The north is the
 2 N Street and 7th Street and P Street and 5th Street.
 3 The property meets the Sacramento
 4 Register eligible criteria, number one, that it presents
 5 the first private investment in Sacramento to replace
 6 the blighted neighborhood damaged by the Sacramento
 7 Redevelopment Agency under slum clearance.
 8 As the Sacramento Redevelopment Agency
 9 Capital Mall project, it was the first to use tax
 10 increment financing. The construction of the Capitol
 11 Towers was at the forefront of redevelopment in
 12 California that will reshape many of the state urban
 13 area in the second half of the 20th century.
 14 The property also meet the criteria
 15 number 3, that the Capitol Towers is a well planned and
 16 well designed example of an urban redevelopment housing
 17 executed in modern style now referred to as the mid
 18 century modern. And the property also meet the criteria
 19 of number four, that it's significant as the first
 20 redevelopment project constructed by many of the
 21 talented design team, which included Wurster, Bernardi
 22 and Emmons, Edward Larrabee Barnes, DeMars and Reay, and
 23 Lawrence Halprin, as well as the local Sacramento firm
 24 Dreyfuss & Blackford. And it also meets the criteria
 25 number five, the Jacques Overhoff design sculpture wall

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1 is of high artistic value in the proposed district.
 2 The property also meet the criteria as a
 3 historic district as the area is a definable area and
 4 also the area possesses a significant concentration or
 5 continuity of buildings unified by past events and
 6 aesthetically by plan or physical development. And also
 7 the area is associated with an event, person or period
 8 significant or important to city history.
 9 The contributing resources within the
 10 proposed district also meet the five eligible criteria
 11 for contributing resources, and I'm not going to go in
 12 detail of those five criterias.
 13 So for nominate the contributing
 14 resources, including a two -- two aspects. One is a
 15 site element, one is the building. The site elements
 16 include the designed landscape, the swimming pool, the
 17 sculptural wall by Jacques Overhoff and the circular
 18 fountain in the central plaza. The contributing
 19 buildings including one high rise residential tower,
 20 eight low rise garden apartment building, three laundry
 21 buildings and a parking garage structure.
 22 The significant features and
 23 characteristics related to the site including the
 24 spatial organization, building placement and
 25 relationship, circulation, landscape features, views and

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1 vistas, small scale features and object. Here's some
 2 exhibits for your reference, and this is the original
 3 site plan for the Capitol Towers, and here's an example
 4 of the two story and the three story apartment building.
 5 And here's an example of the landscaping features, and
 6 here's the views and vista looking into and through the
 7 properties. And here's the sculpture wall by Overhoff
 8 and the circular fountain.
 9 So in addition, the significant features
 10 and characteristics for building, you know, building,
 11 the design of the building, here's some examples, is,
 12 you know, the low rise apartment buildings and the tower
 13 and the laundry buildings and also the parking
 14 structures.
 15 And here's some additional photos that
 16 shows the swimming pool, and also that's, you know,
 17 where the original 6th Street going through the side,
 18 where it's looking from N Street to P Street.
 19 The staff recommends the Preservation to
 20 hold a public hearing and to pass a motion to forward
 21 recommendation to the city council, to adopt an
 22 ordinance listing the Capitol Towers Historic District
 23 and its contributing resources in the Sacramento
 24 Register and specify the district significant features
 25 and characteristics.

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1 That ends my presentation and I'm happy
 2 to answer any question you may have and also the
 3 applicant will also like to do a short presentation.
 4 CHAIRMAN FULLER: Excellent. Thank you,
 5 Elise. Are there any commissioners that have any
 6 questions for staff? Thank you.
 7 If we could have the proponent, SacMod,
 8 if there's somebody available to come and speak if you
 9 would like to embellish on the staff report, that would
 10 be wonderful.
 11 MS. STEINBERG: Good evening,
 12 Commissioners. I'm Gretchen Steinberg, President of
 13 SacMod, the non-profit organization dedicated to
 14 preserving modern art, architecture and design in the
 15 Sacramento region.
 16 We are the applicant for the nomination
 17 of Capitol Towers to the Sacramento Register of Historic
 18 and Cultural Resources. SacMod worked with Page &
 19 Turnbull to submit a nomination because we believe
 20 Capitol Towers is a historic resource and should be
 21 recognized as such.
 22 The development project Sacramento
 23 Commons currently threatens the historic district's
 24 neighborhood with demolition. We offer our nomination
 25 as a means through which the site can be viewed through

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H1-1
cont.

H1-2

3 (Pages 6 to 9)

H1-2 cont.

1 new eyes and with a fresh perspective.
 2 SacMod is not alone in our assertion that
 3 Capitol Towers is a historic resource. We have letters
 4 of support from our local preservation community and
 5 national experts in architectural history and landscape
 6 architecture. These experts all agree that Capitol
 7 Towers is a significant historic resource and have
 8 written in support of the nomination.
 9 The Preservation Commission also reviewed
 10 the nomination in October of 2014 and wrote a letter of
 11 support for Capitol Towers to be listed in the National
 12 Register.
 13 Capitol Towers is more than a collection
 14 of low rise, high rise, trees, landscaping and the
 15 sculptural wall. It is more than the impressive list of
 16 master architects and the designers involved in making
 17 it. It is a beautiful and intact neighborhood that
 18 continues to be a successful living place even after 50
 19 years after it was completed. It includes open,
 20 park-like green spaces and gathering places.
 21 Capitol Towers was built in three phases.
 22 The first phase started in 1959, with about half of the
 23 garden apartment buildings. The remaining garden
 24 apartments and major landscape features, like the
 25 sculptural wall in the central plaza, were built in

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1 1961. The 15 story tower and four level parking garage
 2 was built later between 1963 and 1965. New York
 3 developer James Hoyer, who previously developed urban
 4 renewal housing elsewhere, was selected in 1958 to
 5 develop Capitol Towers as the residential component of
 6 the Capital Mall Redevelopment project, Sacramento's
 7 first redevelopment area and a pioneering project in
 8 Sacramento.
 9 Although California allowed for
 10 redevelopment in the late 1940s and cities started to
 11 demolish so-called blighted areas in the mid 1950s, it
 12 was not until the 1960s that a wave of new construction
 13 back by private investments started to build
 14 California's urban centers.
 15 Capitol Towers initial garden apartments
 16 were the first component that was constructed by a
 17 private developer and marked the beginning of downtowns'
 18 transformation into a modern city center. Capitol
 19 Towers is associated with an important period of
 20 Sacramento's urban planning and development history that
 21 has a mixed legacy but has started to be recognized as a
 22 significant part of its recent past.
 23 As such, Capitol Towers meets criteria
 24 one for listing in the Sacramento Register. It also
 25 meets criteria three as a distinctive example of

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1 redevelopment housing. (Inaudible) gathered a talented
 2 design team for Capitol Towers that challenged the
 3 perception of redevelopment projects as identical
 4 rectangular slabs of high rise towers that had come to
 5 define urban redevelopment in other parts of the
 6 country.
 7 Capitol Towers also meets criteria four
 8 in that it is the work of several mid 20th century
 9 architectural masters. The team of Wurster, Bernardi
 10 and Emmons, Edward Larabee Barnes, DeMars and Reay and
 11 landscape architect Lawrence Halprin, mixed garden city
 12 principles of affordable low-rise buildings in a
 13 park-like setting with modern high rises, landscaped
 14 plazas and an urban presence that placed apartments
 15 along the streets and invited pedestrians into the site
 16 by continuing the street grid along the axial walkways.
 17 Staggering the low rise buildings and creating
 18 breezeways between unit modules kept the buildings from
 19 being repetitive and allowing even more permeability for
 20 pedestrians through the site. The designers provided
 21 shared open space, added on-site-amenities like retail
 22 restaurants and the swimming pool, and included art in
 23 the form of the central sculptural to create a setting
 24 to foster community. This was balanced by private
 25 outdoor spaces for each unit, either in a grand floor

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1 patio or upper floor balcony, that was placed on
 2 opposite sides of the low rise buildings to allow for
 3 additional privacy.
 4 Capitol Towers' is a mix of low rise and
 5 high buildings, private and public spaces and an urban
 6 presence, as well as an interior orientation that was
 7 recognized early on with awards from Progressive
 8 Architecture, the Northern California chapter of AIA and
 9 the Governor's Design Awards Program.
 10 Each member of the design team is
 11 distinguished and highly regarded architect of the
 12 period and the collaboration of Capitol Towers is
 13 noteworthy. It was among the first -- each of their
 14 first opportunities to work on reshaping a large urban
 15 site.
 16 Capitol Towers also meets criteria five
 17 as the Jacques Overhoff design sculptural wall is of
 18 high artistic value in the district. Also, the resource
 19 has integrity of location, design, setting materials
 20 workmanship and association.
 21 As Charles Birnbaum from the Cultural
 22 Landscape Foundation noted in his letter, Capitol Towers
 23 success is largely due to the unique integration of
 24 architectural and landscape design elements, aided by
 25 its thoughtful incorporation of pedestrian circulation,

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H1-2 cont.

H1-2 cont.

1 gardens, recreational areas and a plaza as its core.
 2 Overall, Capitol Towers is a well
 3 designed and well planned housing complex by a renowned
 4 group of architects. It is believed to be part of
 5 Sacramento's urban redevelopment history. We believe
 6 that Capitol Towers is, in fact, a historic district
 7 worth preserving for future generations to experience
 8 and enjoy. Capitol Towers is a special place from a
 9 unique era, designed by a stellar team of master
 10 architects. We'd like to see the site's past embraced
 11 to ensure it has a brighter future and continues to
 12 contribute to our city's and our capitol's character and
 13 sense of place. Thank you.

14 CHAIRMAN FULLER: Thank you. Is there
 15 any member from the project team that would like to
 16 speak to this issue? Property owner. Forgive me.
 17 Being none, are there any speakers that
 18 we would like to have? I've got a pile here. We're
 19 going to start off with William Burg.

20 MR. BURG: Good evening. My name is
 21 William Burg. I'm president of the Board of Directors
 22 of Preservation Sacramento, formerly known as Sacramento
 23 Old City Association.
 24 I'm here to express the Board's support
 25 for the listing of this property in the Sacramento

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H1-3

1 Register. The property is clearly eligible under four
 2 different Sacramento Register criteria. It demonstrates
 3 its eligibility through the nomination and the staff
 4 report. The nomination was, of course, originally
 5 written for the National Register nomination for this
 6 property. The property was determined eligible for
 7 listing in National Register. Only the opposition of
 8 the property owner prevents its listing in the National
 9 Register. As a result, it's automatically listed in the
 10 California Register.

11 This has been ratified at local state and
 12 federal levels, so it's clearly eligible based on the
 13 nomination and the information presented for listing in
 14 the Sacramento Register, and I hope that you will
 15 recommend to the city council that they find it eligible
 16 and list it in the Sacramento Register of Historic and
 17 Cultural Resources. Thank you.

18 CHAIRMAN FULLER: Thank you. Okay, next
 19 we have Judy Stanley.

20 MS. STANLEY: First of all, I wanted to
 21 point out some mis-directions under public hearing
 22 number, item number 3. And in the description, it's
 23 south of N Street, which is correct, north of P Street,
 24 which is correct. It is not east of 7th Street. It is
 25 west. And it is east of 5th Street. On either

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H1-4

H1-4 cont.

1 direction of these are state buildings, parking, Pioneer
 2 House, which is not Pioneer Tower. And I just wanted
 3 everyone to know that this was wrong and hoping you're
 4 not using that as -- in future papers.

5 I did want to say I represent the tenants
 6 of Pioneer Tower. We feel we are just as much a part of
 7 Sacramento Commons as the actual tenants, and we use the
 8 space on a daily basis, going through to light rail or
 9 just going for a walk, enjoying the fountain, but we are
 10 actually a part of the Sacramento Commons. So thank you
 11 very much.

12 CHAIRMAN FULLER: Thank you. All right.
 13 Our next speaker is Susan Ballew. Good evening.

14 MS. BALLEW: Good evening, everyone. I'm
 15 Susan Ballew and I'm speaking in favor of listing the
 16 Capitol Towers Historic District and its contributing
 17 resources in the Sacramento Register of Cultural and
 18 Historic Resources, and I'll be very brief.

19 I agree with the staff report, and I
 20 believe that the Capitol Towers neighborhood is an
 21 important historic and cultural resource. As Bill has
 22 pointed out earlier, it's already been determined
 23 eligible for listing in the National Register. It's
 24 listed in the California Register, and I really truly
 25 hope that Sacramento also recognizes its significance as

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H1-5

1 a very special place, both architecturally and
 2 culturally, and just the fact that it is such a unique
 3 location in Sacramento. There's nothing else like this.
 4 It is beautiful, it is peaceful, and it's very serene,
 5 and it isn't --

6 I think that so many people in the
 7 downtown area use this as a -- as a sanctuary, it's
 8 true. So I strongly urge the Preservation Commission to
 9 pass a motion forwarding a recommendation to city
 10 council, adopting the ordinance listing Capitol Towers
 11 Historic District. Thank you very much.

12 CHAIRMAN FULLER: Thank you. And Barry
 13 Wasserman.

14 MR. WASSERMAN: Commissioner, I'm Barry
 15 Wasserman, former Planning Commission, former Director
 16 of Design Review with the county, former State Architect
 17 and Professor Emeritus for Cal Poly Pomona.

18 I strongly support the staff
 19 recommendation to include this and recommend it to the
 20 city council. I would point out that the role of the
 21 Preservation Commission is to protect our heritage, and
 22 this is a very important part in that it tells where we
 23 came from, it gives us guidance as to how and where we
 24 should go.
 25 This is the state capitol; this is more

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H1-6

H1-6
cont.

1 than just a Sacramento issue. Anything we do here in
 2 the state capitol stands up as indicating things that we
 3 put value on, and this is an oasis in downtown
 4 Sacramento. It's a prime example of how to deal with
 5 residential in the center of an urban area. It's an
 6 absolute gem, and if you've been there, you know what I
 7 mean. I neglected to mention that I was also a partner
 8 of Larry Halprin's and a 40 associate of the Sculpt of
 9 Jacques Overhoff, both of who would be strongly
 10 supportive of keeping this here. This was absolutely
 11 important in the seminal development of their work.
 12 Thank you.

13 CHAIRMAN FULLER: Thank you. And Carr
 14 Kunze.

15 MR. KUNZE: Good evening. Mr. Chairman,
 16 members of the Commission, I'm Carr Kunze, and I'd like
 17 to add my endorsement to the remarks of Gretchen and
 18 Professor Wasserman, and I particularly endorse the
 19 staff report. It was a very good job that they did. I
 20 wanted to add one other important point. That is
 21 Capitol Towers represents a multi-family example of what
 22 might be called Northern California regionalism,
 23 sometimes referred to as Bay Area Regionalism. That is
 24 not picked up and that is a very critical, I think,
 25 important additional fact.

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1 Wurster was the leader of what was
 2 regarded as Bay Area Regionalism. Others
 3 internationally were people like Alveralto. Locally,
 4 Gardner Dailey; at that time, Joseph Escherick and
 5 others, and it's moved through various interpretations
 6 into the present as well. So I wanted to highlight that
 7 point. Also Capitol Towers is really amongst a very
 8 select few developments, redevelopments in the country
 9 that were done by major architects of the rank of
 10 Wurster and his team.

11 I counted, after going through a fair
 12 piece of research in the literature, about 10 to 12
 13 such; one by Walter Gropius has since been torn down in
 14 Chicago to make a site for the Olympics recently, which
 15 would never come to be.

16 So I just hope that you're able to see it
 17 through. Great architecture is not just about the
 18 buildings, it's also about the spaces, and this is a
 19 very unique example of such.

20 And let me just point out lastly that
 21 when Progressive Architecture gave this project its
 22 first design award in 1962, they characterized it as
 23 precedent breaking design in the relationship to other
 24 redevelopment projects that had been proposed of the
 25 era. Thanks so very much.

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1 CHAIRMAN FULLER: Thank you. And next we
 2 have Ms. Karen Jacques. Good evening.

3 MS. JACQUES: Good evening. I'm Karen
 4 Jacques. I'm Preservation chair for Preservation
 5 Sacramento, formerly SACA, and I'm also a past member of
 6 the Preservation Commission. And I want to second
 7 everything that has been said here so far tonight and to
 8 just emphasize that this project played such a major
 9 role in Sacramento's -- the evolution of Sacramento's
 10 built history, and for me, the other thing that makes it
 11 so significant and wonderful is the integration of the
 12 landscape with the built environment and how those two
 13 things are really inseparable and how, in an
 14 increasingly dense central city, these architects worked
 15 on a balance between the high rise, very dense high rise
 16 that they did, and the other towers that were planned
 17 and were built by others later, and then the creation of
 18 this wonderful open space to provide respite from that
 19 density and to provide a place of peace, some of it with
 20 some of the private outdoor space and much of it with
 21 the shared public outdoor space that has really become,
 22 although privately owned, a park amenity for the entire
 23 central city, and a place where many of us go to walk
 24 and simply to contemplate.

25 So like everyone else who's spoken, I

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1 urge you to move forward with this nomination and I hope
 2 that our city council will recognize the significance of
 3 retaining historic places such as this one, because it
 4 is on them that the character of our city and it's
 5 uniqueness and it's sense of place is built, and to me,
 6 this is the kind of things that leads to a, quote, world
 7 class city. Thank you.

8 CHAIRMAN FULLER: Thank you. Jim Pachl.
 9 Good evening.

10 MR. PACHL: Good evening, Commissioners.
 11 My name is Jim Pachl. I have been a resident of
 12 Bridgeway Towers since 1999, Bridgeway being directly
 13 next to the Capitol Towers and villas area. I've walked
 14 through there almost daily. It's a wonderful example of
 15 how important urban renewal projects designed by
 16 actually creative intelligent people can be. And this
 17 is worked very, very well. It's got -- It's a mixture
 18 of high rise buildings, three of them, low rise, open
 19 space, green space, and actually quite a good tree
 20 canopy. It's a great example of what can work if, you
 21 know, the people sit down and decide to do that. I
 22 frankly wish that there were more complexes like that
 23 around downtown. This is certainly worthy of historic
 24 landmark status and I urge that you approve staff
 25 recommendation on that. Thank you very much.

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6 (Pages 18 to 21)

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TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

H1-10	<p>1 CHAIRMAN FULLER: Thank you. And finally 2 Mr. Don Cox. 3 MR. COX: Mr. Chairman, members of the 4 Commission, I just sort of came down to sort of pile on. 5 I just don't think you need a lot of persuading where 6 this is concerned. This is really a no-brainer. This 7 is just a wonderful property and I encourage you to 8 support its listing. Thank you very much. 9 CHAIRMAN FULLER: Thank you. All right, 10 are there any other members of the public that would 11 like to speak on this matter? 12 Seeing none, if we could have some 13 discussion amongst the commissioners up here at the 14 dais. If anybody would like to discuss the motion as 15 well, that would be wonderful. Mr. Marshack. 16 MR. MARSHACK: Thank you, Chairman 17 Fuller. I do have a question. In the staff report, it 18 talked about, of course, nominating as a district with 19 contributors, but then also said, "And noting that the 20 properties also meet the city's landmark eligibility 21 criteria," but the actual record of what would be in the 22 register doesn't reference the landmark criteria. 23 Is there some way we can finesse that 24 language a little bit to highlight that landmark 25 eligibility also or is that already done by the way that</p> <p style="text-align: right;">Page 22</p>	<p>1 you. 2 CHAIRMAN FULLER: Any other questions 3 from commissioners? Seeing none, any other discussion 4 on the staff recommendations? 5 It looks like there are five items there, 6 to adopt the ordinance, find the designation's listing 7 is consistent with the general plan. Item C is noting 8 their important historic and architectural worth. Item 9 D is the inclusion in the Sacramento Register, and item 10 E is the inclusion of the significant features and 11 characteristics. Anybody would like to speak on any of 12 those? Or perhaps just form a motion to accept all of 13 those recommendations and conditions? 14 Commissioner Piner? 15 COMMISSIONER PINER: I don't have 16 anything specific to the language that's to be adopted 17 but I wanted to commend all the work that's gone into 18 this. Once again, we've heard this before. I came upon 19 this development kind of by accident, not knowing who 20 had designed it, and was fortunate to go to Berkeley, 21 which had a place called Wurster Hall, which I now know 22 where that comes from, but I think one of the points 23 that was made about regionalism is really important why 24 I think this place needs to be preserved, is that it 25 provides such a great example of appropriate</p> <p style="text-align: right;">Page 24</p>	H1-11 cont. H1-12 H1-13
H1-11	<p>1 the order is written? Clarification is what I need. 2 MS. DEERING: If I might, the eligibility 3 criteria in the ordinance referenced the eligibility 4 criteria and there was discussion in the staff report 5 that we have landmarks that involve multiple property, 6 multiple buildings, multiple resources that are listed 7 as landmarks in the Sacramento Register, and we have 8 similar properties that have multiple buildings under 9 one ownership that are listed as historic districts, so 10 half of one, half of another, so I think it was -- the 11 nomination in the National Register process doesn't 12 necessarily segregate those eligibility criteria 13 separately, and it's -- it's -- 14 Hopefully we're okay with just 15 recognizing that it meets all the criteria, but it's 16 over all, I think it, in general, is a historic district 17 with contributing resources definitely. 18 MR. MARSHACK: The reason I brought it up 19 was the fact that it's a district but it's all one 20 development, unlike, for example, Boulevard Park, that 21 was built by different developers for different owners 22 and is a collection of things it represents in totality. 23 UNIDENTIFIED FEMALE: And that's the 24 discussion that was in the staff report. 25 MR. MARSHACK: Okay. Very good. Thank</p> <p style="text-align: right;">Page 23</p>	<p>1 architecture for Sacramento, with the broad overhangs 2 and shade trees and celebration of outdoor living, so I 3 just want to underscore that. I thank all the people 4 that came out to support the project. 5 CHAIRMAN FULLER: Agreed, I'd like to 6 second that as well, that it was an amazing amount of 7 work and I appreciate everyone coming here tonight to 8 speak to their passion on this issue. 9 Any other discussion from commission 10 members? 11 Commissioner Moffett? 12 COMMISSIONER MOFFETT: I make a motion to 13 pass, to forward the recommendation, the staff report's 14 recommendation to city council. 15 CHAIRMAN FULLER: And that's as the staff 16 has it written then? 17 COMMISSIONER MOFFETT: Yes, items A 18 through E. 19 CHAIRMAN FULLER: Excellent. 20 COMMISSIONER PINER: I'd like to second 21 it. 22 CHAIRMAN FULLER: Okay. So we have a 23 motion from Commissioner Moffett and a second from 24 Commissioner Piner. 25 Anybody like to speak on that? Any other</p> <p style="text-align: right;">Page 25</p>	H1-14

7 (Pages 22 to 25)

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cont.

1 discussion?
 2 All right, seeing none, if we could have
 3 a vote. All those in favor of that motion, "I."
 4 (Response of "I.")
 5 CHAIRMAN FULLER: Any opposed? Any
 6 abstentions? All right, motion pass.
 7 Congratulations to all.
 8 All right. We'll be moving on to item
 9 number 4, which is a bit of a complicated beast, and
 10 there are a number of different moving parts on this
 11 particular one.
 12 There's three different pieces to a
 13 motion which would be forwarded on to the Planning and
 14 Design Commission, not on to the city council, and
 15 there's is basically the review of the draft EIR,
 16 discussion and review of the demolition of just about
 17 everything except for the Capitol Towers structure, the
 18 high rise structure, and then review of the development
 19 project itself.
 20 I don't know if, Mike, you want to speak
 21 to the complications of this one.
 22 MR. VOSS: Certainly, Chair Fuller. So
 23 I'll briefly describe the form of the proposed actions
 24 before the Commission tonight.
 25 Item A is the review of the draft EIR,

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1 and this is not like a typical review and comment, where
 2 individual commissioners would make a comment and then
 3 the applicant would listen to that and go off on their
 4 merry way and come back later. These would be going to
 5 the Planning and Design Commission as a recommendation,
 6 so I request tonight that you draft a motion that
 7 incorporates the comments of the commission as a whole
 8 in your review of the EIR.
 9 I recommend the same approach for item B,
 10 which is reviewing the request for the demolition of the
 11 structures, so individual commissioners may have
 12 comments on this item, and at the end of the day, I
 13 would request that you incorporate those comments into a
 14 motion that is voted on by the Commission, to be
 15 forwarded to the Planning and Design Commission.
 16 Item C is the actual recommendation on
 17 the development project, and there, the options for the
 18 Preservation Commission are to approve the project as
 19 staff recommends, to deny the project or to approve the
 20 project with additional conditions, so those are the
 21 three options for a motion with respect to item C.
 22 CHAIRMAN FULLER: Excellent. We should
 23 probably also note that for those commenting -- I'm
 24 reading a little dissertation here. For those
 25 commenting on the draft EIR, the final EIR will respond

1 only to the written comments received through the
 2 environmental review process during the draft EIR
 3 comment period.
 4 Copies of the draft EIR, Notice of
 5 Availability, the NOA, are available here tonight at the
 6 back table. Hopefully that's true. And the NOA gives
 7 the address to send written comments, as well as the
 8 date those comments are due, so while we do appreciate
 9 everybody's input here tonight, it appears that they do
 10 need to be written and sent on to this body in order for
 11 them to get incorporated into the final EIR.
 12 Evan, good evening. You have a
 13 presentation for us. Thank you.
 14 MR. COMPTON: Mr. Chairman, members of
 15 the Commission, Evan Compton. I'm with the Community
 16 Development Department, and tonight we're here to
 17 request a formal recommendation regarding the Sacramento
 18 Commons project.
 19 Before I begin, I just wanted to note
 20 that you did receive a supplemental packet in front of
 21 you. It contains all of the public comments that have
 22 been e-mailed to Community Development staff and in the
 23 order of which they were received.
 24 All right, the Sacramento Commons
 25 proposal is for a master plan. It has two build-outs

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cont.

1 and REOs for the Super Block. Super Block is generally
 2 between 5th and 7th and in P. It excludes, of course,
 3 the Pioneer Tower and the Bridgeway Tower. Both
 4 scenarios include demolition of all the structures on
 5 the site, with the exception of the Capitol Towers
 6 building and that's circled up there in red for you, and
 7 also the Overhoff wall, which is proposed to be retained
 8 but relocated on the site.
 9 Talking a little bit about the actual
 10 scenario, scenario one would include a 300 room hotel.
 11 It would include 1374 dwelling units and about 74,122
 12 square feet of retail and support uses. I note here too
 13 it also includes the construction of parking garages.
 14 The master plan for scenario two does not
 15 include a hotel. Instead, it includes 1470 dwelling
 16 units and up to 56,122 square feet of retail and support
 17 uses. It also includes the construction of the parking
 18 garages.
 19 So the applicant is seeking approval for
 20 both of these scenarios, and that would provide the
 21 flexibility in the future based upon market conditions
 22 of what they would actually construct.
 23 I wanted to note as well that this is a
 24 master site plan and a conceptual drawing for the
 25 project. It's important to note that this is a master

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cont.

1 plan. It's not final approvals for construction, so the
 2 master plan is more of like forming the framework for
 3 future development on the site.
 4 So if we -- If Council approves a master
 5 plan, they would still have to submit future
 6 applications and go through public hearings and we would
 7 review the specific development for each of the sites.
 8 The development would need to conform to the master
 9 plan, and it would be at that time that we would look at
 10 final floor plans, elevations, materials and color
 11 boards and all the things that you typically would see
 12 with a project approval. But again, these additional
 13 approvals would be required before the applicant could
 14 be issued any building permits to begin any type of
 15 construction.
 16 This is a tentative timeline. This is
 17 subject to change, but I just wanted to give you kind of
 18 an idea of where we are in the project overview. We're
 19 asking tonight for a final recommendation from you to
 20 forward to the Planning and Design Commission. We have
 21 a review and comment in front of the Planning and Design
 22 Commission tomorrow, and so staff would use whatever
 23 that you provide us at that meeting.
 24 And then combined with the review and
 25 comment that we have in front of the Planning and Design

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1 Commission, we'll incorporate all of that, and we're
 2 expecting to go to a final design commission hearing at
 3 probably the end of May, and then it would go to city
 4 council for a final action in July.
 5 So again, in regards to the nominated
 6 resource on the site, the general plan and the city code
 7 do have provisions that allow the city council to
 8 approve demolition of historic resources if they can
 9 find that the public benefit outweighs the loss of the
 10 resource. So ultimately, both of the proposals will be
 11 going before council, and at that time, they're going to
 12 have to consider both of those and make a final
 13 determination.
 14 So as noted in attachment one of the
 15 staff report, staff is recommending the Preservation
 16 Commission forward a recommendation to approve this
 17 master plan concept, and that recommendation is based
 18 upon general plan policies regarding the intensification
 19 of residential uses in the CBD, which is the Central
 20 Business District, as well as other general plan
 21 policies that staff discussed in the staff report. So a
 22 member of the applicant team is available, as well as
 23 staff, for any questions. Thank you.
 24 CHAIRMAN FULLER: Any questions for Evan.
 25 I do have just one, since I don't see

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cont.

1 anybody popping up here.
 2 There are the projects that are being put
 3 forward by the property owner and then there are all of
 4 the alternatives that are in the EIR, and it doesn't
 5 seem like, you know, those really get discussed at all.
 6 Now how does that interplay work between
 7 all of the alternatives in the EIR and the proposed
 8 project?
 9 MR. COMPTON: So as a part of your review
 10 tonight, you can, in your motion, indicate if you think
 11 one of the alternatives is preferable to the staff's or
 12 to the project applicant's proposal or, you know, again,
 13 alternative one being no project; alternative two was
 14 discussed in the staff report, and then, of course, we
 15 know what the applicant is proposing.
 16 CHAIRMAN FULLER: Okay. Great. Thank
 17 you. Any other questions for staff?
 18 All right, seeing none, we have a few
 19 speakers here on this item as well. We'll start with
 20 Gretchen Steinberg. Oh, I'm sorry, hold on just a
 21 second, Gretchen. I didn't see your question there from
 22 Commissioner Marshack. My apologies.
 23 MR. MARSHACK: When is the appropriate
 24 time for questions about the EIR in our process tonight?
 25 CHAIRMAN FULLER: I would think questions

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1 on the EIR could occur now.
 2 MR. MARSHACK: Now?
 3 CHAIRMAN FULLER: Yes.
 4 MR. MARSHACK: Could I have a few?
 5 CHAIRMAN FULLER: Absolutely.
 6 MR. MARSHACK: First, mitigation measure
 7 4.8-2 calls for a requirement to cause no net increase
 8 in run-off as compared with existing conditions, and
 9 considering the heightened awareness of water quality
 10 impacts from urban run-off and the already overtaxed
 11 combined sewer and storm sewer system for the central
 12 city -- part of the city, I'm wondering shouldn't the
 13 goal be to reduce run-off to the extent practical,
 14 rather than just not increase? Is there a consideration
 15 of that?
 16 MR. COMPTON: Commissioner Marshack, are
 17 you addressing this to the staff then?
 18 CHAIRMAN FULLER: Or whoever could
 19 answer?
 20 MR. MARSHACK: Whoever could answer.
 21 CHAIRMAN FULLER: Yes, I don't know if
 22 there's anybody in the chamber that could address that
 23 with any adequacy.
 24 MS. DEERING: Our environmental planning
 25 staff services staff are here but I'm not sure they're

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cont

1 --
 2 CHAIRMAN FULLER: Excellent.
 3 MS. DEERING: Mr. Johnson.
 4 CHAIRMAN FULLER: Thank you, Scott.
 5 MR. JOHNSON: Chair, members of the
 6 Commission, I'm Scott Johnson, with the Sacramento
 7 Community Development Department.
 8 As far as for the drainage and the no net
 9 increase, that would be basically satisfying what our
 10 threshold is. Our threshold doesn't go ask beyond for
 11 further reduction of no net drainage. I mean, it's to
 12 the no net increase.
 13 MR. MARSHACK: That's a city policy or --
 14 MR. JOHNSON: Well, it would come through
 15 our utilities department and the general plan goals and
 16 policies. It's -- Yes, our threshold is no net
 17 increase, so the further reduction isn't what we would
 18 be mitigating for.
 19 MR. MARSHACK: The next question I had
 20 has to do with replacement trees. I'm a little confused
 21 as to what's laid out in the various alternatives as
 22 compared with the proposed project. The EIR appears to
 23 say that the proposed project would wind up with more
 24 trees than any of the alternatives, but at the same
 25 time, there's less disturbance and more open space with

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1 the alternatives than there are with the proposed
 2 projects, so how can this be the case?
 3 MR. JOHNSON: I'm sorry, could you repeat
 4 that one more time?
 5 MR. MARSHACK: Okay, so we have a
 6 proposed project and we have alternatives, one, two,
 7 three, four. One is the no project so let's dismiss
 8 that one for now. So we have through alternatives
 9 designs and a proposed project.
 10 The EIR states that the future tree
 11 canopy with any of the alternatives would be less than
 12 with the proposed project. In other words, the proposed
 13 project would have more tree canopy than any of the
 14 alternatives, but at the same time, there's less
 15 disturbance of existing tree resources and more open
 16 space with each of the alternatives than with the
 17 proposed project. So how can the proposed project have
 18 more tree canopy? It just seems to defy logic and I'd
 19 like an explanation of that.
 20 MR. COMPTON: I'm sorry, I'm not quite
 21 familiar with that exact counting, but I believe that
 22 the proposed project is proposing to plant more trees
 23 than what is currently there, so with the anticipation
 24 of future growth of those trees that the canopy would be
 25 increased.

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cont

1 CHAIRMAN FULLER: Do we have another
 2 member of the public that would like to speak on that
 3 particular issue? None. Okay, got it.
 4 MR. MARSHACK: Two more questions. First
 5 of all, the EIR seems to set up a dichotomy, either you
 6 have -- with respect to historic and cultural resources.
 7 Either you have an alternative that fully
 8 mitigates everything, which is apparently not the case
 9 with the alternatives that were studied, or you have no
 10 project, are the alternatives that are studied there.
 11 So it's either we have a project or we have any of four
 12 alternatives that don't fully meet protection of all
 13 cultural and historic resources.
 14 It seems to me, I'm wondering why some
 15 sort of compromise wasn't explored in the EIR, whereas,
 16 for example, the majority of historic and cultural
 17 resources could be retained and most of the
 18 character-defining features retained, while at the same
 19 time, adding more density to the site in conformance
 20 with the goals of the project. I would think some sort
 21 of balance is something that would be explored in the
 22 EIR, and I don't really see that. Could you explain
 23 that part?
 24 MR. JOHNSON: As far as the development
 25 of the alternatives, it's done through a consultant that

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1 looked to minimize the impacts going in with this,
 2 knowing it's a historic resource.
 3 Obviously the no project alternative
 4 would be the only project or the only alternative that
 5 would eliminate impacts, and so they tried to look at a
 6 variety of scenarios where the degree of impact would be
 7 not as great, so I don't --
 8 MR. MARSHACK: But it seems that the EIR
 9 was worded in such a way that those were summarily
 10 dismissed because they don't result in no impact on
 11 historic and cultural resources so they're only
 12 described but not thoroughly analyzed, is the way it's
 13 put forward in the EIR, and I'm wondering why the EIR is
 14 crafted in that way rather than looking at alternatives
 15 that might satisfy both needs.
 16 MR. JOHNSON: This is Elle --
 17 MS. EGLAVEN: Eglaven. Elle Eglaven.
 18 I'm Manager of Environmental Planning Services, and the
 19 purpose of the alternatives with regard to the EIR is
 20 that they look alternatives. The EIR should study
 21 alternatives that not only minimize or reduce impacts,
 22 they also need to meet the project sponsors' objectives,
 23 so when you look at an alternative, if it does not meet
 24 the sponsors objectives which they lay out in the EIR,
 25 then -- then they, you know, are dismissed in terms of

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cont.

1 that's not meeting the goals of the applicant that's
 2 putting this forward, so I think that's some of the --
 3 There was a, for example, an objective of
 4 having certain density, if an alternative can do that,
 5 then it might be dismissed because they have an
 6 objective of being a transient, you know, oriented
 7 certain type of development in terms of the inner city.
 8 MR. MARSHACK: I looked at the
 9 objectives. There are nine, on pages 5.3 and 5.4.
 10 MS. EGLAVEN: Correct.
 11 MR. MARSHACK: And I can envision
 12 compromise projects where all of those are met, as well
 13 as retention of the preponderance of the historic and
 14 cultural resources.
 15 MS. EGLAVEN: Uh-huh.
 16 I'm sort of -- It's almost like the
 17 alternatives are set up fail to begin with. It seems --
 18 I'm confused by the process, why we're not set forward
 19 to review alternatives that can meet all nine of the
 20 criteria.
 21 MS. EGLAVEN: Uh-huh.
 22 MR. MARSHACK: As well as trying to
 23 retain what we can of historic and cultural resources.
 24 It's just -- It's confusing to me the way it was put
 25 forward.

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1 MS. EGLAVEN: And I don't know that I can
 2 respond to that right now because the person, the
 3 consultant that performed the cultural evaluation, as
 4 well as the EIR consultant, I would encourage you to
 5 actually make a written comment on that. That's a very
 6 good point. And that would be something that, you know,
 7 would be responded to.
 8 MR. MARSHACK: Thank you.
 9 MS. DEERING: If I might just mention too
 10 that the alternatives looked at lessening impacts. It
 11 was found that none of the alternatives except for
 12 alternative one, the no project alternative, would
 13 lessen impacts to a less than significant level.
 14 That's the threshold, and, you know, this
 15 property, the historic resources have a lot of
 16 significant features, and so all the alternatives
 17 impacted those, at least one of those features, to a
 18 significant level. It doesn't mean that they impacted
 19 all of those features to a significant level, so, you
 20 know, there are different variances of what is preserved
 21 under the different alternatives.
 22 MS. EGLAVEN: But I agree with you,
 23 Commissioner Marshack, that the goal in terms of
 24 environmental protection is to -- and actually in the
 25 statute -- is to lessen, to the greatest degree

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1 possible, the impacts on what our resources that are
 2 identified as being significant, so if there's some
 3 alternative that would lessen that to a greater degree,
 4 then that should be explored.
 5 MR. MARSHACK: Maybe I'll save those
 6 things for comments on the EIR.
 7 MS. EGLAVEN: Thank you. I appreciate
 8 that.
 9 MR. MARSHACK: That's all. Thank you.
 10 CHAIRMAN FULLER: Anything else,
 11 Commissioner Marshack? All right, moving on to
 12 Commissioner Forrest.
 13 COMMISSIONER FORREST: Thank you. I have
 14 a couple of questions about the staff report actually.
 15 The first one is regarding the summary on page two, the
 16 bulleted items, the last two regarding site plan, design
 17 review and the development project review.
 18 And this could just be me missing
 19 something, but the site plan and design review for the
 20 project notes that there's -- the exterior modifications
 21 to the existing building are not proposed with the
 22 current application; and the final bullet, the
 23 development project requests a review on the exterior
 24 remodeling of the existing or the building that would
 25 remain. Are we reviewing exterior modifications or are

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1 we not, or am I confused?
 2 MR. COMPTON: I would note that the site
 3 plan and design review is really for the master level
 4 and also looking at the map that the Planning and Design
 5 Commission is going to be reviewing, so really the scope
 6 is more for the demolition of the structures.
 7 Any type of new construction is going to
 8 require another site plan and design review based on the
 9 size and height and different things of these buildings.
 10 It would be commission level. It would depend -- It
 11 would most likely be Planning and Design Commission
 12 level but there are -- you have the nomination that's
 13 going forward for the historic district, and if a
 14 project is in a historic district, it would go to
 15 Preservation Commission, so there's still some
 16 procedural things that will be worked out as a project
 17 moves forward.
 18 COMMISSIONER FORREST: Thank you. My
 19 next question is regarding the policy considerations,
 20 policy HCR 2.1.14, Demolition, on page 11.
 21 The policy states that the city shall
 22 consider demolition of historic resources as a last
 23 resort, bla, bla, bla, or, you know, permitted only if
 24 the rehabilitation of the resource is not feasible or
 25 the public benefits outweigh the loss of the historic

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cont.

1 resource, and the staff report goes on to justify how
 2 this project meets that goal with one sentence, that the
 3 proposed project offers a rare opportunity on the grid
 4 to add significant density.
 5 Would you elaborate on that a little bit?
 6 I didn't think that one sentence really provided a
 7 significant justification to the wholesale demolition of
 8 this property.
 9 MR. COMPTON: What staff is noting here
 10 is that this is a super block site, so essentially
 11 almost four city blocks together, so that's a pretty
 12 rare situation. A lot of times, any other residential
 13 projects that have moved forward, you know, they might
 14 be able to consolidate a block and you have an alley
 15 going through the middle of it, so I'm just saying that
 16 that actual land area that they would be able to develop
 17 would be smaller than on a super block site and this one
 18 would have an existing residential towers. It does
 19 create kind of a synergy by creating even a higher
 20 residential community, and it being, you know, in the
 21 central business district, linked to the grid, being by
 22 light rail, that's basically what we're saying, is that
 23 this is a somewhat unique site just because of its size
 24 and configuration and location.
 25 COMMISSIONER FORREST: Thank you. That's

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1 all. Thank you.
 2 CHAIRMAN FULLER: Thank you, Commissioner
 3 Forrest. Any other questions from -- Mr. Marshack?
 4 MR. MARSHACK: I did have one more that
 5 came to mind. If I understand the project correctly,
 6 it's almost like it's in two phases.
 7 The first phase is requesting demolition
 8 and a planned urban development design guidelines for
 9 the super block, and then the property -- and
 10 subdivision, part of that as well, into six parcels, and
 11 then at some later phase then, there would be projects
 12 for each parcel that would come forward for site plan
 13 and design review, meeting the POD guidelines that are
 14 established for the project; is that correct?
 15 MR. COMPTON: I would agree with that
 16 except for one point about the demolition. The Planning
 17 and Design Commission hasn't taken a formal action but I
 18 would imagine that there would be something, either in
 19 the development agreement or a condition of approval, to
 20 say that demolition would only occur after they get all
 21 of their final entitlements, but certainly they are
 22 asking for master level entitlements, which would
 23 include the map and setting up the beauty and the
 24 framework.
 25 MR. MARSHACK: Thank you. That gets

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cont.

1 exactly to my question about what the timing is of
 2 demolition versus approval of the final projects. Thank
 3 you.
 4 CHAIRMAN FULLER: So as a follow-up to
 5 that, Evan, when you say that it's, that the demolition
 6 permits would be held up until the entitlements are
 7 completed, is that the only condition, or really would
 8 it be held up until, you know, the building department
 9 process is well on its way?
 10 MR. COMPTON: And again, the Planning and
 11 Design Commission is having their second review and
 12 comment. We've had a lot of comment from the public
 13 coming in about this very issue, so they're going to be
 14 reviewing it, hopefully providing staff with some
 15 additional direction so that as we start to formulate
 16 our final recommendation with whatever conditions we
 17 think that are appropriate, that we would, you know,
 18 place that in that final document.
 19 CHAIRMAN FULLER: Thank you. Any other
 20 questions? Commissioner Huck?
 21 COMMISSIONER HUCK: And pursuant to that
 22 topic as well, I guess I don't quite understand the
 23 timing as well when the demolition permit is issued
 24 after all entitlements are made. Is that also the time
 25 that the design is complete and permits have been issued

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1 and the financing is secured or does that come much
 2 later?
 3 MR. COMPTON: I would think, and again,
 4 the condition hasn't been formulated at all, but that
 5 the demolition permit would be only after, of course,
 6 all the planning and design entitlements and everything
 7 are complete and the appeal periods have lapsed and what
 8 not, then obviously they have to go and submit for
 9 building plan check for their new project.
 10 As far as the financing portion of it,
 11 again, I don't know how the final condition would be
 12 worded and who would be reviewing that. It's not
 13 something that we typically do with projects, but
 14 certainly, you know, given a lot of the public comment,
 15 that's something that we'll be talking about.
 16 CHAIRMAN FULLER: Okay. Moving on to
 17 public comment, everybody okay with that? All right.
 18 First, we'll get back to Gretchen. Good evening.
 19 MS. STEINBERG: Hello again,
 20 Commissioner. SacMod opposes the Sacramento Commons
 21 EIR. We've established that Capitol Towers -- excuse
 22 me, yes, Capitol Towers is a historic district pursuant
 23 to state and federal law.
 24 It is also a thriving, vibrant,
 25 established successful mixed use residential community

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H1-23

<p>H1-23 cont.</p>	<p>1 that's pedestrian and bicycle friendly and already 2 embodies the standards, principles and intentions that 3 Sacramento County's common seek to achieve. 4 The buildings are inhabited, recently 5 rehabilitated and fully economically viable. Capitol 6 Towers is one of the most densely populated areas of 7 downtown, second only to jail, according to U.S. census 8 data. It has 59.8 density units per acre, which is 9 remarkable close to the minimum density of 61 units, 10 pursuant to the 2030 general plan intended for new 11 developments. To (Inaudible) more density by destroying 12 viable housing stock in a historic district does not 13 make sense. Why would the city be in favor of 14 destroying the second most densely populated area in 15 downtown Sacramento? 16 Furthermore, the project's objective of 17 adding density can be achieved on site without harming 18 the majority of historic resources. There are dozens of 19 other projects that have received entitlements by the 20 city that achieved the city's goals of density, and I've 21 given you a sheet in records to those project that have 22 been entitled or are pending or have been recently 23 completed. 24 There are more suitable sites that would 25 benefit from such development. As a matter of fact, the</p>	<p>1 For the record, Preservation Sacramento 2 is opposed to the EIR in its current form. There are a 3 lot of concerns that we have about the evaluation of 4 historic resources. Essentially the justification for 5 this project is that it meets one area of the city's 6 general planning, increasing residential in the central 7 city, while ignoring and violating another element of 8 the city's general plan, protection of historic 9 resources. 10 These two are in no way contradictory; 11 and, in fact, complement each other, as we just saw last 12 week for those of us who attend the opening of the 13 Warehouse Artist Lofts, a National Register listed 14 building with nuclear construction alongside it and more 15 than a hundred residential units, so clearly we see it 16 can be done. 17 The Capitol Towers as it exists is a 18 dense urban infill site, transit oriented. It's total 19 population density of 59 units an acre for the whole 20 super block is higher than the maximum possible density 21 for Sacramento's arena project, at 55 units an acre. So 22 if the arena, which has the same zoning classification 23 as Capitol Towers, doesn't have to meet 61 units an 24 acre, why does this project? And this is an existing 25 building. There is, as we see room for infill and room</p>	<p>H1-27 cont.</p>
<p>H1-24</p>	<p>Page 46</p>	<p>Page 48</p>	<p>H1-28</p>
<p>H1-25</p>	<p>1 docks areas would be an ideal location for Sacramento 2 Commons due to its proximity to the waterfront and the 3 proposed street car line. 4 Sacramento Commons proposed mitigation, 5 retaining the Tower and sculptural wall, plus 6 recordation and interpretation after demolition is 7 unacceptable. This very type of mitigation has been 8 successfully challenged in court. 9 During the CEQA process, it is incumbent 10 upon the city to provide the necessary leadership, 11 guidance and commitment to ensure that CEQA law is 12 upheld. Design problems warrant design solutions. 13 Preservation and progress can be achieved at the same 14 time through ingenuity. We disapprove the currently 15 proposed entitlement for Sacramento Commons. We can and 16 should do better for our city, for our people and for 17 our future. Thank you. 18 CHAIRMAN FULLER: Thank you. William 19 Burg. 20 MR. BURG: Thank you. William Burg, 21 Preservation Sacramento. I have here 21 e-mails 22 received via our e-mail, regarding this project, as well 23 as a draft document containing comments intended for the 24 EIR. Our full commentary is not complete but I want to 25 submit these.</p>	<p>1 for improvement on the site. 2 Failure to consider alternative sites is 3 a failure of this EIR. They only consider this site 4 rather than nearby alternative sites for the project, 5 and failure to consider plans this work with the 6 existing resources treated as though they're valuable 7 and worthy of being restored, these are completely 8 excluded from the EIR, and thus, yes, I think the 9 alternatives were set up to fail. Thank you. 10 CHAIRMAN FULLER: Thank you. Jim Pachtl. 11 MR. PACHL: Good evening. Again, my name 12 is Jim Pachtl. I'm speaking on behalf of the neighbors 13 of Capitol Towers and Villas, which was hastily formed 14 by some neighbors and some other people about a year and 15 a half ago when we first heard about this thing. 16 On the question of demolition, the 17 developer, about six months ago, sent around a notice to 18 the tenants, stating that the villas will be demolished 19 in about four years, over a four year feared. The PUD 20 guidelines say this they will demolish the villas over 21 the same length of time. There's nothing in there about 22 actually phasing the demolition. Nothing in the 23 proposed the conditions of the EIR requires any type of 24 phasing at all, and I frankly don't know whether the 25 city would actually, you know, make them phase it with</p>	<p>H1-29</p>
<p>H1-26</p>	<p>19 Burg.</p>	<p>19 MR. PACHL: Good evening. Again, my name</p>	<p>H1-30</p>
<p>H1-27</p>	<p>Page 47</p>	<p>Page 49</p>	<p>H1-30</p>

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cont.

1 development or would let them go away.
2 Our big, big concern is that we are
3 looking at a flip that the developer, that Kennedy
4 Wilson is basically seeking entitlements, split it up
5 into six parcels and start flipping, maybe demolish, I
6 don't know, but then start flipping out the parcels to
7 the people that have actually done development work. KW
8 buys, sells, rehabs property, existing buildings. As
9 far as I know, I only know of one project that they've
10 actually tried to build from the ground up, and that's
11 in Hawaii.

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12 Sacramento wants to be a world class
13 city, and that's fine, I love that, but world class
14 cities do not tear out historic districts. In fact, the
15 notion of recommending a historic district early in the
16 evening and then recommending that it be demolished
17 later in the evening, that just makes no sense at all.
18 World class cities certainly do not tear out successful
19 urban housing that's in the middle of downtown. They do
20 not tear out public green space that's in the middle of
21 downtown. Yes, I think there should be a lot of infill
22 in downtown. I would love to see the population
23 increase. I would benefit from it. However, there's a
24 long list of pending projects in the central city area
25 and nearby and over in West Sac that's just across the

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1 river. Many more projects than frankly than is -- that
2 go well beyond the city's goals, and there are also a
3 number of blighted properties in and around downtown
4 that, frankly, should be torn down and built on, and
5 frankly, I would like to see a major developer like
6 Kennedy Wilson come in and do that.
7 But this to simply tear down something
8 that's working very well and a historic district at
9 that, it's not necessary. Most of the pending projects
10 in this central city area and around are on old
11 industrial land, maybe vacant land, or property that's
12 already blighted. Thank you very much.

13 CHAIRMAN FULLER: Thank you. Mr. Barry
14 Wasserman will be the next speaker.

15 MR. WASSERMAN: Thank you, Commissioners.
16 I just want to say that I really respond positively to
17 William Burg's comments, and to the last ones we heard.
18 I believe this project, as designed, is overkill and
19 it's totally inappropriate at this time, with no
20 discussion of the EIR and the comments, the draft that's
21 coming in, the comments that are coming in, which will
22 be discussed tomorrow night at the Planning Commission,
23 for you to stand take a stand of supporting this
24 project.

25 It's interesting that the EIR does not

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cont.

1 look at a wide range of alternatives that lessen the
2 density. In fact, the statement that I heard this
3 evening, and I read in the report as well, is that the
4 sponsor's objectives were what guided the staff's
5 evaluation of the alternatives, as opposed to balancing
6 the sponsor's objectives against what is the public
7 good. And cities are made up of sacred spaces, special
8 places, and I think the general plan -- I was part of
9 that general plan development process. The general plan
10 had this in mind when it spoke about the kind of city,
11 not just the outlining areas but the central core as
12 well, as being a special place and having things that
13 would create that kind of ambiance to would be
14 recognized by all that both live here and visit here.

15 So I go on, and I just want to repeat and
16 say that I think it's totally inappropriate, I thought
17 it was inappropriate of the staff to ask you to approve
18 the project as presented when there were so many
19 questions that have to be raised and when your role is
20 to really support that the issues of historic
21 preservation are protected and enhanced.

22 Therefore, I ask you to deny the
23 recommendation and come up with your own, which would be
24 to indicate to the Planning and Design Commission that
25 they should put -- they should carefully evaluate the

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1 impact on this historic resource before -- as they make
2 their own decision about what's appropriate for the
3 city. Thank you.

4 CHAIRMAN FULLER: Okay, next up we have
5 Karen Jacques.

6 MS. JACQUES: Good evening. I'm Karen
7 Jacques, preservation chair for Preservation Sacramento,
8 and I too urge you to deny the staff recommendation.
9 This is an EIR that is totally inadequate and gives
10 alternatives that really aren't alternatives, all of
11 which result in the destruction of a historic resource,
12 and it's a recommendation that places the importance of
13 density, and I certainly support density in the central
14 city. I've been involved in working to get more housing
15 for 25 years. But it places the density above
16 everything else, while ignoring that there are multiple
17 other opportunities to get more density in the CBD, in
18 the rail yards, in the docks area, and ignoring that
19 there are even some ways to get some additional density
20 on this site, using the examples of the parking lot
21 site, without demolishing and destroying a historic
22 district.

23 So as I said, it places the emphasis on
24 density above all else; it ignores the importance and
25 value of a National Register level deemed eligible to be

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14 (Pages 50 to 53)

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1 a historic district. It ignores the importance of the
2 open community park space that this project -- that the
3 current Capitol Towers provides that is an amenity for
4 an entire community that adds to the liveability of the
5 central city in a central city where park space is
6 really extremely limited.

7 It ignores the value of all of mature
8 trees, and you saw so many pictures of those in the
9 photos that you saw, their value in terms of beauty, in
10 terms of creating a sense of peace, but also in terms of
11 absorbing carbon, in terms of absorbing particulate
12 matter and helping to purify the air, in terms of
13 providing shade that lowers heating bills. It provides
14 walkability. It is as if staff has said the only thing
15 that matters is density; and furthermore, the only
16 things that matters is getting a huge chunk of it here,
17 while ignoring any other kind of alternative. So please
18 deny this project and speak to the inadequacy of this
19 EIR. Thank you.

20 CHAIRMAN FULLER: Thank you. Finally we
21 have Mr. Dave Eadie, who is the project applicant.

22 MR. EADIE: Good evening, Mr. Chairman
23 and Commissioners. I'm Dave Eadie, the applicant
24 Kennedy Wilson. I'm not here really to debate the
25 viewpoints of everybody. They're good people. They

1 that this wasn't just taken out of the air as a possible
2 way of addressing project alternative. It was met and
3 vetted with staff thoroughly. Thank you.

4 CHAIRMAN FULLER: Thank you. All right,
5 we have one --

6 MS. DEERING: I might just clarify one
7 part of his comments. He seemed to imply that I
8 approved anything, and the word vetted is probably more
9 appropriate. Thank you.

10 CHAIRMAN FULLER: Thank you. We've got
11 one final speaker here from Carr Kunze.

12 MR. KUNZE: Thank you, Mr. Chairman.
13 Just a couple of additional comments. First, I'd like
14 to associate my remarks, once again, Gretchen and all
15 the rest of the other preceding speakers, except
16 Mr. Eadie. You know, there are a lot of approaches that
17 could have been taken to presenting alternatives to you.
18 I think you really got a splattering, and there is a
19 much better approach, I think, if this just could be
20 taken off the table right now and then re-examined from
21 a team standpoint, assembling a neutral team and also
22 having inputs of the other stakeholders, as we come to
23 call them today.

24 And, you know, the developer has had
25 months of architectural design professionals to assist

1 have reasonable views, but I would like to add a little
2 color to how these alternatives in the EIR were
3 established.

4 Basically in the EIR, the alternative
5 section is designed to select possible alternatives that
6 might meet the project objectives of the applicant, as
7 well as possibly reducing the impacts of a particular
8 item such as this. You know, the garden apartments do
9 something that's less than significant, and Carry &
10 Company were engaged to establish those reasonable
11 alternatives and the preservation director weighed in on
12 that and approved those four, or proposed three in
13 addition to the project, approved those three additional
14 alternatives to examine, so the whole idea being those
15 were the best alternatives that might have a potential
16 to analyze and find an outcome that is less than
17 significant impact after the development of those
18 alternatives.

19 In some cases, they involve less density,
20 and that would be a challenge in some cases for us, but
21 in any event, those three particular alternatives were
22 ones that were deemed reasonably foreseeable to possibly
23 be able to result in a less than significant impact.

24 They did not, however, in the final
25 analysis, so I just wanted to put that context together,

1 them, time for others to have prepared these
2 alternatives that were presented to you that were
3 designed to fail. Let's take another approach to this.
4 There are many other factors that are also effecting
5 this development from the standpoint of the EIR. There
6 are traffic issues, there are housing issues,
7 displacement of residents, there are impacts on the
8 open space. The tree cover has been mentioned. All
9 of these things are issues that are raised from the context
10 of the general plan that really need much more review,
11 and there are also options, other approaches by which
12 this development could be taken and still preserve the
13 cultural resource that we have. There are options
14 through a public benefit zoning approach that I think
15 have not been examined. There are options through
16 chanceral development rights that are not being
17 considered. Staff needs to go back and look at some of
18 these things.

19 Thanks very much.

20 CHAIRMAN FULLER: Thank you. All right,
21 unless there are any other members of the public that
22 would like to speak on this matter, we'll wrap up the
23 public comment portion of this particular item.

24 It looks like we have got a commissioner
25 that would like to speak on the matter. Commissioner

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cont.

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H1-45

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cont.

1 Marshack.
2 MR. MARSHACK: Is this the time for
3 questions of the speakers or is that --
4 CHAIRMAN FULLER: Yes, if you have
5 questions for the speakers, absolutely.
6 MR. MARSHACK: I do, I do. It's actually
7 the same question I'd like to pose to SacMod,
8 Preservation Sacramento and Kennedy Wilson.
9 Would you be amenable to an alternative
10 compromise project that retains the majority of the
11 historic resources while carefully adding additional
12 residential units to increase the density through high
13 rise towers, for example, in the existing parking lot
14 and parking structure areas?
15 CHAIRMAN FULLER: Come on up, Gretchen.
16 MS. STEINBERG: SacMod is amenable to
17 those suggestions, yes. That is compromise, that is
18 exactly what the purpose of the EIR is supposed to be
19 for, not forwarding and ram-rodging the suggestions of
20 the applicant.
21 MR. BURG: Preservation Sacramento is
22 amenable to those suggestions. There are plenty of
23 projects that could be used as guides or examples for
24 how this could work in historic district, yes.
25 CHAIRMAN FULLER: Dave.

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1 MR. EADIE: The problem is the process.
2 We filed our applications for this development proposal
3 in March of 2014, and as such, to get to this point
4 even, you know, there's been -- we have a 2800 page EIR
5 that has examined reasonable alternatives, and to set
6 the table for a decision, it takes this long to get to
7 this point, so to change course at this point, you know,
8 I think that we've got a plan that's defensible in terms
9 of meeting city policies and objectives.
10 We retain Capitol Towers, we retain the
11 grid and we actually enhance the grid, O Street and 6th
12 Street, and we retain the Overhoff wall, so it's not
13 like we're tearing down the entire site, and with all
14 respect, I think we want to pursue our development
15 objective that has been, is being thoroughly vetted as
16 we speak, with a ton of trees cut down to do the EIR
17 even, unfortunately, but basically my answer is no, we
18 would not want to change course with anything other than
19 what is presently being considered because it's just I'm
20 practical to do that. Thank you.
21 CHAIRMAN FULLER: Understood. Thank you.
22 Any other questions, Mr. Marshack?
23 MR. MARSHACK: No. Thank you.
24 CHAIRMAN FULLER: Any other discussion or
25 questions for the rest of the commission?

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1 MR. MARSHACK: Can we have discussion or
2 comment at a later time?
3 CHAIRMAN FULLER: You bet. I believe
4 that we are done with questions. If other commissioners
5 would like to, you know, throw some into the commentary
6 period as they come up, if things jog your memories,
7 then I'm sure that would be acceptable, so if you would
8 like to make some comments, please do.
9 MR. MARSHACK: Okay. So I'm going to
10 start with the EIR, my comments on the EIR. Looking at
11 page 5-2, it states, "The CEQA guidelines state that the
12 discussion of alternatives shall focus on alternatives
13 to the project or its location that are capable of
14 avoiding or substantially lessening any significant
15 effects of the project, even if the alternatives would
16 impede, to some degree, the attainable of the project
17 objectives or would be more costly."
18 I don't see that the EIR has done that.
19 I see the EIR has set up a situation where it's all or
20 nothing, where alternatives are dismissed if they don't
21 reduce impacts to a less than significant level.
22 And it seems as though, you know, our
23 representative from Kennedy Wilson says well, we've been
24 through this process for, you know, many, many months,
25 and I'm sorry, that's a shame that the process wasn't

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cont.

1 steered in a way that would vet alternatives that would
2 meet what the CEQA guideline statement that I just read
3 would indicate.
4 Looking at the alternatives that were
5 analyzed, those, or modifications of those, would even,
6 to a greater degree, save historic resources while
7 meeting all nine of the stated project objectives in the
8 EIR, and we have representatives of the preservation
9 community who are willing and apparently have been
10 willing, I would assume, to vet those concepts. It
11 seems a shame that the process did not focus on doing
12 just that.
13 So, for example, if we look at two of the
14 alternatives that were proposed, alternatives two and
15 three, I could see that those could be made even better,
16 as far as meeting the need for more density, but at the
17 same time reducing, substantially lessening the
18 significant effects on historic and cultural resources.
19 For example, Tower B is proposed to have
20 a north/south alignment, where it would take out a
21 significant number of the garden apartments. If it were
22 simply turned the other way, east/west orientation, it
23 would, first of all, be better for less heat gain on the
24 smaller wall in the late afternoon sun, but at the same
25 time, could be slid slightly south to sit in the parking

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16 (Pages 58 to 61)

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cont.

1 area that currently exists, avoiding the need to
2 demolish the surrounding historic resources.
3 Another concept that could be explored
4 that was not, is could the parking garages be
5 consolidated with the high rise residential towers so as
6 to minimize the footprint of the combination of those
7 two additions to the site, again, to reduce the impact.
8 There seems to be so many concepts here
9 that could be explored in the EIR that weren't, and I
10 think I would like to see the Commission essentially put
11 those -- those comments in a formal letter back to the
12 city on -- on the EIR.
13 I do commend one concept that was
14 presented in the EIR. Each of the alternatives, two,
15 three and four, would restore original features of the
16 existing buildings and landscape features that have been
17 lost over the years since initial development. That's
18 wonderful. I really am glad to see that. I think
19 that's -- that's something that would help considerably,
20 but I would like to see an analysis in the EIR of
21 exactly what the CEQA guidelines state, alternatives to
22 the project that are capable of avoiding or
23 substantially lessening the significant effect of the
24 project, even if the alternatives would impede, to some
25 degree, the attainment of the project objectives. I

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1 think they can all be met; my read anyway.
2 That's what I have on the EIR. I'll
3 leave others to discuss the EIR. We can come back to --
4 CHAIRMAN FULLER: Yes, I suppose, at some
5 point, we should make a decision about whether we are
6 going to review these or at least take comments about
7 all of the issues before we form individual motions for
8 each of the individual pieces.
9 I would think that, just for clarity
10 sake, we might discuss each motion individually and
11 stick with the EIR commentary for this duration until we
12 actually form that motion, and then move on to the
13 subsequent motions after that and their individual
14 discussions.
15 So if there are any other speakers for
16 the EIR. I see Commissioner Piner up.
17 MR. PINER: I was not going to speak to
18 the EIR.
19 CHAIRMAN FULLER: Okay, excellent.
20 Commissioner Forrest.
21 COMMISSIONER FORREST: Thank you. First
22 of all, I'd like to thank staff, because we have not, as
23 a Commission, done that yet. This is a huge,
24 complicated project, and I appreciate all the work that
25 you guys put into this.

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cont.

1 My comments on the EIR relate
2 specifically to the cultural resources section. I would
3 like to echo Commissioner Marshack's comments on the
4 alternatives. Regarding the cultural resources
5 analysis, I wasn't privy to any of the technical, the
6 confidential technical reports that were prepared, if
7 any were prepared for this chapter, but it appears to me
8 that the archaeological sensitivity analysis is
9 inadequate. It's on page 4.4-4.
10 The depth of excavation required for this
11 project is likely to go well below the ten feet of fill
12 on the site and presumably into the Halcyon H deposits.
13 These soils are more likely to contain prehistoric
14 deposits, even though they are at depth, especially
15 since this was a rivering environment and likely subject
16 to intensive use by native peoples, so I'd recommend
17 that a more robust archeological sensitivity analysis be
18 prepared in order to have a legally defensible document,
19 and depending on the results of that analysis, some more
20 robust mitigation, if necessary.
21 I'd also recommend that the document
22 clean up the language regarding the disagreement over
23 the eligibility of this resource. I understand -- Of
24 the Capitol Towers resource.
25 I understand that there was a

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1 professional disagreement at one point and the need to
2 explain that, but I think that it overly complicates the
3 document the way it's sprinkled all the way through, and
4 it's sort of a moot point at this juncture. It's
5 determined eligible for the National Register; it's on
6 the California Register, and it was just recommended by
7 us to be on the Sacramento Register, so I think we have
8 a historic property or historic resource.
9 Regarding the mitigation 4.4-2, I have a
10 couple comments on those. 4.4-2 (A) is regarding the
11 documentation of Capitol Towers should it be altered or
12 torn down in any way.
13 This is a nationally significant
14 property. I think the Haves (sic) documentation and
15 Howes recommendation should be a formal Level I
16 documentation submitted formally to the parks service
17 for review and potential accession into the Library of
18 Congress. It also should --
19 That documentation should be prepared by
20 professionals with a demonstrated experience in
21 preparing this documentation, including photography.
22 There are professional photographers that do this for a
23 living and are qualified to take the photographs.
24 And finally, 4.4-2 (B) is the
25 interpretation of Capitol Towers if it's demolished, and

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17 (Pages 62 to 65)

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cont.

1 I would recommend that all of this interpretation be
 2 prepared by a museum professional, that that language be
 3 added to that mitigation in the EIR.
 4 CHAIRMAN FULLER: Is that it,
 5 Commissioner Forrest?
 6 COMMISSIONER FORREST: That's it.
 7 CHAIRMAN FULLER: Excellent.
 8 Commissioner Huck, you're up next.
 9 COMMISSIONER HUCK: Yes, I have a few
 10 comments about the EIR, "Other CEQA Considerations."
 11 It's number six in the document. Paragraph 6.3 talks
 12 about significant irreversible environmental
 13 effects, and the paragraph notes the high level of
 14 sustainability which would be achieved through the
 15 replacement of older inefficient buildings with new
 16 buildings built to modern codes, and it further
 17 acknowledges that there is a short term commitment
 18 during construction activities of non-renewable or slow
 19 renewable natural and energy resources, such as water
 20 sources, and I just want to cite a report completed by
 21 the Preservation Greenland in June, 2013, that
 22 demonstrates, in general, an 80 year, plus or minus, pay
 23 back period for new construction when it is replacing
 24 existing construction. Here is a visual.
 25 So I would recommend that the EIR

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1 actually codify the energy savings of the new
 2 construction and compare it with the construction
 3 expenditure and find the point when that energy is
 4 considered to be offset.
 5 I suppose we could talk about appendix N,
 6 which is the PUD, and I reviewed it and I really didn't
 7 have much to say about it. It appears to work well for
 8 new construction. And just thinking about it further, I
 9 will address this particular site. I would actually
 10 just replace it with the Secretary of Interior standards
 11 for rehabilitation. It addresses new construction in
 12 standards nine and ten. That was my only thought about
 13 the plan's unit development.
 14 And under "Demolition," it has been
 15 brought up that as per policy HCR 2.1.14, that it be
 16 considered whether the public benefits outweigh the
 17 loss, whether rehabilitation is considered infeasible
 18 and whether it's necessary to protect the health and
 19 welfare of the public, and the only defense that has
 20 been noted is that the project is dense, and it just
 21 seems to me that Sacramento, while admirable density is
 22 desirable in downtown, why the density has to be at this
 23 site, and it would seem to me that as Sacramento becomes
 24 denser by policy, that this particular site would become
 25 valuable in its kind of density well, that it is less

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cont.

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1 dense and could become quite valuable to the city as a
 2 whole, with it's open spaces and low density; it would
 3 become a feature of the city itself.
 4 And we discussed proposed mitigation as
 5 well. And I don't know if now is the time or if ever is
 6 the time when we discuss something more than
 7 documentation mitigation. You know, is it possible at
 8 all to for some kind of monetary remuneration, some kind
 9 of preservation fund, where not just this project but,
 10 you know, a lot of projects that are looked at, what's
 11 the possibility of creating something like that.
 12 I would like to explore that at some
 13 point as an agenda item or as part of this project,
 14 either one. And that's everything. Those are all my
 15 comments for the EIR.
 16 CHAIRMAN FULLER: Thank you, Commissioner
 17 Huck. Any other commissioners like to speak to the EIR?
 18 Basically we're looking to form a motion
 19 that will speak to forwarding our recommendations to the
 20 Planning and Design Commission, who will take further
 21 action, and if there's any other commentary, we'd love
 22 to hear it now, or if there's someone who would like to
 23 try and form a motion from all of that discussion, that
 24 would be wonderful.
 25 While people are thinking about the

1 motion, I would just like to thank staff as well for
 2 their effort on this, both on the preservation side and
 3 the development side, planning side, and I would like to
 4 kind of reiterate a few of the comments, both from the
 5 public and from other commissioners up here about the
 6 alternative sites, and it does seem like, you know,
 7 there's a whole lot of discussion that has occurred
 8 about this particular site and these buildings being
 9 fairly recently renovated and the fact that right after
 10 their renovation, they would be up for demolition, you
 11 know, and exactly after they were nominated to the
 12 Sacramento Register, that they would be up for
 13 demolition; it's quite a dichotomy of thought, there's
 14 no doubt about it, especially when there are so many
 15 other alternative sites that are available, even right
 16 around that same basic super block. And I realize that,
 17 yes, that super blocks are rare, and, you know, there is
 18 one that I know of in the central business district, and
 19 because of that rarity, it also makes it highly
 20 desirable for development, I understand that, but you
 21 can turn that same argument right on its head and say
 22 that because there is only one and because it is so
 23 rare, it is something that needs to be preserved.
 24 You know, as it was originally intended,
 25 and the density issues notwithstanding, it does seem

H1-55 cont.	<p>1 like the demolition of such a significant resource isn't 2 warranted, you know, just because of the densification 3 issue as an overriding and overarching aspect of the 4 EIR. 5 I appreciate the discussions about the 6 archaeological resources and requiring some more robust 7 discussion in the EIR regarding that, and documentation 8 as well. And certainly would like to reiterate the 9 point about the sustainability aspect of the EIR. I 10 mean, it's long been a mantra that the most sustainable 11 building is one that already exists and the pay back 12 period is, you know, astronomical when you're talking 13 about the amount of energy that goes into the actual 14 construction process. It's hard to argue with that, 15 especially in a set of buildings that were just recently 16 renovated to actually make them more sustainable. 17 So, you know, I hope that we can get a 18 commissioner here to develop a motion regarding the 19 specific EIR comments, and I'm hoping that is 20 Commissioner Moffett. 21 COMMISSIONER MOFFETT: I see Commissioner 22 Marshack taking some notes. Are you -- 23 I think I'm going to need some help on 24 this. 25 I guess that I'll start that I move</p> <p style="text-align: right;">Page 70</p>	<p>1 currently presented. 2 Another comment would be relative to the 3 proposed -- one of the proposed mitigation, which would 4 be the Haves-Howe (sic) documentation. It's the feeling 5 of the commission that a more appropriate level of 6 documentation be Level I, and further, that there should 7 be specific language that requires professionals that 8 meet the Secretary of Interior standards, professional 9 qualifications in the preparation of the Haves-Howe 10 Level I documentation, particularly as it relates to 11 historic American landscape survey experience, and while 12 there's no specific guidelines that address photography, 13 professional qualifications, there are industry 14 standards and best practices, and it's the feeling of 15 the Commission that there should be some language to 16 ensure that the photography is done by experienced 17 professional, both with buildings and landscapes. 18 Another comment of the Commission would 19 be that specific language, and you'll have to help me 20 out here, Commissioner Forrest, that involve a museum 21 professional in the preparation of the interpretive 22 mitigation measure. I don't know if there's any 23 specific standards that we want to encourage or -- 24 COMMISSIONER FORREST: I don't know of 25 any specific professional standards but it should be</p> <p style="text-align: right;">Page 72</p>	H1-59 cont.
H1-56			H1-60
H1-57			H1-61
H1-58	<p>1 that -- I guess what we're trying to do here is 2 eventually create a set of bullet points in terms of our 3 comments relative to the EIR. 4 CHAIRMAN FULLER: Yes. 5 COMMISSIONER MOFFETT: The draft EIR. 6 CHAIRMAN FULLER: Those recommendations, 7 yes. 8 COMMISSIONER MOFFETT: One of those 9 comments that I think that comes through is that the 10 alternatives analysis requires further information, and 11 in particular, should clarify how the alternatives 12 satisfy CEQA guidelines relative to the alternative 13 selection. I believe Commissioner Marshack cited page 14 5.2 of the 2015 CEQA guidelines. 15 CHAIRMAN FULLER: No, it was in the EIR. 16 COMMISSIONER MOFFETT: In the EIR? 17 CHAIRMAN FULLER: Page 5-2 of the EIR 18 quotes the CEQA guidelines. 19 COMMISSIONER MOFFETT: Another comment, 20 specific comment, would be at page 4. -- or section -- 21 or I don't know if I'm getting my pages or sections 22 mixed up here. I was taking notes. 4.4.4 in terms of 23 it's the feeling of the Commission that the 24 archeological sensitivity analysis may require 25 additional information and may be inadequate as it's</p> <p style="text-align: right;">Page 71</p>	<p>1 somebody in the museum field. 2 COMMISSIONER MOFFETT: Museum 3 professional that has professional and educational 4 background in museum or curation, you know -- 5 MS. DEERING: The mitigation relative to 6 the interpretation that the history, that mitigation 7 includes involvement of the city's history manager, and 8 she is a museum professional. 9 COMMISSIONER MOFFETT: Another comment of 10 the Commission would be relative to, I think I got this 11 right, Appendix F -- N, I'm sorry, appendix N, and it 12 may be appropriate to consider adding or replacing 13 certain portions of that appendix, either in part or in 14 whole, with the Secretary of Interior standards for the 15 treatment of historic properties as it relates to 16 rehabilitation, with a note that Secretary of interior 17 standards 9 and 10 address new construction. That's 18 about as far as I got, so if another commissioner would 19 -- 20 CHAIRMAN FULLER: Yes, Commissioner 21 Marshack, if you could weigh in. 22 MR. MARSHACK: Yes, I'd be happy to. So 23 the discussion of alternatives analysis would highlight 24 the CEQA guidelines that talk about substantially 25 lessening the significant effects while still meeting</p> <p style="text-align: right;">Page 73</p>	H1-62
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1 the project's objectives, you know, to essentially a
2 better balance of those two, and then another one that
3 was -- was not discussed so far is that there's some
4 confusion in the discussion in the EIR about whether we
5 have a historic resource or not. That's been
6 established. Let's clarify the language in the EIR, we
7 have a historic resource, and leave it at that.

8 There was some discussion about
9 sustainability, looking at comparing the energy savings
10 of new construction with the embodied energy of the
11 existing buildings and showing them a better balance
12 there of over-all energy savings that would include
13 demolition costs or --

14 COMMISSIONER HUCK: Can I clarify that?
15 COMMISSIONER MARSHACK: Please do.
16 COMMISSIONER HUCK: To kind of clarify
17 the language in paragraph 6.3, they make some general
18 statements but we're asking that they quantify those
19 statements, so we would ask for a comparison of the
20 expected energy saved over time by the new construction
21 and compare that with the energy and resources expended
22 during construction of this project, and then to
23 determine when that pay-back period is when it actually
24 starts to save energy.

25 COMMISSIONER MOFFETT: So you're asking

1 Another thing I thought would be
2 appropriate to add was to emphasize the importance of
3 the concept of restoring lost features of, you know, of
4 buildings that are to be retained and lost features of
5 the landscaping. And then there was insufficient
6 discussion of alternative sites nearby that could have
7 been analyzed for meeting the project goals.

8 CHAIRMAN FULLER: Okay, moving on to
9 Commissioner Huck.

10 COMMISSIONER HUCK: I selected that to
11 make clarifications to the sustainability.

12 CHAIRMAN FULLER: No problem. And a
13 representative from the city attorney's office,
14 Mr. Voss.

15 MR. VOSS: Thank you, Chair Fuller. I
16 have a suggestion for the form of this motion in order
17 to maximize the clarity of the comments that the
18 Planning and Design Commission receives. So I would
19 suggest the form of the motion be accepting the comments
20 proposed by Commissioner Moffett, supplemented by
21 Commissioner Marshack and clarified by Commissioner
22 Huck, and directing staff to review the minutes,
23 summarize those comments in a letter to the Planning and
24 Design Commission, and returning that letter to you, the
25 Chair, for signature.

1 for more like a lifecycle analysis then?
2 COMMISSIONER HUCK: Exactly.
3 COMMISSIONER MOFFETT: Okay. the next
4 thing I heard that wasn't already brought up was that
5 the balancing of factors to justify demolition appeared
6 to be inadequate. That just simply saying we're going
7 to have more density of a particular degree should not
8 be sufficient to make that judgment call to allow
9 demolition, that some more discussion of other factors
10 to seem to be necessary to a greater depth of discussion
11 than was presented in the EIR.

12 And that next would be that, in looking
13 at mitigations, that there are more options than just
14 recordation; perhaps establishing a fund or some other
15 options could be explored. And again, I'm a little
16 concerned about, you know, we've got some -- some
17 comments that are playing sort of against each other
18 here. We're looking at wanting to stress alternatives
19 actually that allow retention of historic resources to
20 the degree feasible while also meeting project
21 objectives. And then this whole issue of recordation
22 being something that would not be -- you know, would be
23 much less emphasized but would be handled in a more, I
24 don't know, a more complete manner. It's a little
25 difficult to juggle those two in the comments.

1 CHAIRMAN FULLER: Yeah, I would certainly
2 agree with that commentary. I think that's fine.

3 Is there any other further discussion of
4 that concept amongst other commissioners? No. Any
5 other -- Commissioner Forrest.

6 COMMISSIONER FORREST: All right, not a
7 discussion. I was just -- Were you suggesting that --

8 What I was going to ask was if staff
9 could read the motion back to us, but I'm not sure that
10 that's appropriate now.

11 MS. DEERING FEMALE: I think what our
12 wise counsel is suggesting is that we review -- This has
13 been recorded, so we have the record. I've been trying
14 to write down everything but I know I've missed some
15 things from being consulted, and so I think we could do
16 that, if what everyone is understanding is that the
17 discussion that Chad -- that the motion Chad argued with
18 clarified, as counsel Voss said, clarified by
19 Commissioner Marshack and Commissioner Huck, that
20 incorporated Commissioner Forrest's, that was part of
21 that. I think if everyone is fairly comfortable with
22 what has been said and go through the record and make
23 sure we've got it all.

24 CHAIRMAN FULLER: Yes. All right, so
25 Commissioner Forrest, any commentary?

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cont.

1 COMMISSIONER FORREST: If it hasn't
 2 already been captured regarding the alternatives, that
 3 it include -- the alternatives discuss both off site and
 4 lower density alternatives, and in the long motion, I
 5 can't remember if that exact language was in there, so
 6 that's all I'd like to add.
 7 CHAIRMAN FULLER: So that clarification
 8 is that you're looking for an off site alternative in
 9 the EIR?
 10 COMMISSIONER FORREST: Off site or lower
 11 density alternatives; on site lower density
 12 alternatives.
 13 CHAIRMAN FULLER: All right.
 14 Commissioner Moffett, back to you.
 15 COMMISSIONER MOFFETT: Unless
 16 Commissioner Huck would like to further clarify the
 17 motion on the floor, I'm friendly with the -- with the
 18 amended motion that I began.
 19 So I guess at this point, we're looking
 20 for it to be seconded.
 21 CHAIRMAN FULLER: All right, any further
 22 discussion, Commissioner Huck?
 23 COMMISSIONER HUCK: Yes, some further
 24 discussion, I'm sorry, it just occurred to me, but it
 25 was mentioned on the floor earlier and I thought it was

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1 interesting, I don't know if it's applicable, but
 2 transfer of development rights was mentioned, and it
 3 seems that just a question more than anything else,
 4 that, you know, if density cannot be achieved on this
 5 site, can it be sold or transferred somehow to other
 6 sites as a form of compensation? It's not in the
 7 concept. I don't know if it's applicable. I'm just
 8 throwing that out as a possibility.
 9 CHAIRMAN FULLER: So your recommendation
 10 that that gets included in our recommendations, that
 11 that gets further analysis?
 12 COMMISSIONER HUCK: Correct.
 13 CHAIRMAN FULLER: Okay. Excellent. All
 14 right, given all of that amending and clarification, is
 15 there anybody that would like to second commissioner
 16 Moffett's motion?
 17 COMMISSIONER FORREST: Can I make sure
 18 that the maker of the motion accepts that?
 19 CHAIRMAN FULLER: Oh, yes, yes. And
 20 anybody willing to second that?
 21 COMMISSIONER FORREST: I'll second the
 22 motion.
 23 CHAIRMAN FULLER: Thank you, Commissioner
 24 Moffett. And so we have a motion and it has been
 25 seconded. All those in favor on the motion on item 4 A

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cont.

1 of tonight's agenda, please say "I."
 2 (Response of "I.")
 3 CHAIRMAN FULLER: Any opposed? Any
 4 abstentions? All right, we have a motion for
 5 recommendation then.
 6 Moving on to item B then of the request,
 7 and that is regarding the demolition of the garden
 8 apartments, the garage, the ancillary structures, the
 9 relocation, or I guess the deconstruction of the
 10 Overhoff sculpture, basically everything else except for
 11 the high rise element that's still the center of the
 12 project, Capitol Towers. Anybody who would like to
 13 weigh in on that particular item? And again, we're
 14 moving towards a motion on our recommendations to the
 15 Planning and Design Commission. Commissioner Piner.
 16 COMMISSIONER PINER: This one is a little
 17 easier for me to comment on. The irony, I don't think,
 18 is lost on anyone that we've, this evening, reviewed the
 19 qualities of this project and now we're considering
 20 basically trading off quality for quantity, for density,
 21 but we really have no assurance of what kind of quality
 22 we're going to get out of the design.
 23 I see that as being a kind of a zero sum
 24 game in a very difficult -- or to me, it's easy
 25 actually, to make that determination that I don't think

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1 demolition, allowing demolition or recommending
 2 demolition would be -- would be advisable, as a
 3 preservationist, as a preservation commission.
 4 CHAIRMAN FULLER: So any other questions
 5 or discussion by any of the other commissioners?
 6 Commissioner Bowns?
 7 COMMISSIONER BOWNS: I would like to
 8 concur with Commissioner Piner. To me, to approve
 9 demolition would really negate what we did earlier in
 10 the evening, so I would weigh in.
 11 CHAIRMAN FULLER: Excellent. And
 12 Commissioner Huck.
 13 COMMISSIONER HUCK: Yes, also I'd like to
 14 concur with Commissioner Piner and I'd just like to note
 15 for the record that what we're proposing, what's being
 16 proposed for demolition is Edward Larrabee Barnes' work,
 17 in particular, of which there are only five examples of
 18 his work in California. He's a nationally and
 19 internationally known architect. He just died in
 20 Cupertino, California, in 2004, but this represents his
 21 work in California.
 22 There is actually one other example of
 23 his work here in Sacramento, which is the connector
 24 between the Crocker Museum and the Crocker Mansion, and
 25 he, along with the same design team that did Capitol

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<p>1 Towers, did the Monterey Peninsula College, pretty much, 2 it looks like, right after they did Capitol Towers. And 3 he's also the architect of the Hammer Museum in Los 4 Angeles, and it would be a shame to lose an example, a 5 rare example of his work here in California. 6 CHAIRMAN FULLER: Excellent. 7 Commissioner Moffett. 8 COMMISSIONER MOFFETT: Yes, I guess I'd 9 agree with the previous comments. I guess what troubles 10 me, and this has kind of been alluded to in some of our 11 earlier comments, is kind of the scale of the proposed 12 demolition. 13 You know, I think as an ultra resource 14 professional, I work in this field, I understand that 15 loss of historic resources, to some degree, is 16 inevitable. We can't save everything, but given the 17 nature of the significance of this resource and the fact 18 that there are or there appear to be other compromises 19 for reducing or minimizing the amount of loss that 20 haven't been thoroughly evaluated, I guess I kind of, I 21 get this feeling that the fact that is was a historic 22 resource when the project started out was probably not 23 on anyone's radar screen, and maybe that's where -- why 24 we're ended up in this situation, but just to follow-up 25 on Commissioner Huck's comments, I mean, I think this is</p> <p style="text-align: right;">Page 82</p>	<p>1 Seeing none, is there anybody who would 2 like to second that motion? Yes. 3 COMMISSIONER MARSHACK: Okay, so the 4 motion is to deny the degree of demolition that is being 5 requested and the rational is -- really there's two 6 parts to it, one that was -- sorry. We're recommending 7 to the Planning and Design Commission that the degree of 8 demolition that is requested by the applicant be denied 9 because, two reasons, that we have a historic resource 10 that's been thoroughly established, and that retention 11 of historic resources is one of the co-equal goals in 12 the general plan, and that there appear to be 13 alternatives that would lessen the degree of impact on 14 historic and cultural resources, while still achieving 15 the nine goals of the project in the EIR, and those are 16 what should be pursued, rather than this degree of 17 demolition, so some demolition would be okay but not 18 this degree. 19 CHAIRMAN FULLER: Hopefully that was 20 sufficient for all. Commissioner Moffett? 21 COMMISSIONER MOFFETT: I second the 22 motion. 23 CHAIRMAN FULLER: Excellent. Any further 24 discussion on this motion? 25 Seeing none, if we could take a vote.</p> <p style="text-align: right;">Page 84</p>
<p>1 a tremendously new period of our history that we're just 2 beginning to look at and appreciate and understand, and 3 the loss of this resource being so relatively young in 4 our history, I think would be -- would be a great 5 loss, so I support the previous comments. 6 CHAIRMAN FULLER: Excellent. 7 Commissioner Marshack. 8 MR. MARSHACK: I think to sum up what I 9 just heard, it looks as though the justification for 10 denying the amount of demolition that has been proposed 11 would be based on the fact that there appear to be 12 alternatives that would, while perhaps not retaining all 13 of the historic and cultural resources of the site, 14 would retain a substantial amount of them, while at the 15 same time meeting the goals of the project for, as 16 stated in the EIR, the nine points that are there, that 17 are essentially there is feasible compromise apparent, 18 and so there's really no need to demolish to the degree 19 that is being requested by the applicant. 20 CHAIRMAN FULLER: So can we take that as 21 a motion for the recommendation? 22 MR. MARSHACK: Sure. 23 CHAIRMAN FULLER: Excellent. Are there 24 any commissioners that would like to clarify or amend or 25 add on to that, that motion?</p> <p style="text-align: right;">Page 83</p>	<p>1 All those in favor of the motion, say "I." 2 (Response of "I.") 3 CHAIRMAN FULLER: All those opposed? And 4 any abstentions? All right, motion passes, and that was 5 provided by Commissioner Marshack and seconded by 6 Commissioner Moffett. 7 All right, moving on to item C then, 8 that's for the open-ended review of the development 9 project itself, and as we discussed earlier, we are 10 basically looking at approving tonight, or approving 11 with conditions -- excellent -- and basically taking the 12 development project as it is. 13 If there's any discussion on that 14 particular issue, we would be looking to basically just 15 provide commentary to staff for their -- for their use, 16 correct? 17 MS. DEERING: The Commission is being 18 asked to make a recommendation on the project to the 19 Planning and Design Commission. 20 CHAIRMAN FULLER: Okay. All right. 21 MS. DEERING: Approve recommendation that 22 the Planning and Design Commission and its 23 recommendation to the city council, approve the project, 24 approve the project with conditions or deny the project. 25 CHAIRMAN FULLER: So if we could have a</p> <p style="text-align: right;">Page 85</p>

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<p>1 little bit of discussion about where the commissioners 2 might stand on one of those three positions, that would 3 be wonderful. Commissioner Moffett. 4 COMMISSIONER MOFFETT: I guess a point of 5 clarification, how does this action or our proposed 6 recommendation, what's the relationship between that and 7 the EIR? That's got -- I mean, that's got its own 8 regulatory life that its living, right? And its outcome 9 is independent of approval of the project? 10 MS. DEERING: The project would be 11 approved by the city council after they certified the 12 EIR. Excuse me, the decision of the city council would 13 be made along with the decision relative to certifying 14 the EIR. It is related. 15 COMMISSIONER FULLER: So apparently those 16 lines are kind of simultaneous, right, that even though 17 the one, the approval of the project, can happen without 18 the certification of the EIR, it seems that at least in 19 this project and this process, that they will be almost 20 simultaneous. 21 COMMISSIONER MOFFETT: I guess I'm 22 perplexed. Some of the points we've raised go to the 23 very heart of the analysis that then goes into being 24 able to approve the project. It seems that some of our 25 formal comments on items A and B play into our ability</p> <p style="text-align: right;">Page 86</p>	<p>1 Commissioner Huck. 2 MR. HUCK: Yes, well, just based on our 3 conversation, it sounds as if we're heading in the 4 direction of approve with conditions. Those conditions 5 being a satisfactory outcome of an alternative that 6 would meet all nine goals and retain a majority of the 7 historic resource; otherwise, I think we, you know, 8 we're headed for denial. 9 CHAIRMAN FULLER: Commissioner Bowns. 10 COMMISSIONER BOWNS: I guess I don't 11 understand what accept with conditions, to accept the 12 existing development plan with conditions. From the 13 discussion, I think we're looking at a completely 14 different and potentially new plan, so to accept the 15 existing development plan with modification or 16 conditions, it seems to me that we would, at best, that 17 suggests minor kind of changes. 18 Am I -- Am I being clear? It seems as 19 though the -- in the course of the evening, we're 20 talking about rejecting the major development actions in 21 that particular plan, so to accept it with conditions is 22 -- I don't understand the logic of that. 23 CHAIRMAN FULLER: All right. Thank you. 24 Commissioner Forrest. 25 COMMISSIONER FORREST: Sorry, I keep</p> <p style="text-align: right;">Page 88</p>
<p>1 to comment on the C, and the inadequacy of information 2 or the request for further analysis or information leads 3 me to one alternative outcome on item 4 C, which would 4 be based upon the current facts that have been presented 5 to me, to deny proposed development or to recommend 6 denying the proposed development project as it's 7 presented, based upon the information that was provided. 8 Should that information be revised in a 9 final environmental impact report, perhaps the project 10 may be approved. I'm just throwing that out there for 11 discussion, I guess, with the fellow commissioners. 12 CHAIRMAN FULLER: Commissioner Piner. 13 COMMISSIONER PINER: So we have deny, 14 approve or amend, kind of our three things. We've 15 already discussed and recommended against the wholesale 16 demolition as a part of what we would be approving, so I 17 see that denial, it's kind of a "Yes," "No," or "Maybe," 18 situation, so I would be open to amendment, I think all 19 of us are open to amendment based upon more information 20 and other alternatives that could be provided, but I 21 can't see this body approving this while we just said we 22 can't demolish it, so just the logics of it would say 23 that we should move to deny but be open to amendment and 24 to conditions that would allow it to go forward. 25 CHAIRMAN FULLER: Excellent.</p> <p style="text-align: right;">Page 87</p>	<p>1 jumping in at the last minute. I'd just like to echo 2 what Commissioner Bowns -- sorry, Bowns -- stated. The 3 documentation provided, I don't think, provides a 4 particularly balanced analysis of this project. It 5 doesn't provide any analysis of how the proposed project 6 meets the preservation goals and policies of the general 7 plan. 8 It ignores -- It doesn't -- 9 It only analyzes those policies of the 10 general plan that it's consistent with, supposedly, and 11 ignores those that it's not. The staff report didn't 12 offer any discussion, or the EIR, of the opposition of 13 the constituent community that's here tonight, vocal 14 tonight, and not here. It doesn't adequately justify 15 why this site is the only site where the city's project 16 objectives can be met. 17 I understand that this is not required by 18 CEQA, but considering that there's a significant and 19 unavoidable impact as a result of the project, it would 20 appear to be good planning and legally prudent to look 21 at additional alternatives off site and of reduced 22 density. 23 It baffles me why we would be proposing 24 -- why the city would propose, why an applicant would 25 propose to raze a perfectly functional, fully rented</p> <p style="text-align: right;">Page 89</p>

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1 successful neighborhood and replace it.
 2 This is in direct conflict with the
 3 protection of existing established neighborhoods, which
 4 is a general plan goal. It also -- From a historic
 5 perspective, we've done that before. It was called
 6 urban renewal, and it was a colossal failure, and that
 7 irony isn't lost, I don't think, on anybody here, so I
 8 don't understand why we would be proposing to support or
 9 repeating that mistake.
 10 So in my opinion, I think that we're -- I
 11 agree with Commissioner Bowns, that we're headed towards
 12 denial. I don't know that there are conditions
 13 sufficient enough to bring us to approval.
 14 CHAIRMAN FULLER: Thank you.
 15 Commissioner Piner.
 16 COMMISSIONER PINER: Yes, to go along
 17 with that, the one thing I wanted to mention is there
 18 was a project alternative that was illustrated in the
 19 staff report, where a large portion of the core of the
 20 garden apartments and open space was retained with some
 21 high rise elements put around the perimeter.
 22 However, that was dismissed as not being
 23 -- not meeting the applicants goals, I guess. To me,
 24 that's a -- In terms of recommendations to the Planning
 25 and Design Commission, there is at least something here

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1 that is tangible that has been put forth, not in the
 2 same detail certainly as the other development proposal,
 3 but it shows me that there's room for a compromise
 4 project at some point.
 5 I just want to make sure that the
 6 Planning and Design Commission knows that we have to
 7 deny this because of the circumstances and the logic
 8 that we put forth. The applicant has stated they're not
 9 interested in amending as currently proposed, so I think
 10 we're -- we're kind of looking at denial as being the
 11 most logical outcome of what we can state here, but I
 12 think in terms of discussion, there at least was an
 13 alternative that was illustrated, that I think would be
 14 worth exploring.
 15 CHAIRMAN FULLER: Excellent.
 16 Commissioner Marshack.
 17 COMMISSIONER MARSHACK: I'd like to
 18 second what -- what I've heard so far from Commissioners
 19 Bowns and Piner, particularly, but with a refinement
 20 that, yes, while alternatives two and three in the EIR
 21 provide a framework for a compromise position, they
 22 could do better. They can do much better than that and
 23 still meet the kind of density improvement that's being
 24 sought by the developer and the city, while at the same
 25 time preserving more of the historic and cultural

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1 resource than those two alternatives propose.
 2 So because a compromise project is both
 3 feasible and appropriate to meet the general plan goals
 4 and the preservation element, the city plan, we have no
 5 choice but to recommend to the Planning Commission
 6 denial of the existing project, and a request that they
 7 pursue such an alternative be created as a replacement.
 8 Also, the issue of demolition prior to
 9 having financing in place and all approvals, that was
 10 mentioned as an issue as well. Perhaps we could add
 11 that as a concern, that the -- that demolition not occur
 12 until we're sure we're going to have a project, so we
 13 don't wind up with another (Inaudible) tower, hole in
 14 the ground. That would be my recommendation.
 15 CHAIRMAN FULLER: Excellent. I would
 16 have to add that I would certainly concur with the way
 17 that it seems that the Commissioner is leaning, and that
 18 is, you know, one of these three; approve, deny, or
 19 approve with conditions. Approval just seems to be
 20 incredibly illogical. Just the constraints that we have
 21 on this particular item seems to be incredibly illogical
 22 given that we have only have three choices out of an
 23 infinite number of choices here, but that's the hand
 24 that we're dealt, so it appears that the Commissioner is
 25 moving towards denial, but I would certainly recommend

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1 that staff prepare -- and I see Roberta writing
 2 feverishly here, trying to get down as much as she can,
 3 but she will have the record as her helper later on, and
 4 that all of the discussion that was brought forward on
 5 this particular item be added to that, you know, one
 6 phrase, approve, deny or approve with conditions.
 7 I would, frankly, like to see a
 8 discussion of the logic of approval and the logic of
 9 approval with conditions, because they just seem to be
 10 illogical choices right off the get-go, given what has
 11 transpired earlier in the evening.
 12 And so if we could have someone -- Were
 13 we looking for a motion on this particular item? Okay.
 14 So we need a motion from one of the commissioners that
 15 can be seconded, and let's see what Commissioner Forrest
 16 has to say.
 17 COMMISSIONER FORREST: I guess I'll start
 18 a motion to deny the project -- to recommend to the
 19 Planning and Design Commission that they deny the
 20 project as proposed and recommend that they revise the
 21 alternatives. Jump in any time, anyone. Go ahead.
 22 CHAIRMAN FULLER: Commissioner Marshack.
 23 COMMISSIONER MARSHACK: That we make that
 24 recommendation because a compromise project is both
 25 feasible and appropriate to meet the preservation goals

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<p>1 in the city plan, along with the increased density goals 2 in the general plan that maximizes retention of historic 3 and cultural resources, while at the same time, meeting 4 the objectives as outlined in the EIR. 5 CHAIRMAN FULLER: And I would further 6 amend that this particular motion requires staff to 7 generate a letter of the bullet points so that that 8 could be forwarded on to the Planning and Design 9 Commission as well, so that they see the full 10 discussion, as well as the phrase that's being 11 requested. 12 MR. VOSS: Chair Fuller, this is a 13 slightly different recommendation than the first two 14 recommendations. Those first two recommendations were 15 really a request to review and forward on the 16 recommendation and this is a formal recommendation to 17 the Planning and Design Commission, so I think the most 18 appropriate recommendation is to take the form of 19 denial, approval or approval with conditions, and if you 20 would care to pack on a brief justification for that 21 recommendation, I think that's acceptable, but I don't 22 think it's necessary to put this in a letter form. 23 This is a formal, simple recommendation 24 AS to the ultimate outcome of what the Planning and 25 Design Commission decision should be.</p> <p style="text-align: right;">Page 94</p>	<p>1 that the denying the project is based on the premise of 2 demolition of the existing what we've determined as a 3 cultural resource, so denying the project is based on 4 that premise, that it demolishes almost all of the, what 5 we've determined to be a cultural resource, and earlier 6 we have discussed that that demolition is not acceptable 7 by this body. Based upon that, we deny the project as 8 proposed. 9 MS. DEERING: I'm seeing those, counsel, 10 as findings perhaps, that this Commission -- could that 11 be how that would be phrased? 12 MR. VOSS: I think there's been 13 significant discussion here tonight and significant 14 comments which surround and explain the Commission's 15 recommendation to deny the project, the motion that's on 16 the table. 17 CHAIRMAN FULLER: Does that mean you're 18 still against any sort of commentary? That was well 19 worded. 20 MS. DEERING: If I may, just to make sure 21 we're going through a process here, we have a motion 22 that is on the floor to recommend to the Planning and 23 Design Commission to deny the project as proposed and 24 recommend revised alternatives be presented. 25 COMMISSIONER FORREST: Revised</p> <p style="text-align: right;">Page 96</p>
<p>1 CHAIRMAN FULLER: Understood. I would 2 think that that -- that discussion would, while if it's 3 brief, should make the points of the logic of the 4 decision, and I think that as long as we can, you know, 5 convey that in as concise a manner as possible, then I 6 would be agreeable to that. So further commentary from 7 -- Would you like to speak? 8 MS. DEERING: I was just going to see if 9 the maker of the motion -- 10 What I'm hearing is to recommend to the 11 Planning and Design Commission to deny the project as 12 proposed and recommend alternatives. 13 CHAIRMAN FULLER: Cause an alternative. 14 MS. DEERING: This is relative to the 15 project, and the alternatives that you recommend, 16 considering revisions to the alternatives that are 17 presented. 18 CHAIRMAN FULLER: Maximize. Obviously 19 this short discussion is going to take some crafting, so 20 I would imagine that, you know, you need some time. Go 21 ahead. 22 MR. PINER: Oh, I can push the button. 23 CHAIRMAN FULLER: Oh, you can just push 24 it. 25 COMMISSIONER PINER: I wanted to state</p> <p style="text-align: right;">Page 95</p>	<p>1 alternatives -- revised alternatives that would include 2 off site and lower density alternatives that maximize 3 the preservation of the historic resource, while meeting 4 the project objectives. 5 MR. VOSS: Commissioner Moffett, I think 6 what the Planning and Design Commission will get is a 7 lengthy letter from the Preservation Commission 8 regarding the EIR, and staff will forward on your 9 recommendation regarding the demolition item B and your 10 review and recommendation. 11 Staff will also forward on your 12 recommendation to approve, deny, or approve with 13 conditions, and staff will also have the opportunity, 14 and I'll let Roberta speak here, to summarize the 15 justifications and explain the basis and the rationale 16 for doing so, briefly, based on the record and the 17 discussion that has gone on here in the dais. 18 MS. DEERING: That is based on the 19 Commission's comments. 20 CHAIRMAN FULLER: Commissioner Marshack. 21 COMMISSIONER MARSHACK: I'm happy with 22 what I just heard. 23 CHAIRMAN FULLER: Commissioner Moffett. 24 COMMISSIONER MOFFETT: Yes, I think that 25 that clarifies matters. I was concerned that we were</p> <p style="text-align: right;">Page 97</p>

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<p>1 not going to get enough clarification in our findings, 2 or whatever we're calling it. So can we hear the motion 3 again? 4 CHAIRMAN FULLER: Yes. If Commissioner 5 Forrest could perhaps try that one more time. 6 COMMISSIONER MOFFETT: Roberta just said 7 it, I think. If you can just -- 8 COMMISSIONER FORREST: What I just heard 9 is the last part should be part of the explanation 10 versus the actual motion. 11 MS. DEERING: Correct. 12 COMMISSIONER MOFFETT: I'd like to see a 13 motion made that's similar to what Roberta said, I think 14 is where we're headed, without Commissioner Forrest's 15 clarification. 16 MS. DEERING: What I have is Commissioner 17 Forrest moved to recommend to the Planning and Design 18 Commission to deny the project as proposed and recommend 19 revised alternatives be presented. 20 CHAIRMAN FULLER: Period. 21 MS. DEERING: Period. 22 CHAIRMAN FULLER: Is that acceptable, 23 Commissioner Forrest? 24 COMMISSIONER FORREST: That is 25 acceptable. Thank you.</p> <p style="text-align: right;">Page 98</p>	<p>1 address. 2 CHAIRMAN FULLER: Commissioner Bowns. 3 COMMISSIONER BOWNS: So item number 5 is 4 a proposal to establish an ad hoc committee that would 5 basically be involved in preparation of a commemoration 6 and/or celebration of the 40th Anniversary of city, the 7 City Preservation program, and also Sacramento Heritage. 8 We would like to appoint up to three 9 commissioners, that would be two plus myself, since I'm 10 the Board's, the Commissioner -- the Commission's 11 representative on the Board. 12 Are there any questions regarding it? We 13 are -- We're basically -- 14 We've had a couple of meetings so far. 15 The last Commission meeting, this was inadvertently left 16 off the agenda, so there is three people that are 17 currently meeting, myself and two other people from Sac 18 Heritage, and we would appreciate more participation. 19 CHAIRMAN FULLER: Are there any 20 commissioners that have considered this and would be 21 willing to jump in and help out with the ad hoc 22 committee and their -- their planning and discussions, 23 brainstorming, I assume, for ideas? And I assume that 24 this is all towards a culmination this fall, this 25 winter, is that correct?</p> <p style="text-align: right;">Page 100</p>
<p>1 CHAIRMAN FULLER: All right. Any further 2 discussion of that motion, and would anybody like to 3 second that motion? 4 COMMISSIONER MOFFETT: Second. 5 CHAIRMAN FULLER: So Commissioner Moffett 6 will second the motion. Any further discussion, anyone 7 at the dais? 8 All right, if we can vote on that motion 9 that is presented by Commissioner Forrest and seconded 10 by Commissioner Moffett. All those in favor, say "I." 11 (Response of "I.") 12 COMMISSIONER FULLER: Any opposed? Any 13 abstentions? Motion carries. 14 All right, that was a long and winding 15 road, but we would like to thank everybody for sticking 16 around through that one. A very difficult project, a 17 very difficulty process. We apologize for that. 18 Sometimes processes are what they are, and we will be 19 seeing much more of this particular item, I am sure. 20 But for right now, we're moving on to 21 item number 5 of the Commission's agenda, which is 22 discussion of the 40th Anniversary Celebration 23 Committee. And Roberta, were you going to speak to that 24 or are we going to go directly to Commissioner Bowns? 25 MS. DEERING: If you would like to</p> <p style="text-align: right;">Page 99</p>	<p>1 COMMISSIONER BOWNS: Yes. Basically we 2 would like to either prepare one major event or a series 3 of events that would take place over the fall, but right 4 now, we don't -- we're just generating ideas and plans 5 for fund raising, so the -- the primary tasks are 6 generation of the plan and also strategies for fund 7 raising. 8 And also, it would be -- well, I guess 9 I'm just sort of -- 10 This is my suggestion, that this could be 11 done by way of -- Participation could be done by way of, 12 you know, review of the plan, suggestions for, you know, 13 very specific time contributions or in some other 14 capacity that, that maybe one wouldn't have to 15 participate in all the meetings, but to actually 16 quantify the contribution, the participation in some 17 way. Does that make it more amenable? 18 CHAIRMAN FULLER: Commissioner Huck? 19 COMMISSIONER HUCK: I would be willing to 20 join that committee. 21 CHAIRMAN FULLER: Excellent, excellent. 22 I'd love to have one other participant. Gentlemen, 23 please. 24 I would love to do that as well but I'm 25 stretched desperately thin at the moment, so I would</p> <p style="text-align: right;">Page 101</p>

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1 love to. I'm afraid that I cannot commit to anything
 2 more than I'm already over-committed to.
 3 Anyone?
 4 All right. Well, I would like to, you
 5 know, have further discussion on this and try to, you
 6 know, see if we can work out at least some piece, you
 7 know, for perhaps, you know, any number of us. I can
 8 always jump in and try to find some time myself, and
 9 will do my best and try and help out in some particular
 10 way, if I can, Commissioner Bowns, and would love to see
 11 that the rest of you also try to make some effort here.
 12 It's, you know, really a celebration of
 13 what we are really trying to do here, as we sit up here
 14 on a monthly basis, in trying to explain that to people
 15 and highlight it in the community that really has very
 16 little understanding of what really happens up here, is
 17 something that I think is worthwhile for all of us.
 18 Hopefully that's enough of a guilt trip for right now.
 19 And we'll move on to item -- Yes?
 20 MS. DEERING: Staff is recommending that
 21 the Chair appoint --
 22 CHAIRMAN FULLER: Oh, yes.
 23 MS. DEERING: I'm assuming then that
 24 you're going to appoint Commissioner Bowns and
 25 Commissioner Huck to the ad hoc committee?

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1 CHAIRMAN FULLER: Yes; I would love to
 2 appoint Commissioner Bowns and Commissioner Huck to the
 3 ad hoc committee for the 40th Anniversary Celebration of
 4 the Preservation Committee in the City of Sacramento,
 5 and I would further encourage the remainder of the
 6 commissioners to put in whatever time they can on that
 7 on an ad hoc basis. Thank you all.
 8 All right, moving on to item number 6,
 9 this is -- okay -- looking for discussion about the ad
 10 hoc members, additional ad hoc members for the minimum
 11 maintenance sub-committee.
 12 Would you like -- Commissioner Marshack
 13 will lead the discussion on that.
 14 COMMISSIONER MARSHACK: Actually I would
 15 like to withdraw, formerly withdraw this item. I would
 16 like to formerly withdraw this item for consideration by
 17 the full Commission. It's been reconsidered by the
 18 members of the ad hoc committee and we are in agreement
 19 that addition of other members to the committee who are
 20 not commissioners is not necessary and may not be
 21 beneficial to our ends.
 22 CHAIRMAN FULLER: Excellent. All right.
 23 Any further discussion on that issue? All right, do we
 24 need to do anything regarding that, Roberta?
 25 MS. DEERING: I don't think so.

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1 CHAIRMAN FULLER: Okay.
 2 MS. DEERING: It's withdrawn.
 3 CHAIRMAN FULLER: Okay, so item 6 is
 4 withdrawn.
 5 Item number 7, matters of -- Oh, actually
 6 we had a speaker on item number 6.
 7 MS. DEERING: Ms. Jacques.
 8 CHAIRMAN FULLER: Sorry about that.
 9 MS. JACQUES: Withdrawing this item,
 10 there are sound legal reasons for doing so, and I'm
 11 happy to informally provide whatever input I can, as a
 12 non-member, of having been a member of the prior ad hoc
 13 committee when I was on the Commission, and having also
 14 founded the (Inaudible), which was specifically
 15 developed to deal with demolition by neglect, and
 16 concluded with the idea that minimum maintenance needed
 17 to be explored. So I just wanted to let people know
 18 that I'm totally fine with that and with the thoughtful
 19 analysis that went into the withdrawal.
 20 CHAIRMAN FULLER: All right. Thank you
 21 so much.
 22 MS. JACQUES: Thank you.
 23 MS. DEERING: If the record could show
 24 that was Karen Jacques.
 25 CHAIRMAN FULLER: Thank you. All right,

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1 we are now on to item number 7, matters that are not on
 2 the agenda. If there's anybody in the public that would
 3 like to speak on members that are not on agenda, that
 4 would be wonderful.
 5 Seeing none, we will move on to ideas,
 6 questions, reports from members of the Commissioner.
 7 Commissioner Huck.
 8 COMMISSIONER HUCK: Yes, just going back
 9 to what we were speaking earlier, I would like to add to
 10 the agenda a consideration of including monetary
 11 mitigation as part of what it is we do here. I don't
 12 know if that's something we consider formally or if it's
 13 been considered before even.
 14 CHAIRMAN FULLER: So you'd like to
 15 agendize that discussion?
 16 COMMISSIONER HUCK: Maybe more explore it
 17 as a committee or something, because it kind of goes to
 18 what we've been doing with demolition by neglect. It's
 19 a discouragement.
 20 MS. DEERING: There is a little history
 21 relative to that, but I think it would be worth
 22 agendizing. I suggest that.
 23 COMMISSIONER HUCK: Yes, agendize, yes.
 24 CHAIRMAN FULLER: Excellent. If we could
 25 get that agendized for our next meeting. Do you need a

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<p>1 date specific? I don't know what that would be, 2 Roberta. Yes, I knew that part, yes, for the third 3 Wednesday in May. Thank you. 4 Any other questions, ideas, discussions? 5 MS. DEERING: If he might go back to my 6 Director's report, I did miss one thing, that you may 7 have noticed Susan Cooke sitting over there versus 8 presenting a project. She was recently swept away and 9 taken away from Planning and into our admin section. 10 She's very good at this part of things too, so -- but I 11 wanted to recognize her wonderful help that she gave me 12 and the Preservation program and you, while she was 13 working for us in Planning, and that she's doing now in 14 her new role. 15 CHAIRMAN FULLER: I noticed that too, 16 yes. Yes, I was kind of taken a back when I first 17 walked in. I'm like, hum, something is out of place 18 here. I'm not quite sure what it was. Commissioner 19 Marshack. 20 COMMISSIONER MARSHACK: So does this mean 21 that currently the Preservation Office does not have any 22 staff other than the Director? 23 MS. DEERING: We work with all the 24 Planning staff. 25 COMMISSIONER MARSHACK: That I</p> <p style="text-align: right;">Page 106</p>	<p>1 TRANSCRIBER'S CERTIFICATE 2 I, Lynne M. Homan, attest that the foregoing 3 proceedings provided to me via audio were transcribed by 4 me to the best of my ability. 5 I further attest that I am not a relative or 6 employee to any attorney or party, nor financially 7 interested in this action. 8 I declare under penalty of perjury under the laws 9 of California that the foregoing is true and correct. 10 Dated: May 14, 2015. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">_____ Lynne M. Homan, CSR</p> <p style="text-align: right;">Page 108</p>
<p>1 understand, but I mean dedicated staff. Are there any 2 dedicated staff to the Preservation office, other than 3 the Preservation Director, who is doing a tremendous 4 job? 5 MS. DEERING: No. 6 CHAIRMAN FULLER: Something to work on, 7 yes, yes. Okay, any other discussion, ideas? 8 Seeing none, this meeting is adjourned. 9 (End of meeting.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 107</p>	

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RESPONSE TO COMMENT H1-1

This discussion is not related to the adequacy of the DEIR, but rather is related to the proposal to nominate the Capitol Towers site (the proposed project site) to the Sacramento Register of Historic and Cultural Resources, the history of the project site, characteristics of the proposed project site, and the staff's recommendation to forward a recommendation to the City Council to list the proposed project site on the Sacramento Register.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts due to the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-2

The Commenter is describing Sacramento Modern's (SacMod) application for the nomination of Capitol Towers to the Sacramento Register, site characteristics and history, and support for the nomination.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-3

The commenter is expressing support for the listing Capitol Towers Historic District in the Sacramento Register.

Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT H1-4

The commenter is correcting the site boundary description and that a nearby development is called Pioneer House and not Pioneer Tower.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Chapter 2 of the DEIR, which discusses the location of the project site and surrounding buildings, including both Pioneer Towers and Pioneer House.

RESPONSE TO COMMENT H1-5

The commenter is stating she is in favor of listing the Capitol Towers Historic District in the Sacramento Register of Cultural and Historic Resources.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-6

The commenter is expressing support for the recommendation to include the Capitol Towers Historic District in the Sacramento Register

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-7

The commenter expresses support for the staff report related to the historic status of the proposed project site and discusses background related to architecture.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-8

The commenter expresses support for listing the Capitol Towers Historic District in the Sacramento Register.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-9

The commenter provides background on the project site and expresses support for the staff recommendation to include the Capitol Towers Historic District in the Sacramento Register.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-10

The commenter expresses support for listing the Capitol Towers Historic District in the Sacramento Register.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-11

The commenters discuss clarification of the landmark eligibility criteria and a separate developed neighborhood in Sacramento.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H1-12

The commenter mentions the agenda for the public hearing, consistency of the project with the City's General Plan and the inclusion of the project site on the Sacramento Register.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, and Master Response 2.3.4.5 for information related to the consistency of the proposed project with the City's General Plan.

RESPONSE TO COMMENT H1-13

The commenters describe their appreciation of the work completed and those who attend to support preserving the site, and mention that there are shade trees on-site.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Master Response 2.3.2 for a discussion of trees and tree canopy related impacts of the proposed project.

RESPONSE TO COMMENT H1-14

The commissioners are making a motion to forward the staff report's recommendation to the City Council.

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

RESPONSE TO COMMENT H1-15

The commenter describes background on the proposed project site, clarifies that the City will only respond in the Final EIR to written comments provided on the Draft EIR, describes the proposed project, mentions that the proposed project was nominated for historic listing, and identifies that the City's General Plan and Municipal Code allow demolition of historic resources if there are overriding public benefits.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Chapter 2 of the DEIR, "Project Description" for additional detail on the proposed project, as well as the project's PUD Guidelines (Appendix N of the DEIR and Appendix C of the Final EIR).

RESPONSE TO COMMENT H1-16

The commenter is inquiring about Mitigation Measure 4.8-2 and if the goal should be to reduce run-off to the extent practical, instead of no net increase.

Please see City staff's response in Comment H1-16 contained in the transcript of the Preservation Commission hearing. 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. As described in Section 4.8 of the DEIR, the proposed project would protect water quality during construction by entering into a memorandum of understanding (MOU) 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. Furthermore, 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 shall cover proposed dewatering details such as flow rate, system design, and a contaminant monitoring plan. Please refer to Mitigation Measure 4.8-1.

The DEIR also includes Mitigation Measure 4.8-2, which implements existing City regulations related to the management of water quality during occupation of the project. The proposed project would protect water quality 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, and other 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.

RESPONSE TO COMMENT H1-17

The commenter asks for clarification about the replacement of trees and the tree canopies under each alternative compared to the project.

Please see Master Response 2.3.2 regarding loss of tree canopy and other tree impacts, particularly 2.3.2.3 related to the landscape plan, 2.3.2.6 about project refinements to reduce removal of trees, and 2.3.12.5 regarding mitigation measures for tree impacts. See Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations. Please see Master Response 2.3.7.4 for an analysis of alternatives and, in particular, the section entitled, "Tree Impacts Associated with Alternatives 2 and 3." As noted in Chapter 3 of the Final EIR, "Revisions to the Draft EIR," tree counts for the alternatives summarized in Table 5-3 of the DEIR have been updated. Please see Chapter 3 of this EIR, page 3-9, under the heading, "CHAPTER 5, "ALTERNATIVES."

RESPONSE TO COMMENT H1-18

The commenter asks if the EIR explored an alternative that retains the majority of historical and cultural resources, while adding more density to the site, and asks questions about project alternative analysis.

See 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 the 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 a 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 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project. Please refer to Master Response 2.3.9 for information about streamlining provisions of CEQA that apply to the project and proposed project site.

RESPONSE TO COMMENT H1-19

The commenter asks procedural questions about the staff report, specifically about the site plan, design

review, and the development project review. The commenter asks whether exterior modifications to the Capitol Tower are included as a part of the project.

The project does not currently propose modifications to the Capitol Tower as a part of the project. However, should modifications be proposed in the future the DEIR includes a provision within Mitigation Measure 4.4-2 (see DEIR, page 4.4-27, item “d”) that requires any alterations or renovations to the existing Capitol Towers residential tower to 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 this contributing resource is removed from the California Register of Historic Places. Please see also City staff response under Comment H1-19. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.3.6 for site plan and design review.

RESPONSE TO COMMENT H1-20

The commenter asks elaborate on policy considerations regarding demolition, specifically policy HCR 2.1.14 (which provides that demolition is permitted only if rehabilitation is not feasible or the public benefits outweigh the loss of the historic resource).

Please see City staff response under Comment H1-20 contained in the transcript of the Preservation Commission hearing. See Master Response 2.3.4.5 for information related to the consistency of the proposed project with the City’s General Plan. The City Council will balance the project’s environmental impacts against the project’s benefits, including the benefit of increasing density on the project site. (See, e.g., DEIR pp. 3-9 – 3-10 regarding the City’s goal of increasing the supply of Central City housing in a higher-density environment; see also Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project).

RESPONSE TO COMMENT H1-21

The commenter asks for clarification about project phasing, including demolition and planned urban development design guidelines, and individual parcel site plan and design review.

Please see City staff response under Comment H1-21 contained in the transcript of the Preservation Commission hearing. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. 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 demolition and construction phasing may be subject to change due to market conditions. Demolition of on-site structures for each phase would occur prior to construction of new buildings or other improvements anticipated in each phase. Please see also Master Response 2.3.6 for more information on construction and project phasing. See Master Response 2.3.3.6 for site plan and design review.

RESPONSE TO COMMENT H1-22

The commenter asks for clarification about project phasing, timing of demolition permitting and issuance of planning and design entitlements, and financing as a condition of approval.

Please see City staff response under comment H1-22 contained in the transcript of the Preservation Commission hearing. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Response to Comment H1-21 regarding project phasing. See Master Response 2.3.6.1 about economic viability. See Master Response 2.3.12.9 regarding proposed mitigation relating to financial feasibility.

RESPONSE TO COMMENT H1-23

Representing Sacramento Modern, the commenter opposes the EIR, contending the establishment of Capitol Towers as a historic district that already embodies project objectives, including density, expresses concern about eliminating viable housing stock, and identifies that the four-block area that includes the project site almost meets the City's minimum density from the City's General Plan.

See Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered historical resources, 2.3.4.4 about mitigation measures identified in the DEIR and FEIR that include measures suggested by the City's Historical Preservation Committee, and 2.3.4.5 regarding the proposed project consistency with the City's preservation General Plan goal and policies. See Master Response 2.3.10, project consistency with applicable General Plan goals and policies, specifically 2.3.10.2 for cultural resources, and 2.3.4.5 regarding project consistency with the City's preservation General Plan goals and policies. 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 that are anticipated to experience a different level of change.

The proposed project would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy, with a shift towards infill development. 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 project consistency with applicable General Plan Goals and Policies, specifically accommodating population and housing at appropriate affordability levels, and 2.3.12.12 about mixed-income housing mitigation measures. Please see Master Response 2.3.11 for a discussion of density on the proposed project site and neighboring properties.

RESPONSE TO COMMENT H1-24

The commenter suggests alternative sites and other projects already entitled to meet city's goals of density.

See 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 the alternatives analysis, and Master Response 2.3.7.5 for information on consideration of off-site alternatives.

RESPONSE TO COMMENT H1-25

Representing Sacramento Modern, the commenter states the mitigation measures for historical resources are unacceptable.

See Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered historical resources, 2.3.4.4 about mitigation measures identified in the DEIR and FEIR that include measures suggested by the City's Historical Preservation Committee, and 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies. Please see Master Response 2.3.12.4 for a discussion of historic resources mitigation.

RESPONSE TO COMMENT H1-26

Representing Sacramento Modern, the commenter disapproves of the proposed entitlement of Sacramento Commons and notes that the City is required to comply with CEQA.

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

RESPONSE TO COMMENT H1-27

Representing Preservation Sacramento, the commenter references a letter submitted by his organization and opposes the EIR's evaluation of historic resources, contending the project contradicts the City's General Plan.

Please see the Responses to Comment letters O7 and O12, the referenced letters. See Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies. See Master Response 2.3.10, project consistency with applicable General Plan Goals and Policies, specifically 2.3.10.2 for cultural resources, and 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies.

RESPONSE TO COMMENT H1-28

Representing Preservation Sacramento, the commenter states Capital Towers is already a dense urban infill site.

Please see Master Response 2.3.11 for a discussion of density on the proposed project site and neighboring properties. Pursuant to the 2030 and 2035 General Plans, density is evaluated in consideration of all parcels included in a proposed project (for example, 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 related to 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 taken into consideration, the superblock falls below the minimum residential density contemplated in the 2030 and 2035. 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 would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy which represents a shift towards infill development. 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 for development density and 2.3.10.5 regarding project consistency with the City's 2035 new and revised 2030 General Plan goals and policies.

RESPONSE TO COMMENT H1-29

Representing Preservation Sacramento, the commenter contends the EIR does not adequately consider alternative sites.

See 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 the 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 a 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.

RESPONSE TO COMMENT H1-30

The commenters express concern about project demolition and claims that the EIR does not address demolition phasing.

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 demolition and construction phasing may be subject to change due to market conditions. Demolition of on-site structures for each phase would occur prior to construction of new buildings or

other improvements anticipated in each phase. Additionally, 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 H1-31

The commenter remarks on other potential sites, identifies that there are other proposed projects that would contribute to the City's goals for infill development, and identifies that there are other properties downtown that should be demolished.

Please see Master Response 2.3.4.5, regarding project consistency with the goals and policies of the City's 2030 and 2035 General Plan. See 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 the 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 a rehabilitation alternative.

RESPONSE TO COMMENT H1-32

The commenter contends that the EIR does not provide a wide range of alternatives that lessen the density and provides an interpretation of the City's General Plan goals for the Central City area.

See 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 the 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 a rehabilitation 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 2.3.10.1 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 would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy which represents a shift towards infill development. 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 for development density and 2.3.10.5 regarding project consistency with the City's 2035 new and revised 2030 General Plan goals and policies

RESPONSE TO COMMENT H1-33

The commenter asks for consideration of the impacts to historical resources before making a decision.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered historical resources, 2.3.4.4 about mitigation measures identified in the DEIR and FEIR that include measures suggested by the City's Historical Preservation Committee, and 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies.

RESPONSE TO COMMENT H1-34

The commenter contends that the EIR is inadequate and only provides alternatives that will result in destruction of historical resources.

See Master Response 2.3.4 about impacts to historic resources, particularly Master Response 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered historical resources. See 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 the 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 a 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.

RESPONSE TO COMMENT H1-35

The commenter indicates support for density in the Central City area and remarks on alternative sites for higher-density development.

The commenter's support for additional density in the Central City is acknowledged and the comment will be provided to the City Council as part of this FEIR for consideration. The EIR evaluates the potential environmental effects of the proposed 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 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. The City Council considers environmental impacts in addition to social and economic impacts and benefits of projects when making decisions (CEQA Guidelines Section 15021[d]). Please see

Master Response 2.3.7.7 for information on additional on-site alternatives. See 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.

RESPONSE TO COMMENT H1-36

The commenter states the EIR does not acknowledge the value of the historic district.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. See Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and Garden apartments are considered historical resources, 2.3.4.4 about mitigation measures identified in the DEIR and FEIR that include measures suggested by the City's Historical Preservation Committee, and 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies.

RESPONSE TO COMMENT H1-37

The commenter alleges that the EIR does not include the current open space amenity value in downtown.

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 (PRMP) includes requirements to implement the 2030 General Plan and the Parks and Recreation Master Plan 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 landscape, 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 on 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 approximately 0.29 acres in size, 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 landscape, 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 H1-38

The commenter asserts that the EIR ignores the value of the mature trees and discusses 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, tree replacement, and the timeline of mitigation. See Master Response 2.3.2.6 for project revisions to reduce removal of trees.

RESPONSE TO COMMENT H1-39

The commenter states the EIR does not consider other kinds of alternatives and the proposed project applicant summarizes the process of developing alternatives.

Please see response from the project applicant under Comment H1-39 contained in the transcript of the Preservation Commission hearing. See 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 the 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 a 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.

RESPONSE TO COMMENT H1-40

The commenter asserts the project alternatives were designed to fail.

See Master Response 2.3.7.1 for information on the purpose of EIR alternatives and Master Response 2.3.7.2 for information on the process used by the City to develop alternatives.

RESPONSE TO COMMENT H1-41

The commenter notes traffic issues without specificity

Please see Master Response 2.3.5 for information about traffic impacts and 2.3.12.12 regarding mitigation measures and the traffic management plan.

RESPONSE TO COMMENT H1-42

The commenter expresses concern about impacts related to housing and the displacement of residents.

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 would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy which represents a shift towards infill development. 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 project consistency with applicable General Plan Goals and Policies, specifically accommodating population and housing at appropriate affordability levels, and 2.3.12.12 about mixed-income housing mitigation measures.

RESPONSE TO COMMENT H1-43

The commenter expresses concern about impacts to open space and tree cover.

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 the 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 landscape, 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 on 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 approximately 0.29 acres in size, 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 landscape, 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 H1-44

The commenter requests more review and other project options, and states the public benefit zoning and transfer of development rights options were not examined.

See Master Response 2.3.7 for a response related to alternatives. Please see Master Response 2.3.7.8 for a discussion of public benefit zoning. See Master Response 2.3.7.5 for a discussion of off-site alternatives, including the use of transfer of development rights.

RESPONSE TO COMMENT H1-45

The commenter asks of Kennedy Wilson (applicant), Sacramento Modern, and Preservation Sacramento if they would be willing to develop another alternative to retain most of the historic resources and density in towers on the existing parking areas.

Please see responses from Kennedy Wilson, Sacramento Modern, and Preservation Sacramento under Comment H1-45 contained in the transcript of the Preservation Commission hearing. See 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 the alternatives analysis, and Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, including the alternative mentioned in this comment. Please see Master Response 2.3.7.7 for information on consideration of a rehabilitation alternative.

RESPONSE TO COMMENT H1-46

The commenter contends the alternatives do not include an option pursuant to CEQA, which, as noted on page 5-2 in the EIR, states that the alternative discussion should include alternatives capable of lessening or avoiding impacts even if they impede, in some degree, project objectives or would be more costly. The commenter also describes other possible development concepts.

Please see Master Response 2.3.7.9 for information on alternatives to address less than significant impacts. See 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 the 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 a rehabilitation alternative, and Master Response 2.3.7.10 for conclusion statements on alternatives.

RESPONSE TO COMMENT H1-47

The commenter contends the EIR's archeological sensitivity analysis (page 4.4-4) is inadequate, should go below the 10 feet of fill, and recommends a more robust analysis and possibly mitigation measures.

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 (Kajankowski 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 historic fill has been subjected to substantial disturbance, and the likelihood for intact archaeological deposits is low.

However, Mitigation Measure 4.4-3 has been revised to add a requirement for cultural resources monitoring for work involving installation of deep foundations or subsurface building systems that would occur more than 10 feet below the surface. Please see Chapter 3 of the Final EIR, "Revisions to the Draft EIR," page 3-6, for more detail.

RESPONSE TO COMMENT H1-48

The commenter contends the site is determined eligible for the National Register, is on the California Register, and is recommended to be on the Sacramento Register as a historic property and historic resource.

Please see Master Response 2.3.4.2 of a summary of historic resources impacts. As discussed in the Executive Summary, Section 4.4, Chapter 5, and Chapter 6 of the DEIR, the project site constitutes a historical resource based on its current listing on California Register of Historical Resources and its eligibility for listing in the National Register of Historic Places. Additionally, while the project site is not currently listed on the Sacramento Register, the City Council will consider the Preservation Commission's April 15, 2015, recommendation to list Capitol Towers on the Sacramento Register during a future hearing on the nomination. Please see Master Response 2.3.4.3 regarding the disclosure of a difference in opinion among experts related to historic resources.

RESPONSE TO COMMENT H1-49

The commenter references mitigation measure 4.4-2 (a) regarding documentation of Capitol Towers should it be altered or torn down, and suggests Level I Historic American Building Survey (HABS) and Historic American Landscape Survey (HALS) documentation should be submitted formally to the parks service for review and potential accession to the Library of Congress. The commenter also states this documentation should be prepared by professionals with demonstrated experience.

As explained by the National Park Service in Guidelines for Architectural and Engineering Documentation issued in 2003, "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, HABS/HALS Level I is not

necessary for the proposed project. The level of effort, content, and possibly format of the documentation should be appropriate to the nature and significance of the subject property. Because the project site was formally determined eligible at the local level of significance and not the national level [Roland-Nawi 2015:3], a HABS/HALS Level II is appropriate. Level II would provide adequate documentation, including copies of the existing architectural plans of the property, for the designated repositories identified, with the help of the City's Preservation Director. (Patricia Ambacher, MA, AECOM Architectural Historian). The National Park Service Guidelines for Architectural and Engineering Documentation further explain that Level I measured drawings may be appropriate where existing drawings are unavailable. (Federal Register, Vol. 68, No 139, July 21, 2003). For the project, existing drawings are available for the project site. (Inventory of William W. Wurster/Wurster, Bernardi & Emmons Collection, 1922-1974 [Collection Number 1976-2] and Inventory of the Vernon DeMars Collection, 1933-2005 [Collection Number 2005-13], University of California, Berkeley Environmental Design Archives). Therefore, for this additional reason preparation of new measured drawings, which is required with a Level I HABS/HALS, is unnecessary. The existing conditions of the property can be documented with photography. The Mitigation Measure already requires that the documentation 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). Consistent with this requirement, a professional photographer with demonstrated experience in photographing properties for HABS/HALS will be used.

Mitigation Measure 4.4-2 has been revised to require the Level of HABS and HALS documentation to be selected 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) Documentation / Recordation

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).⁵ The level of documentation will be determined in coordination with the City's

⁵ 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).

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. Please see also the Response to Comment A6-6.

RESPONSE TO COMMENT H1-50

The commenter references mitigation measure 4.4-2 (b) and recommends the interpretation of Capitol Towers be prepared by a museum professional, and that that language should be added to the mitigation measure.

Pursuant to this mitigation measure, all measures to interpret the property’s historic significance for the public and for future residents that will 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 under direction of a museum professional, as applicable.

RESPONSE TO COMMENT H1-51

The commenter notes “Other CEQA Considerations,” number 6 in the EIR, and paragraph 6.3, specifically the statement about a high level of sustainability which would be achieved, and a report about payback period for new construction when replacing existing construction. The commenter requests the EIR codify the energy savings of new construction and compare it to construction expenditure, and find point where energy is considered off-set.

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.

RESPONSE TO COMMENT H1-52

The commenter recommends replacing Appendix N, the PUD Guidelines, with the Secretary of the Interior Standards for Historic Properties.

Design, development, and operational aspects of the project over the course of the project’s phased construction will 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 PUD Guidelines that 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). The PUD Guidelines include objectives that promote high-quality design of Sacramento Commons, while permitting flexibility for innovative design solutions, site-specific standards to ensure compatibility with the surrounding area context, and a cohesive development vision.

Mitigation Measure 4.4-2 requires, prior to commencement of any alterations or renovations to the existing Capitol Towers residential tower that the City Preservation Director review and confirm 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 this contributing resource is removed from the California Register of Historic Places. Additional guidance for this work may include the Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.

RESPONSE TO COMMENT H1-53

The commenter states that under "Demolition," policy HCR 2.1.14, that the only defense is density, discusses City policy for increasing density in the Central City area, and questions why the density has to be at this site and the future value of the site with its open spaces and less density.

Please see Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project.

See 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 the 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 a rehabilitation alternative, and Master Response 2.3.7.10 for conclusion statements on alternatives.

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 would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy which represents a shift towards infill development. 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 for development density and 2.3.10.5 regarding project consistency with the City's 2035 new and revised 2030 General Plan goals and policies.

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 the 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 landscape, 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 on 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 approximately 0.29 acres in size, 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 landscape, 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.

The City Council will be charged with balancing the project's environmental impacts against the project's benefits, including the benefit of increasing density on the project site. (See, e.g., DEIR pp. 3-9 – 3-10 regarding the City's goal of increasing the supply of Central City housing in a higher-density environment; see also Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project).

RESPONSE TO COMMENT H1-54

The commenter inquires about establishment of a preservation fund in the EIR.

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

providing for the assessment of ad hoc fees for historic preservation purposes. In *Anderson First v. City of Anderson* (2005) 130 Cal.App.4th 1173 (*Anderson First*) the court explained that, 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 traffic impacts at issue.” (*Anderson First*, supra, 130 Cal.App.4th at p. 1188). A mitigation measure requiring payment of “an unspecified amount of money at an unspecified time in compliance with an as yet unenforced or unspecified transit funding mechanism” is inadequate because it is impossible to evaluate its effectiveness. (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79). Moreover, for a fee mitigation program to be adequate, that fee program must first undergo CEQA review. (*California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026).

In addition, mitigation must have “an essential nexus (i.e. connection)” to a “legitimate governmental interest” (Guidelines, § 15126.4(a)(4)(A); *Nollan v. California Coastal Commission* (1987) 483 U.S. 825) and it must be “roughly proportional” to the impacts actually caused by the project in question. (Guidelines, § 15126.4(a)(4)(B); *Dolan v. City of Tigard* (1994) 512 U.S. 374). Requiring monetary contributions to fund undefined future mitigation measures to reduce significant and unavoidable impacts through a non-existent fee program does not meet either of these tests.

RESPONSE TO COMMENT H1-55

The commenter discusses alternative sites, that superblocks are rare, and that demolition of a significant resource doesn't seem warranted based on densification of the proposed project site.

See 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 the 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 a rehabilitation alternative, and Master Response 2.3.7.10 for conclusory statements on alternatives. Please 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 H1-56

The commenter states that he appreciates the discussions about requiring a more robust discussion in the EIR about archaeological resources and documentation.

Please see Response to Comment H1-47.

RESPONSE TO COMMENT H1-57

The commenter reiterates the comment about sustainability aspect of the EIR and the comparison of existing buildings to the payback period in terms of energy used during the project construction

process.

See also the Response to Comments H1-51 and A6-12.

RESPONSE TO COMMENT H1-58

The commenter reiterates the comment about the alternatives analysis requiring more information, and in particular, should clarify how the alternatives satisfy CEQA guidelines relative to the alternative selection (page 5-2 of the EIR).

Additional alternatives discussion has been added to the EIR in this Response to Comments document. Please see 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 a 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.

RESPONSE TO COMMENT H1-59

For developing a motion, the commenter reiterates the comment about page 4.4.4 of the EIR in terms of archeological sensitivity analysis requiring additional information and that it may be inadequate.

Please see response to H1-47.

RESPONSE TO COMMENT H1-60

For developing a motion, the commenter reiterates the comment about the Level I Historic American Building Survey (HABS) and Historic American Landscape Survey (HALS) documentation that should be prepared by professionals with demonstrated experience, particularly as it relates to historic American landscape survey experience and assurance that photography is done by an experienced professional, both with buildings and landscapes.

Please see Response to H1-49.

RESPONSE TO COMMENT H1-61

For developing a motion, the commenter reiterates the comment stating the need for a museum professional, adding the requirement to have an education background in museum or curation, to prepare the interpretation of Capitol Towers in relation to mitigation measure 4.4-2 (b), and that that language should be added to the mitigation measure.

Pursuant to this mitigation measure, all measures to interpret the property's historic significance for the public and for future residents that will 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 under direction of a museum professional, as applicable.

RESPONSE TO COMMENT H1-62

For developing a motion, the commenter reiterates the comment about Appendix N, the PUD Guidelines, and replacing it with the Secretary of the Interior Standards for Historic Properties.

Please see Response to Comment H1-52.

RESPONSE TO COMMENT H1-63

For development of a motion, the commenter reiterates highlighting the CEQA Guidelines identified on page 5-2 of the DEIR related to inclusion of alternatives that substantially lessen the effects, while meeting project objectives.

See 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 2.3.7.4 for a summary of the alternatives analysis, and Master Response 2.3.7.10 for conclusory statements on alternatives.

RESPONSE TO COMMENT H1-64

The commenter asks that the discussion in the EIR as to whether or not we have a historic resource be clarified to that the site is an established historic resource.

As described on page 4.4-1 of the DEIR and throughout Section 4.4 and other sections of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts.

RESPONSE TO COMMENT H1-65

The commenter discusses the energy efficiency of existing buildings on-site, energy use during construction, and energy efficiency of new buildings on-site.

Please see Response to Comment H1-51.

RESPONSE TO COMMENT H1-66

The commenter discusses the factors to be considered for demolition of existing buildings on the proposed project site.

Please see Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, and Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts.

RESPONSE TO COMMENT H1-67

The commenter discusses potential mitigation ideas for the proposed project, as well as alternatives that retain on-site buildings, while also meeting project objectives.

Please see Master Response 2.3.12.1 for a discussion of mitigation feasibility and Master Response 2.3.12.4 regarding historic resources mitigation. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, and Master Response 2.3.4.4 for a discussion of mitigation recommendations from the Preservation Commission. See 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 2.3.7.4 for a summary of the alternatives analysis, and Master Response 2.3.7.10 for conclusory statements on alternatives. See also Response to Comment H1-54 regarding creation of a preservation fund.

RESPONSE TO COMMENT H1-68

The commenter discusses restoration of undefined features of existing buildings on-site that are to be retained.

The project does not propose modifications to the Capitol Tower as a part of the project, but the DEIR includes a provision within Mitigation Measure 4.4-2 (see DEIR, page 4.4-27, item “d”) that requires any alterations or renovations to the existing Capitol Towers residential tower to 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 this contributing resource is removed from the California Register of Historic Places.

RESPONSE TO COMMENT H1-69

The commenter discusses off-site alternatives.

Please see Master Response 2.3.7.5 for information on consideration of off-site alternatives. Please see Master Response 2.3.12.1 for a discussion of mitigation feasibility and Master Response 2.3.12.4 regarding historic resources mitigation.

RESPONSE TO COMMENT H1-70

The commenter discusses the form of the motion to the Planning & Design Commission, off-site alternatives, and lower density alternatives on-site.

Additional alternatives discussion has been added to the EIR in this Response to Comments document. Please see 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 a 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.

RESPONSE TO COMMENT H1-71

The commenter discusses the form of the recommendation to the Planning & Design Commission and transfer of development rights.

See Master Response 2.3.7.5 for a discussion of off-site alternatives, including the use of transfer of development rights.

RESPONSE TO COMMENT H1-72

The commenters discuss demolition of on-site buildings, design of the proposed project, background on one of the architects associated with development of the proposed project site, the inevitability of the loss of some historic resources, the historic status of the proposed project site, the belief that demolition of on-site buildings would be a great loss, support for alternatives that reduce historic resources impacts, and General Plan goals related to historic resources.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts, Master Response 2.3.4.4 for a discussion of mitigation recommendations from the Preservation Commission, Master Response 2.3.4.5 for information related to the consistency of the proposed project with the City's General Plan, and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project. See 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 2.3.7.4 for a summary of the alternatives analysis, and Master Response 2.3.7.10 for conclusory statements on alternatives. Please refer to Master Response 2.3.6 for a discussion related to construction and demolition phasing.

RESPONSE TO COMMENT H1-73

The commenters discuss the open-ended review of the proposed project, that information from previous Preservation Commission discussion should be a part of the EIR, alternatives to the proposed

project that would reduce historic resources impacts, the opinion that the analysis of the project is not balanced, General Plan goals and policies, off-site alternatives, the fact that CEQA does not require off-site or reduced density alternatives, disagreement with the proposal to demolish on-site buildings, the relationship between on-site alternatives and project objectives, and the opinion that Alternatives 2 and 3 could be revised.

Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts, Master Response 2.3.4.4 for a discussion of mitigation recommendations from the Preservation Commission, Master Response 2.3.4.5 for information related to the consistency of the proposed project with the City's General Plan, and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project.

Additional alternatives discussion has been added to the EIR in this Response to Comments document. Please see 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 a 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.

RESPONSE TO COMMENT H1-74

The commenters discuss the relationship between demolition and construction financing for the project.

Please see Master Response 2.3.6, which discusses phasing of the project and economic feasibility.

RESPONSE TO COMMENT H1-75

The commenters discuss recommending denial of the project, the suggestion that alternatives generally be revised, City goals for historic preservation, the historic status of on-site buildings, off-site and lower density alternatives, and a letter to be provided from the Preservation Commission to the Planning & Design Commission.

Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts, Master Response 2.3.4.4 for a discussion of mitigation recommendations from the Preservation Commission, Master Response 2.3.4.5 for information related to the consistency of the proposed project with the City's General Plan, and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project. Additional alternatives discussion has been added to the EIR in this Response to Comments document. Please see 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 a

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 Response to Comment Letter A6, which is the referenced letter, and which addresses the same topics included in the hearing transcripts used to develop Comments under H1.

2.2.4.2 PLANNING AND DESIGN COMMISSION COMMENTS AND RESPONSES TO COMMENTS

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CITY OF SACRAMENTO
PLANNING AND DESIGN COMMISSION MEETING
APRIL 30, 2015

TRANSCRIPT OF AUDIO RECORDING

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<p>1 CHAIRMAN NYBO: Welcome to the Thursday, 2 April 30, 2015, City of Sacramento Planning and Design 3 commission. We probably will have a few speakers this 4 evening. If, before -- If you can go in the back, 5 there's A form in the back. If you can fill that out 6 and bring it up to the front desk here. They'll bring 7 it over to me and then I'll call you and you come up in 8 order. 9 There's a three minute time limit on 10 speakers. We're going to hold that pretty tight this 11 evening, so when you start to see the red number, if you 12 can give us your final thoughts. Also, please turn your 13 cell phones to silent, and that's all we're going to -- 14 If we can have a role call, please. 15 MS. COSGROVE: Commissioner Bodipo-Memba. 16 COMMISSIONER BODIPO-MEMBA: Here. 17 MS. COSGROVE: Commissioner Burchill. 18 COMMISSIONER BURCHILL: Here. 19 MS. COSGROVE: Commissioner Burke. 20 COMMISSIONER BURKE: Present. 21 MS. COSGROVE: Commissioner Chandler. 22 COMMISSIONER CHANDLER: Here. 23 MS. COSGROVE: Commissioner Covill. 24 Commissioner Kaufman. 25 COMMISSIONER KAUFMAN: Here.</p> <p style="text-align: right;">Page 2</p>	<p>1 is Advanced Health Care of Sacramento. Are there any 2 recusals or ex parte communications that should be 3 disclosed? 4 Commissioner Chandler? 5 COMMISSIONER CHANDLER: I'm sorry, that 6 was from before. Please continue. 7 CHAIRMAN NYBO: Commissioner Burke. 8 COMMISSIONER BURKE: Mr. Chair, I spoke 9 with the applicants -- applicant's representative? 10 CHAIRMAN NYBO: Commissioner LoFaso? 11 COMMISSIONER LOFASO: Thank you, 12 Mr. Chairman. I also spoke with the applicant's 13 representative. 14 CHAIRMAN NYBO: Commissioner Kaufman? 15 COMMISSIONER KAUFMAN: I received an 16 e-mail from the applicant. That's all. 17 CHAIRMAN NYBO: Thank you. All right, 18 Mr. Hong. 19 MR. HUNG: Chair Nybo, Members of the 20 Commission, I'm David Hung, the project planner for the 21 Advanced Health Care of Sacramento project. I have an 22 aerial here on an overhead. 23 So the site is located on the southeast 24 corner of Expo Parkway and Leisure Lane in north 25 Sacramento. The site is currently vacant. It's about</p> <p style="text-align: right;">Page 4</p>
<p>1 MS. COSGROVE: Vice Chair LoFaso. 2 VICE-CHAIR LOFASO: Here. 3 MS. COSGROVE: Commissioner Mack. 4 COMMISSIONER MACK: Here. 5 MS. COSGROVE: Commissioner Rodgers. 6 COMMISSIONER RODGERS: Here. 7 MS. COSGROVE: Commissioner Teat. 8 COMMISSIONER TEAT: Here. 9 MS. COSGROVE: Commissioner Yee. 10 And Chair Nybo. 11 CHAIRMAN NYBO: Here. 12 MS. COSGROVE: You have a quorum. 13 CHAIRMAN NYBO: Thank you. Number one 14 is approval of minutes. Is there a motion for them? 15 COMMISSIONER: So moved. 16 CHAIRMAN NYBO: Is there a second? 17 Excellent. Let's call a voice vote. All in favor, say 18 "I?" 19 (Response of "I.") 20 CHAIRMAN NYBO: All opposed? 21 Abstentions. Commissioner Mack abstained. 22 Item number 2 is the Director's report. 23 MS. COSGROVE: I have no items for the 24 Director's report this evening. 25 CHAIRMAN NYBO: Excellent. Item number 3</p> <p style="text-align: right;">Page 3</p>	<p>1 two acres in size. The applicant is proposing to 2 construct a 32,000 square foot skilled nursing facility 3 on the site. The site is zoned commercial with labor 4 intensive overlay, C-2-LI. The entitlements that's 5 before you tonight is a conditional use permit for the 6 facility in the C-2 zone and a site plan and design 7 review with deviations to construct a building on the 8 site. So I'm going to put a site plan up here. 9 Just briefly, the project requires a 10 deviation to the setbacks on Leisure Lane and Expo 11 Parkway to the west and to the south. The C-2 zone 12 requires 25 foot setback. The building is set back more 13 than that, on pretty all the sides except 19 feet on 14 Leisure Lane. 15 Staff supports this deviation based on 16 there's easements running on the south side of the site 17 here, which prevents the building from being closer to 18 the street, and also the front entry of the building is 19 facing the street, which is over this corner, and 20 there's connections for the pedestrians into the site, 21 so staff supports this deviation. 22 Staff also worked with the applicant on 23 the design of the building. They made various changes 24 to the building, and staff approves the design of the 25 structure as of now.</p> <p style="text-align: right;">Page 5</p>

<p>1 Staff received a couple of matters, 2 comment letters on the project, attachments 2 and 3 of 3 the staff report, and staff also responded to those 4 issues in the staff report, within the staff report, and 5 it's before the Commission. And staff feels like we 6 have addressed the comments and questions to the 7 project. 8 There's supplement material that's been 9 posed online. I just want to bring that up. It's a 10 staff report letter staff received from the Woodbridge 11 neighbors creating transparency, and they wrote a letter 12 to support the project, so that's in the supplemental 13 material. 14 With that, staff recommends the 15 Commission approve the project with conditions of 16 approval. Staff feels the project is consistent with 17 the policies of the general plan and also is compatible 18 with the surrounding structures in the vicinity of the 19 project and it will be good use on the site. That 20 concludes my presentation. The applicant is here for 21 any questions and also staff from utilities and public 22 works are here to answer any questions and also planning 23 of course. Thank you. 24 CHAIRMAN NYBO: Will the applicant be 25 making a statement? Are there any questions for staff?</p> <p style="text-align: right;">Page 6</p>	<p>1 Lake Creek, which originates in Wood Lake that flowed 2 across this site prior to 1930, when this site was 3 drained, by a WPA project, that contained Wood Lake 4 Creek into a concrete channel 600 feet long, 60 feet 5 wide, 18 feet deep, and redirected the creek. That was 6 a good project at that time that allowed for the land to 7 be used for agriculture. It put people to work, but we 8 live in a very different time now and what's important 9 to us is different. 10 Now this creek, Wood Lake Creek, has two 11 sources. And it has two artesian wells, which are its 12 source, and the first comes up under ice house on Del 13 Paso Boulevard, and it provides the ice for the ice rink 14 and the water for the Wood Lake swimming pool, and then 15 it comes out a pipe at the back of the swimming pool and 16 drains down through Wood Lake community underneath the 17 freeway and formerly across this land, but it's not been 18 redirected. 19 The other well is the lake at the Wood 20 Lake Red Lion Hotel, and that is piped underground. Now 21 this water is artesian water. It's pure water. It's 22 drinkable water, potable water that comes from, as a 23 free gift to us from somewhere up in the American river 24 basin, in the American River, and it drains down here, 25 percolates up underneath the soil, and this water we're</p> <p style="text-align: right;">Page 8</p>
<p>1 No questions, and I don't think that will be necessary. 2 We do have a couple of comments on this 3 item. Thomas Powell. 4 MR. POWELL: Yes, good evening. My name 5 is Thomas Powell and I oppose this project, oppose any 6 development on this parcel of land for very specific 7 reasons, but first I want to say that I've gone through 8 the PM&D on this project and there are many flaws in 9 this document, and I've itemized them. 10 I've gone through five pages, single 11 spaced, nine items specifically, that refer to zoning, 12 to the legal status of the property, to -- that the 2030 13 general plan in regards how it effects this property to 14 where it's situated, that the documents from the M&D 15 states that this is located 7/10's of a mile away from 16 Highway 160, when it's actually within 500 feet of 17 Highway 160, and so there needs to be a health risk 18 assessment done before this project is undertaken. And 19 there are several other instances which I very carefully 20 itemized here, and I hope that all of you have this and 21 you've done your homework and you have had a chance to 22 read it. 23 Mostly what I want to talk about though 24 is that this site is a very sensitive site and it's a 25 former wetland site, and that there is a creek, Wood</p> <p style="text-align: right;">Page 7</p>	<p>1 throwing away; that essentially we're capturing this 2 water and pump it over the levy and dump it into the 3 slew on the opposite side of the levy, and we need to be 4 capturing this water and containing this water and 5 re-establishing wetlands at this site. 6 Both this lot and the lot that was 7 proposed for the psych hospital were former wetlands, 8 and we need to restore those, as well as repairing a 9 habitat of Wood Lake Creek, and so I urge you, don't do 10 a rubber stamp approval on this project. 11 You need to stop, you need to study that 12 the drought is very serious, that we have two beautiful 13 rivers but we have no reservoir water here in 14 Sacramento, that we're not warehousing water properly on 15 the surface, and this is an opportunity, and there is a 16 private lake inside the hotel. There needs to be a 17 public reservoir outside the hotel on this particular 18 lot. So please, do your homework and look at this. I 19 urge you please do that. Thank you. 20 CHAIRMAN NYBO: Thank you. Betsy 21 Weiland. 22 MS. WEILAND: Good evening. Thank you 23 for your time this evening, Commissioners. My name is 24 Betsy Weiland, and I'm here this evening representing 25 Save the American River Association, and we did submit a</p> <p style="text-align: right;">Page 9</p>

1 comment letter on this project.
 2 The first thing I'd like to do this
 3 evening is thank Mr. Hung for notifying Save the
 4 American River Association about the project. It is
 5 within 500 feet of the American River Parkway, and so
 6 that was greatly appreciated.
 7 Also, I would like to thank Ms. Soleski,
 8 who is the project applicant. Mr. Hung sent our comment
 9 letter directly to her, and she got back to me very
 10 promptly with answers to my questions, so this was
 11 greatly appreciated for the consideration given to
 12 development adjacent to the American River Parkway.
 13 So tonight, I think our concerns were
 14 addressed. The lighting issue, night lighting in
 15 particular, in the parkway plan and in your general
 16 plan, we talk about intrusive lighting, and it's
 17 particularly important to look at night lighting when
 18 you're looking at development adjacent to the park way.
 19 We are on the Pacific flyway. Over 200
 20 birds either live on the parkway or fly through the
 21 parkway during migration, and night lighting, we're
 22 discovering more and more about the impacts to wildlife,
 23 so I do believe the information I got regarding lighting
 24 and the style of lighting will take care of that issue.
 25 So I think we're pretty clear on that.

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1 We commented on the landscaping, and we
 2 brought up the idea of the landscaping plan that we saw
 3 in the document did not incorporate a lot of the river
 4 friendly landscaping guidelines that your city endorses
 5 and embraces and helped develop. Ms. Soleski, in her
 6 response to my letter, she said that, yes, we had raised
 7 good points about drop tolerance, about natives,
 8 especially because we're adjacent to the American River
 9 Parkway. We have a chance to extend the habitat,
 10 especially since we're losing a couple of valley oak
 11 trees on that site, and so I haven't seen --
 12 She said she did submit, asked her
 13 landscape architect to submit plans that included more
 14 of those kinds of landscaping ideas, and so I'm hoping
 15 that happened and maybe we can have some further
 16 discussion on that details.
 17 Those, I think, were our main -- and the
 18 thing I'm still not clear on, we did talk about, you
 19 know, access to the American River Parkway. The bike
 20 trail is right there. There is an access to the bike
 21 trail. I'm still not clear about what the plans are for
 22 how people are going to get to and from this project via
 23 the little access, you know, the little paved access
 24 trail --
 25 CHAIRMAN NYBO: Ms. Weiland.

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1 MS. WEILAND: -- that connects to the
 2 parkway, and I'm finished.
 3 CHAIRMAN NYBO: Thank you.
 4 MS. WEILAND: Thank you. So I did have
 5 those questions, so I hope they can be addressed. Thank
 6 you very much for the time.
 7 CHAIRMAN NYBO: Have those concerns of
 8 the landscaping been incorporated into the project?
 9 MR. HUNG: I will follow up with Betsy
 10 and e-mail her the revised landscape plan, and I did
 11 receive the revised one but didn't send it to her yet,
 12 and I will discuss the plan with her.
 13 So regards to the trail, this project
 14 does not abut the trail directly. It is across the
 15 street from it, and -- and there is sidewalks that can
 16 be accessed to get to the trail, so that's -- yes, so
 17 the project does not abut the trail.
 18 CHAIRMAN NYBO: Excellent. Thank you
 19 very much. I have a question from Commissioner
 20 Chandler.
 21 COMMISSIONER CHANDLER: I have just a
 22 quick clarification from staff. I was looking for it
 23 here, but just remind me, there is a condition within
 24 the conditions of approval that further development of
 25 the lighting will need to come to staff for further

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1 review and approval, is that correct?
 2 MR. HUNG: Yes.
 3 COMMISSIONER CHANDLER: Very good, and so
 4 the direct adjacency, notwithstanding the issues of
 5 light inclusion near proximity to mid corridor will be
 6 considered as part of that review?
 7 MR. HUNG: Yes, we will.
 8 COMMISSIONER CHANDLER: Excellent. Thank
 9 you.
 10 CHAIRMAN NYBO: Are there any other
 11 Commissioner questions for staff? Any other comments
 12 from the public? No.
 13 Closing the public comment period. Is
 14 there a motion or comment from a commissioner?
 15 Commissioner Bodipo-Memba.
 16 COMMISSIONER BODIPO-MEMBA: Thank you,
 17 Chair Nybo. Again, great work, staff. I appreciate the
 18 fine work you do, and all the staff reports definitely
 19 helped us in our analysis. I really wanted to speak to
 20 the gentleman who had some questions regarding the
 21 wetlands issue and the water issue.
 22 Again, many different perspectives on the
 23 same issue. The document, the environmental report does
 24 discuss wetlands and says there are no jurisdictional
 25 guidelines for potential wetlands, irrefutable -- or not

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1 irrefutable, excuse me, but by a reputable firm, and
 2 gives us (Inaudible) for a long period of time, so I
 3 have a lot of confidence in their work. I don't doubt
 4 the gentleman's discussion of the history, but again, we
 5 have to go by what's out there, so that currently our
 6 wetlands, and I'm glad to see this doesn't have any
 7 impact, so I'm glad to support the motion to approve.
 8 CHAIRMAN NYBO: Excellent. Thank you.
 9 Is there a second on that?
 10 COMMISSIONER: Second.
 11 CHAIRMAN NYBO: We have a second. Any
 12 further comments?
 13 Seeing none, let's call a vote.
 14 MS. COSGROVE: Commissioner Bodipo-Memba.
 15 COMMISSIONER BODIPO-MEMBA: I.
 16 MS. COSGROVE: Commissioner Burchill.
 17 COMMISSIONER BURCHILL:
 18 MS. COSGROVE: Commissioner Burke.
 19 COMMISSIONER BURKE: I.
 20 MS. COSGROVE: Commissioner Chandler.
 21 COMMISSIONER CHANDLER: I.
 22 MS. COSGROVE: Commissioner Kaufman.
 23 COMMISSIONER KAUFMAN: I.
 24 MS. COSGROVE: Vice-chair LoFaso.
 25 COMMISSIONER LOFASO: I.

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1 MS. COSGROVE: Commissioner Mack.
 2 COMMISSIONER MACK: I.
 3 MS. COSGROVE: Commissioner Rodgers.
 4 COMMISSIONER RODGERS: I.
 5 MS. COSGROVE: Commissioner Teat.
 6 COMMISSIONER TEAT: I.
 7 MS. COSGROVE: Chair Nybo.
 8 CHAIRMAN NYBO: I.
 9 MS. COSGROVE: We have a consensus.
 10 CHAIRMAN NYBO: Thank you very much. If
 11 you can give me just a moment to prepare for the next
 12 item. Please -- please talk to his staff in the back.
 13 Lindsay (Inaudible) will help you.
 14 If there's -- If there's anybody else in
 15 the audience that would like to speak on this issue
 16 tonight, if you could please make your way to the back,
 17 fill out a form and bring it up to the front desk.
 18 Mr. Compton, item number 4, are there any
 19 recusals for disclosures of ex parte communications of
 20 the Commissioner? Commissioner Burke?
 21 MR. BURKE: Mr. Chairman, I spoke with
 22 the applicant and the members of the community.
 23 CHAIRMAN NYBO: Excellent. Thank you.
 24 Vice Chair LoFaso.
 25 COMMISSIONER LOFASO: Thank you. I've I

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H2-1



1 have also spoken with the applicant and members of the
 2 community, including telling Mr. Burke how his name was
 3 used in our last hearing.
 4 CHAIRMAN NYBO: Commissioner Burchill.
 5 COMMISSIONER BURCHILL: Thank you,
 6 Mr. Chair. I've met with the representatives of the
 7 applicant and of the neighbors.
 8 CHAIRMAN NYBO: Commissioner Kaufman.
 9 COMMISSIONER KAUFMAN: Same comment.
 10 CHAIRMAN NYBO: Commissioner Mack.
 11 COMMISSIONER MACK: Same.
 12 CHAIRMAN NYBO: Commissioner Teat.
 13 COMMISSIONER TEAT: Same comment.
 14 COMMISSIONER NYBO: Commissioner Bodipo-
 15 Memba.
 16 COMMISSIONER BODIPO-MEMBA: Same comment.
 17 CHAIRMAN NYBO: Commissioner Chandler.
 18 COMMISSIONER CHANDLER: Same comment with
 19 a slight addition. One member of the community that I
 20 spoke with did raise an issue, more of a question
 21 regarding the vehicular versus pedestrian circulation
 22 near the southeast corner of the site at the plaza, and
 23 I'm not sure that that was discussed in the comment or
 24 in the staff report that they were commenting on, but
 25 otherwise, same comment as the others.

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H2-1 cont.

1 CHAIRMAN NYBO: Excellent. Thank you.
 2 Commissioner Rodgers.
 3 COMMISSIONER RODGERS: I also spoke with
 4 the applicant and members of the public.
 5 CHAIRMAN NYBO: Wonderful. I spoke with
 6 the applicant several times and quite a few of the
 7 neighbors, received quite a few correspondence.
 8 Mr. Compton, thank you.
 9 MR. COMPTON: Chair, members of the
 10 Commission. My name is Evan Compton. I'm with the
 11 Community Development Department, and tonight we're here
 12 for a second review and comment for the Sacramento
 13 Commons project and no formal action is being requested
 14 of you tonight.
 15 At our first hearing on July 24, 2014,
 16 you had asked for a second opportunity to review the
 17 project, and the applicant is here and they're going to
 18 make a formal presentation to you tonight. I wanted to
 19 note that I provided you with several supplemental
 20 packets. These packets contain a list of public
 21 comments that were received after the project staff
 22 report was printed. I believe that you have --
 23 Some of the e-mails were sent directly to
 24 you but we've uploaded electronic copies so that we have
 25 a complete public record. The applicant has also

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H2-2



H2-2
cont.

<p>1 provided some updates and clarifications for design 2 standards in their PUD that was also a supplemental 3 packet. 4 It's also important for you to know that 5 the project was heard by the Preservation Commission on 6 April 15th. They reviewed the Sacramento Commons 7 project and had forwarded a final recommendation of 8 denial to you. Their denial recommendation is based on 9 the finding that they believe alternatives are available 10 which would allow for more density on the site while 11 also reducing the loss of the historic resources, and a 12 letter was in another supplemental packet to you. They 13 also afforded a recommendation of approval to the city 14 council to nominate the project site into the Sacramento 15 Register. 16 So at this time, I'd like to invite the 17 applicant up to the podium. They're going to give you a 18 formal presentation. I think that might answer some of 19 the questions that you have, and then we can come back 20 and regroup and do a question and answer period. Thank 21 you. 22 MR. EADIE: Good evening, Chair Nybo and 23 members of the Commission. I'm Dave Eadie, the 24 applicant, representing Kennedy Wilson, the property 25 owner. It's been almost nine months to the day since we</p> <p style="text-align: right;">Page 18</p>	<p>1 contribution to that, and we emphatically believe we're 2 still -- we still comport with the whole objective for 3 downtown and what -- what it's all about, to bring 4 housing back downtown. 5 So we're going to go through a rather 6 long Power Point that hopefully gives you a lot more 7 detail, which is what we sensed last time in our 8 discussions with you. I'll go through an overview of 9 the initial slides. I'll hand it over to Yon 10 VanTolberg, our architect, to go through more detail. 11 Subsequent to that, it will be Scott Baker, our 12 landscape architect, with Melendrez, who will go through 13 even more detail on the ground floor and podium 14 landscape concepts. And last, we'll have Scott Eckhart 15 up here from Dudek, who will be talking to you about the 16 tree issues and our tree program, and canopy issues that 17 have come up and to answer questions along those lines. 18 So to begin with, let's start looking at 19 the -- this is an overall project slide. I'm sure 20 you're aware of the location of the property so I'll 21 move to the next one here. 22 Since last July, you're looking at the 23 site plan that was submitted to you and that you had 24 before you last July. All this shows is the existing 25 site plan with emphasis of the principle areas of change</p> <p style="text-align: right;">Page 20</p>
<p>1 last met, and we've been through a number of design 2 changes that we're going to share with you tonight. 3 That's the focus of our presentation. We also have gone 4 on a little bit of a different path since then. We 5 talked about last time going on a path of sustainable 6 community environmental assessment, and that was 7 authorized by Senate Bill 375, which basically allows 8 transit priority projects and project that are located 9 where ours is in this -- in this city, to go on an 10 expedited process for entitlement. That changed in the 11 fall of this year, when a nomination was made to make 12 the property eligible for listing as a historical 13 resource, and that has taken place through the state and 14 federal process, where the property has been deemed 15 eligible, and under CEQA, that means that we had to go 16 through a formal EIR process, so instead of the SCEA 17 that we came to you last November, we're here now, nine 18 months later, and the comment period just ended last 19 Friday, so basically the discussion we're going to have 20 tonight is where we've been on the project when you last 21 saw us and where we are now with respect to design 22 changes, and it's still a project that conforms with the 23 general plan, the zoning, the metropolitan transit plan, 24 sustainable community strategy, the mayor's call for 25 10,000 units downtown by 2020. This makes a major</p> <p style="text-align: right;">Page 19</p>	<p>1 for the project. 2 The next slide we will talk about goes 3 into, in the northeast corner of the property, the hotel 4 that was formerly parallel on N Street, a rectangular 5 building parallel on N Street has been rotated 90 6 degrees and is now located parallel to 7th Street, if 7 you will. That's a major change that took place. 8 We have enlarged and enhanced our central 9 plaza area. There's a number of reasons why this 10 happened. We've talked about a number of them, but 11 basically these are the major changes we're talking 12 about with this plan presently. 13 The corner plaza, if you'll recall, at 7 14 and P, there was some reticence to talk about palm trees 15 in this city in any type of situation in a residential 16 community where canopy is much more preferential, so at 17 the corner there of the community plaza that is a 18 frondous piece for the two high rises, we've changed our 19 design there, and we'll go into that in a moment with 20 more detail. 21 And then last, the two interfaces 22 between our proposed mid rise project areas and the 23 existing towers that are not a part of project, Pioneer 24 Towers on the south and 500 N Street or Bridgeway Towers 25 on the north, those spatial relationships have changed</p> <p style="text-align: right;">Page 21</p>

6 (Pages 18 to 21)

<p>1 quite a bit, and I'll get into that in a moment. 2 This revised podium and roof level site 3 plan, again, shows the principle areas have changed. 4 It's a lot of the project, but basically we have taken a 5 harder look at rooftop landscape and recreational 6 amenities based on conversations and input from the 7 Commission last time. We've added landscaping 8 significantly to the parking garage roof tops. They 9 were all basically hardscape and we've softened that a 10 lot with a major efforts in an inclusion of landscape 11 there, and our podium areas in the mid rise, which are 12 to the left there, they have shrunken a little bit to 13 address some of the issues with our neighbors and -- but 14 nevertheless, it's a significant change, and I point 15 that out. 16 The building and tower separation exhibit 17 before you now, notably the first number there at the 18 hotel, when we rotated it, we went from an 80 foot 19 distance between Bridgeway and the proposed hotel to 195 20 foot distance. The mid rise setbacks between Bridgeway 21 and Pioneer Towers has changed. It was between 40 and 22 50 units, or 50 feet, excuse me, but now it's between 40 23 and 74 feet, slightly larger distance between Pioneer 24 Towers and the high rise tower to the south. And our 25 east/west promenade has gained in width significantly in</p> <p style="text-align: right;">Page 22</p>	<p>1 we've kind of a faced it with a landing area for -- so 2 that all units are not facing Bridgeway Tower, they are 3 rather facing east/west. 4 Architecturally, the project continues to 5 evolve. We have made a significant change to the hotel/ 6 condominium proposal at the lower left of this slide 7 that shows the hotel, that's a 300 unit room hotel, and 8 then we rotate and put a condominium on top of that, 9 whereby it's very interesting, I think, it's in the eye 10 of the beholder but it also provides ample room for some 11 mid building landscape opportunities to break up the 12 verticality of it. And the other buildings in the site 13 also had been refined and improved upon since our last 14 visit. 15 We have endeavored, with that last letter 16 I sent you, we've endeavored to try to get more 17 specificity in some of the design parameters that would 18 be included in the guidelines so that downstream, when 19 the building specific site plans come in for your review 20 and approval, those would be predicated on design 21 standards that are a little bit more detailed than they 22 are presently in the PUD design guidelines. 23 These images that are coming are just 24 different views of the elevations and show the iterative 25 process of design. This one for a moment, if you would</p> <p style="text-align: right;">Page 24</p>
<p>1 certain areas along there, between 44 and 64 feet, where 2 it was between 40 and 48 last time. 3 This exhibit shows at the top the 4 relationship of our project mid rise to the Bridgeway 5 towers project, and to the south, it shows the new 6 relationship. And when I speak about this exhibit, I'm 7 also speaking about what we intend to do on Pioneer 8 Towers and our interface there. We only drill one 9 because it's an identical relationship with Pioneer 10 Towers, so what goes here goes there. 11 Essentially what you're looking at is a, 12 at the comparative summary at the right there, where we 13 had -- I can't even read that, but there's more open 14 space and there is a greater setback. The units have 15 been reoriented where they are not facing Bridgeway 16 Tower, and they're now side-on, and there's no units 17 facing Bridgeway Towers. 18 The next -- That one shows it a lot 19 better. Here's a unit orientation. If you look at the 20 pink orientation of our mid rise to the left of 21 Bridgeway Tower, you'll see that all the living areas 22 have been rotated 90 degrees. We have now -- In some 23 instances, we looked over the Bridgeway parking 24 structure and we looked toward the promenade on the 25 south -- on the east end, excuse me, and in the middle,</p> <p style="text-align: right;">Page 23</p>	<p>1 go back. Here's the corner at 7th and P, which shows 2 substitution of canopy-like trees. There is a lot of 3 parking, maybe ten spaces, but there was parking for 4 drop-offs and usage of that area for on-site parking for 5 awhile, surface parking, but we decided to take that out 6 of there and make the community plaza much more, in 7 fact, totally pedestrian-oriented. 8 Okay. You asked for some -- excuse me, 9 on the ground imagery. We worked on some vignettes that 10 demonstrate what it would feel like in certain areas of 11 the project. The central plaza at the confluence of the 12 north/south/east/west promenade is much larger now. We 13 have -- We show the pool removal of the, what was the 14 Capitol Towers pool. There's a small kiosk there on the 15 right that would possibly be a news stand or a coffee 16 kiosk. 17 The activation of the area with 18 intensification of trees, use of trees there to get a 19 lot of shade would be kind of a central plaza that just 20 evolved into something much bigger and greater, so we 21 think it's a great centerpiece to the whole project and 22 would function well. 23 You asked about the O Street, so-called O 24 Street promenade or the east/west promenade. 25 This slide shows looking east, and it</p> <p style="text-align: right;">Page 25</p>

<p>1 shows the live/work units that line the area and kind of 2 activate the ground floor, and you're looking past to 3 the new -- one of the new high rise units of towers from 4 there. 5 The Jacques Overhoff wall was, at one 6 time, planned to be at a different location. It was 7 originally next to the -- it is right next to the pool 8 now but we've moved it north here between Capitol Towers 9 and the north/south promenade, so it's a little bit 10 different location than I thought we'd put it, but I 11 think it works better. 12 This shows the interface, again, between 13 Bridgeway Tower and the proposed project. It shows a 74 14 foot setback now with units facing away from Bridgeway. 15 As you go back, the building you see in the far rear of 16 our project is the 40 foot setback area. Again, those 17 units have been rotated where they're not looking 18 directly at Bridgeway. 19 This is the community plaza, once again, 20 at 7th and P. 21 And at this point, I'm going to ask 22 Johannes Van Tilberg to come up. He will continue with 23 some discussion about these form and function exhibits, 24 and after everybody address the Commission, we'll circle 25 back and answer questions and provide applications if</p> <p style="text-align: right;">Page 26</p>	<p>1 turns, very save way. The pedestrian circulation is 2 just vast. We're really bringing back O Street, between 3 5th and 7th. On the edge of 7th in the circulation, 4 there is a light rail that makes a turn there. There's 5 a bus station on the site. So we have vehicular, 6 pedestrian great circulation for the site. 7 Next slide, please. On the ground plane 8 -- This shows it better. So it shows the existing 9 buildings, the Bridgeway, the -- the Pioneer Tower, 10 Capital Tower. Yes, there are on-grade parking 11 structures, but they're lined, they're not visible. 12 They're mostly lined by this purple kind of color, which 13 is live/work. We use that a lot, which is very familiar 14 with it. These have really very -- they've become a 15 great use for small office users, combination of living 16 and working, sometimes just working. And then the gray 17 area is neighborhood retail. All of it is very 18 important in this project. Neighborhood retail we have 19 slides right in the scheme from 65 to 75 thousand square 20 feet. 21 But the garages are lined. They really 22 form the base on which we, for the mid rise buildings, 23 set five stories on top of that, and for the taller 24 buildings, many more stories. 25 Next slide, please. The open space, the</p> <p style="text-align: right;">Page 28</p>
<p>1 you wish. Thank you. 2 MR. VAN TILBERG: Chair Nybo, 3 Commissioner, Johannes Van Tilberg. I'm principle of 4 Van Tilberg, Banvard & Soderbergh, and so I'm going to 5 spend a little bit of time on how we arrived at the -- 6 at the site planning concept, at the partife for the 7 architecture, which is, at this point, in a preliminary 8 form. It's, again, more developed, and I'm sure we will 9 be before you many more times to make this a very 10 aesthetic, very good project. So there are about five 11 items I'm going to talk about. One is circulation, the 12 ground floor plane, the open space, which is 13 significant. Fifty percent of the site is open. 14 Building massing, and the kind of explosive form we use, 15 how we sort of stack up these various -- various pieces 16 in these buildings. 17 So -- 18 Is there any way to turn these lights off 19 a little bit? It's not visible. Yes, it's better. 20 Thanks. Thank you. 21 So the street circulate in a clock-wise 22 manner around this project. You go up 5th, you turn 23 right on N, you go down 7th and you go on P. So the 24 good thing about this is that all entrances, vehicular 25 entrances into the building, are right in and right out</p> <p style="text-align: right;">Page 27</p>	<p>1 darker green is on-grade, so we have a major (Inaudible) 2 going from P to N, and then we're linking, through the 3 new, through this new site, to get it from 5th to 7th, 4 and then creating the plaza there, and that is -- and 5 then top of it, the lighter green that's shown on the 6 mid rise buildings that are on 5th, at the podium level, 7 and the high rise buildings and the hotel, the hotel 8 have pool areas and green areas. That all ends up to 9 about 50 percent of the site. 10 Next, please. So the massing of the 11 buildings, now we start putting the elements on top of 12 it and you see that the site, they shaved the pair of 13 high rises on the corner of P and 7th. They are -- they 14 are striated vertically. The two pieces, it's not just 15 one, large foreplay. One is three stories taller than 16 the other, and they -- the taller elements are around 17 the substantial plaza. 18 Then behind it, you see, again, the 19 parking deck that Scott's going to talk about, because 20 we really added major landscaping to that. Now the 21 hotel took a really different form. The hotel really 22 has a base of a garage, and then on top of the garage is 23 a hotel that's kind of a double bar and then set on top 24 of it is a -- it's condominium piece that straddles 25 that.</p> <p style="text-align: right;">Page 29</p>

1 And the next one, please. So as you see
 2 with the renderings that they've showed, we continue to
 3 develop the buildings. We use strong durable materials
 4 on the bases, as we go up the buildings, the buildings
 5 become lighter. They step back. They become more
 6 transparent to the use of glass. So we have an
 7 interplay of solid and light and, you know, after our --
 8 We'll continue to design this project to meet
 9 sustainable development requirements from lead to Cal
 10 Green, which I know we have to meet, water conservation,
 11 et cetera. So I think that's my last slide. And then
 12 Scott will come up here and talk about the landscaping,
 13 which is a substantial part of this -- this development.

14 MR. ECKHART: Good evening. Pardon me.
 15 Good evening, Mr. Chair, Member of the Committee. My
 16 name is Scott Eckhart. I'm a certified arborist with
 17 Dudek. I prepared the arborist report. We're going to
 18 switch the order based on the slide flow and the
 19 presentation. It makes more sense to address the trees
 20 now and the landscape after. So I'm going to provide a
 21 summary of where we are to date on the analysis of trees
 22 on the project site and what's changed since we were
 23 last before you in July.

24 And based on the comments received, we
 25 expanded our analysis of the site's trees, and that

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1 analysis included an inventory of all non-Heritage trees
 2 on the project site. We conducted a detailed hazard
 3 assessment of five Heritage and city street, a large
 4 Heritage and city street American elm trees that are
 5 proposed for retention on the project site.

6 We also conducted a detailed analysis and
 7 calculations of the effect of -- of project canopy cover
 8 and the effect of the project on other environmental
 9 components provided by the site's trees, including
 10 carbon sequestration, leaf surface area, avoided
 11 run-off. And finally we conducted a series of
 12 calculations of projected tree growth for the proposed
 13 tree plantings so we could do analysis and a comparison
 14 between the existing condition and proposed landscape
 15 condition.

16 Based on this updated analysis, there are
 17 291 trees on the project site or associated with the
 18 project. We have 11 Heritage trees, we have 39 city
 19 street trees and 241 non-Heritage trees.

20 These trees provide approximately 247,000
 21 square foot of canopy cover. During the design, project
 22 design process, we worked closely with the project
 23 landscape architect designer to prioritize retention of
 24 Heritage trees and city streets, as well as non-Heritage
 25 trees that were rated with at least a fair health or

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1 structural condition, given the trees with that
 2 condition would be more appropriate in the post
 3 development landscape.

4 And so the proposed project would retain
 5 7 of the Heritage trees, 35 of the city street trees, 50
 6 of the non-Heritage trees, and the project would plant
 7 147 trees at the ground level, as well as 100 roof top
 8 trees. And so based on the calculations of tree growth
 9 that I mentioned, the site's canopy cover would reach
 10 its current existing condition in approximately 20 to 25
 11 years. And this accounts for growth projections for
 12 ground level trees only.

13 And so with that, I will turn it over to
 14 Scott Baker, the project landscape architect, to address
 15 the landscape plan but, of course, I'm here to answer
 16 any questions you have. So thank you.

17 MR. BAKER: Good evening, Scott Baker.
 18 I'm a principle with Melendrez Architects and Urban
 19 Designers. Two weeks ago when we were here, we heard
 20 somebody talk about another project and comment they
 21 made stuck with me, and it was about what makes
 22 neighborhoods great are the spaces between the
 23 buildings. They were talking about, you know, a single
 24 family home residential area, but we take that idea to
 25 heart in our work. We do a lot of neighborhood and sort

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1 of infill development, and so we strive to really make
 2 the spaces between the buildings really what this
 3 neighborhood is about and how to make them great, which
 4 I put an emphasis on those spaces. And in this case, we
 5 have great city fabric to build upon. We want to build
 6 upon that legacy of Sacramento being a walkable city and
 7 I just sort of really want to take advantage of that
 8 with the creation of the plan that Johannes and Dave
 9 talked about already. The plan itself is really a
 10 sequence of pedestrian spaces, smaller gathering spaces,
 11 small nodes, private spaces, public spaces, that can all
 12 be accessed by bike and by foot.

13 But we also want the landscape to be
 14 authentic; we want it to be about this place. This
 15 isn't a landscape or an idea that can be found anywhere
 16 else. We wanted to customize it, if you will, to this
 17 location and to make it of Sacramento, so we've got a
 18 video that we'll show at the end that talks a little bit
 19 about ideation that arrived at this, because we've root
 20 had the landscape design and the approach to the pallet,
 21 the approach to the spaces, in the natural landscape of
 22 the region.

23 The landscape plan itself is really made
 24 up of several key points. One, there's an existing high
 25 quality streetscape, mature trees, great sidewalks that

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<p>1 connect this property to the district, and so that 2 really needed to be held as intact as possible and to 3 leverage that great pedestrian and tree canopied edge. 4 The second is the piece that Dave talked 5 about, which are these two pedestrians paseos, these 6 walk streets, if you will, really filling in the gap or 7 the missing teeth, if you will, for 6th Street and for O 8 Street. These spaces are dotted with smaller gathering 9 spaces and sitting nodes, and they're connected as 10 tree-lined pedestrian spines; the importance of the 11 canopy and the importance of the scale being very, very 12 important. 13 At the intersection of the space, Dave 14 touched on it, is really a central plaza, a plain public 15 space that represents the campus heart, if you will, and 16 so as we mentioned, there's a canopy there, there's a 17 function lawn or an event lawn, a plaza, a retail kiosk. 18 It could be a coffee shop, something along those lines. 19 A water feature. This is intended -- excuse me -- as 20 the main -- the main space, the main sort of 21 identifiable address within the -- within the complex 22 itself. 23 The fourth is the corner space; the 24 community plaza, if you will, that's at the intersection 25 of P and 7th Street. This is really, from a -- from a</p> <p style="text-align: right;">Page 34</p>	<p>1 pallet to the project. We're very much interested in a 2 diverse canopy. We want the tree canopy to be broad, to 3 be -- to be Evergreen, to be deciduous as well, but to 4 really be a robust selection of trees that are of this 5 city, so that it is a resilient tree canopy that will 6 grow and mature just as the -- as the city has. And 7 from an understory planting, we're very interested in 8 treating water as the precious resource that it is. Our 9 goal is to reduce the total amount of landscape water 10 required on the project certainly from what it is now 11 and to anticipate where water restrictions continue to 12 go and will go, so looking at material that is climate 13 adaptive, using natives where we can, and having a 14 landscape that is resilient and -- and will support 15 those water efficient goals that I spoke of. 16 So next slide, please. There's been some 17 questions that have come back to us about the viability 18 of rooftop landscapes, and I wanted to just touch on 19 briefly on why -- why we think they're important and how 20 they can be facilitated. I think we perhaps are all 21 familiar with landscapes that are done in raised 22 planters, oversized pots, those types of things. 23 Seventy percent of the work that our firm does roof top 24 or podium work, something that we're very familiar with 25 and very aware of. So the images you can see above you</p> <p style="text-align: right;">Page 36</p>
<p>1 public space point of view, from a landscape point of 2 view, the kind of gateway to the project, and again, 3 sort of a space for the community and a front address 4 for the project as well. 5 And then finally, the -- go to the next 6 slide, please -- the landscape roof tops. As cities 7 urbanize, as cities develop, these rooftops are becoming 8 very precious spaces. We want to do with more with them 9 than just be simple roof, simple construction. We look 10 at the landscape and at the amenity spaces that are 11 created on top as a way acting as a foil, if you will, 12 to the -- to the roof itself, and giving us a view 13 garden and things that are aesthetically pleasing to 14 look down on. 15 Perhaps most importantly is the ability 16 to deal with run-off and surface water and actually have 17 that landscape be a functioning part of this system, and 18 so we use it to capture the water. We use it for shade 19 up there as well. And the idea of putting more of the 20 private functions up off the ground and leaving more 21 that's public and open at the ground plane as well, that 22 ground plane being a precious resource both to the 23 residents, people that work here and also the people 24 that visit here as well. That's very important. 25 The sixth and last piece is really the</p> <p style="text-align: right;">Page 35</p>	<p>1 are all projects that we've been involved in where we've 2 been building on top of parking structures and on top of 3 residential spaces. 4 Next slide. Technology is advancing very 5 rapidly in terms of roof gardens. There's a lot of 6 freeway cap parks that are starting to happen 7 domestically. This is a project in Texas where this is 8 all sitting on top of a freeway, and again, the trees 9 are creating a very strong canopy. It's a relatively 10 new project as well, and so we're -- we're very 11 confident in the ability to plant over structure and 12 achieve mature canopy. 13 And I'd be remiss if I didn't talk about 14 some of the great examples that are in this city as well 15 of canopy trees that have been put on top of structures. 16 I think, you know, these projects are a little bit older 17 at this point in time and technology and the way of 18 doing this has continued to improve, but certainly roof 19 structure planting is a very viable piece in this city, 20 and we want to take advantage of all the new 21 technologies on this project as well. 22 With that, we wanted to play this quick 23 video that talked about the landscape concept that I 24 touched on at the beginning. 25 (Video played.)</p> <p style="text-align: right;">Page 37</p>

1 MR. BAKER Thank you very much.
 2 MR. EADIE: So with that, Commissioners,
 3 that's the end of our presentation. I hope we've
 4 responded to your thoughts and comments from the last
 5 time and since then, in talking to you and the staff and
 6 members of the public, and we're here to answer any
 7 questions you have.
 8 CHAIRMAN LOFASO: Thank you Mr. Eadie.
 9 Are there any questions from Commissioners?
 10 Commissioner Kaufman.
 11 COMMISSIONER KAUFMAN: Thank you, Chair
 12 LoFaso. Mr. Eadie, can you talk a little bit about the
 13 phasing of the project, both construction and
 14 demolition.
 15 MR. EADIE: Yes, sir, we can do that.
 16 These next five slides are essentially a better
 17 representation and discussion, explanation of the
 18 phasing that we briefly talked about last July, the list
 19 of requested entitlements.
 20 Okay, here's the total site phasing,
 21 which we showed you last time. It basically shows the
 22 hotel condo area and the Capitol Towers and the area up
 23 there in the northeast as being our Phase I, along with
 24 various infrastructure improvements and landscape.
 25 These slides that are now phase-specific

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1 coming up basically walk you through how this phasing is
 2 going to work. For instance, in Phase I -- Go back to
 3 Phase I, please. It went a little fast.
 4 As you know, we're going to have to go
 5 through the site plan and design review process for the
 6 individual buildings for the hotel and condo, or in the
 7 alternative, just condos, depending on how we go on this
 8 project.
 9 During that time when we've made the
 10 decision to move forward with Phase I, we will let the
 11 leases elapse in that particular area of the garden
 12 apartments. Typically they're very short term leases,
 13 so we're not going to do any evictions or anything.
 14 This would all be basically they would -- the leases
 15 would run out, and ideally, at a point where that's when
 16 we get our approvals for the buildings and have our
 17 infrastructure design done where we can commence back
 18 bone infrastructure and landscape and hardscape
 19 improvements, and then after that, we go vertical with
 20 the construction of the building.
 21 The tab at the bottom left shows you the
 22 tabulation in each phase, so we've --
 23 By the way, we've got hand-outs for this,
 24 if any of the public would like it, or -- or the
 25 Commissioners would like to have a hard copy.

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1 Phase II is the first mid rise, the north
 2 mid rise, which is, again, the same process of
 3 non-renewable leases and having those elapse, and then
 4 moving on to demolition of that segment of apartments,
 5 and then moving on to the commencement of the site
 6 itself with the mid rise construction.
 7 Phase III is pretty much the same thing.
 8 We won't spend much time on that one. And phase IV is
 9 the last phase, and it shows more detail there because
 10 it's a sequential dual phase within a phase, if you
 11 will. We'll build one high rise, and, of course, when
 12 that -- the pace of that leasing up and the timing of
 13 the second high rise has a lot to do with how successful
 14 the first high rise is, so it's a phase within a phase,
 15 so both high rises are in Phase IV. So that's an
 16 attempt to try to unpeel an onion a little bit here and
 17 show how the phasing works in a much more detailed
 18 manner.
 19 CHAIRMAN NYBO: One of the questions that's
 20 come up, the issue here is how to avoid having a hole in
 21 the ground if you demolish everything.
 22 MR. EADIE: Sure.
 23 COMMISSIONER KAUFMAN: If you don't have
 24 something to build. There's been some conversation
 25 about having some financial requirements, that before

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1 you can demolish, you're going to have to show that you
 2 have financing in place for the construction.
 3 Is that -- is that something that you are
 4 considering, is that a reasonable thing to do from your
 5 perspective? If not, could you sort of explain why?
 6 MR. EADIE: Well, Commissioner Kaufman,
 7 first of all, I've walked by that site with all the
 8 piles and holes in the ground that everybody refers to.
 9 I think we can assuage concerns in the following
 10 fashion. Basically the project has to be developed in
 11 phases. On a super block like this with ten acres, it's
 12 impractical to do the whole thing at once, but also from
 13 the standpoint of the project impacts.
 14 If you were to try to undertake the whole
 15 project at once, you'd have to basically go back and
 16 re-visit the EIR completely, because it's -- you bust
 17 out of air quality and a number of standards that are
 18 thresholds that presently were less that significantly
 19 under.
 20 So assuming it's going to be a phase
 21 project, which it will, we would certainly bond for --
 22 Let's say we would bond under a performance bond in the
 23 event for Phase I, and we start grading or we start
 24 demolishing, and all of a sudden, the world caves and in
 25 and we're in an economic strait where we can't move

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H2-3 cont.

H2-4

H2-4 cont.

1 forward for some reason. That bond would then go into
2 place where it would enable the site to go back to its
3 vacant state, probably with -- probably with some
4 landscaping where it's a -- it's an amenity or it looks
5 visually like something that's out of construction in
6 progress. That would be the purpose of doing that bond
7 expressly for that purpose, so that you wouldn't have a
8 hole in the ground, you wouldn't have an unfinished
9 project and an unsightly project.

10 COMMISSIONER KAUFMAN: Thank you. I
11 appreciate that.

12 CHAIRMAN NYBO: Commissioner Bodipo-
13 Memba.

14 COMMISSIONER BODIPO-MEMBA: Thank you,
15 Chair Nybo. Again, thanks for the update and taking
16 into account a lot of our comments from the first time
17 you came. Just real quickly, could you give a real
18 brief summary of the outreach that you've undertaken as
19 a part of this process, either through the CEQA process
20 or through your plan?

21 MR. EADIE: Sure, sure. We embarked upon
22 that quite some time ago. We filed our application in
23 March of 2014 and we have held three outreach sessions
24 since that time.

25 Actually, the first outreach session was

1 I don't want to say transferred but it was available,
2 wildly available.

3 Since then, we've also met with
4 individuals within the community. We've met with
5 groups, organizations. We've met with Ecos, Preserve
6 Sacramento, Beta, Walk Sacramento, SABA or SABA, all of
7 those. We've shared our plans with all of them. RT.
8 Those are the ones I can remember offhand, but the
9 effort has been -- there's no secrets in this business.
10 You try to get the word out on what it is and hopefully
11 everybody can participate and we can make an informed
12 decision.

13 COMMISSIONER BODIPO-MEMBA: We appreciate
14 that effort.

15 MR. EADIE: Thank you.

16 COMMISSIONER BODIPO-MEMBA: Piggybacking
17 off of Commissioner Kaufmann's question about the time
18 and phasing, the last time we talked, you said the
19 market would essentially drive when this project would
20 get kicked off. Do you have any more indication if this
21 was to move forward, the demand for this type of
22 project?

23 MR. EADIE: Well, we know that what we've
24 read is that there's going to be a demand for more
25 housing downtown for a long time. You know, we've heard

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1 before we filed the application. It was in November or
2 December of 2013, and that was basically an invitation
3 to our immediate neighbors and surrounding neighbors.
4 We sent out invitations, we had sessions in meeting
5 rooms in close proximity to the project, where we would
6 begin explaining the project.

7 The first discussion we had before we
8 even filed was simply we had decided we were going to
9 have four different product areas and it didn't have
10 even a site plan yet, and we got input. Our plans
11 evolved over the next four or five months from that
12 November 14th, or that November 2013 meeting, and the
13 next time we came out with a second public outreach, we
14 had an iteration that had a lot more detail but not the
15 kind of detail we have here, but it showed where we were
16 going with it.

17 And the third one was in -- that was, the
18 second one was in, I think, February, it might have been
19 in March of last year, and then we had one in June that
20 showed even more detail before we got to the Planning
21 Commission.

22 By the time we got to the Planning
23 Commission, virtually everything that we've produced
24 is -- has been put on the city website, which goes
25 city-wide, as you know. So that level of outreach was,

1 many different versions of this in terms of how many
2 units per year are expected to be needed. I think just
3 by the fact that the mayor's indication of wanting to
4 get some parody with the available jobs downtown or the
5 number of jobs downtown versus the scant number of
6 housing units downtown speaks to that, you know, so
7 we're encouraged. It does take some entrepreneurial
8 spirit to take the leap and start the project, but by
9 all indications, you know, to me, it seems like it would
10 start very soon.

11 I think our documentation indicates that
12 we could possibly expect construction to start, initial
13 discussions on this construction, with our subsequent
14 plans and working on infrastructure design, toward the
15 end of this year and starting next year with some site
16 work.

17 COMMISSIONER BODIPO-MEMBA: Then just
18 again, not holding you to it, but forecasted build-out
19 would be about --

20 MR. EADIE: I think our representations
21 in the allocation were in the order of six, seven years,
22 if everything went fairly decently. If we have a
23 recession in between, that could be longer. That's a
24 big indicator of put the brakes on perhaps, but, you
25 know, I think the whole purpose in phasing a super block

H2-5 cont.

H2-6

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H2-6 cont.	<p>1 like this and having a development agreement is to have 2 safeguards in place where the city is assured that, like 3 we spoke earlier with Commissioner Kaufman, on what if 4 something really goes wrong during construction. We're 5 trying to provide safeguards so that if something 6 happens along the way, you have -- you don't have a 7 disastrous situation there, but the hope and expectation 8 is to move forward through this project. That's the 9 goal.</p> <p>10 COMMISSIONER BODIPO-MEMBA: I have two 11 more quick questions. In reviewing the environmental 12 document, you talked about the project impact on the 13 Capitol Towers historic resource significance and 14 determined that it was a significant unavoidable impact.</p> <p>15 MR. EADIE: That's correct.</p> <p>16 COMMISSIONER BODIPO-MEMBA: Could you 17 explain the process you went through in identifying the 18 objectives that wouldn't be met if you were to preserve 19 some of the historic resources identified?</p> <p>20 MR. EADIE: I think you're speaking about 21 the alternatives in the EIR.</p> <p>22 COMMISSIONER BODIPO-MEMBA: It can be 23 directed toward the alternatives but it's more based 24 upon the project, the project impact analysis 25 discussion.</p> <p style="text-align: right;">Page 46</p>	<p>1 threshold, which is, in my opinion, quite low, but be 2 that as it may, that's what the analysis showed and 3 that's why the alternatives were undertaken to see what 4 could possibly be done to integrate project objectives 5 and balance project objectives with saving some of the 6 garden apartments, and in those alternatives that were 7 selected, none of the project alternatives fulfilled 8 those goals for the developer or for the historical 9 significance, I guess, or significant aspects of it.</p> <p>10 COMMISSIONER BODIPO-MEMBA: And I'll 11 reserve further questions for later, but I'd be 12 interested to see, in terms of looking at those 13 alternatives, whether there is permutations of pieces of 14 some of those alternatives that might be able to come up 15 with, I guess, a closer alignment between the 16 Preservation Committee and yours, but I do appreciate 17 it.</p> <p>18 I guess the last question is just more 19 for staff, just regarding the construction noise. If 20 you could just provide a little more clarity as to how 21 we make a determination of what's a significant impact 22 as relates to construction noise on residential.</p> <p>23 MR. COMPTON: I can tell you what the -- 24 I can tell you what the ordinance says for the noise. 25 The construction noise would be allowed Monday through</p> <p style="text-align: right;">Page 48</p>	H2-7 cont.
H2-7	<p>1 MR. EADIE: Okay.</p> <p>2 COMMISSIONER BODIPO-MEMBA: So looking at 3 the mitigation, it lays out that you would not be able 4 to --</p> <p>5 MR. EADIE: Right.</p> <p>6 COMMISSIONER BODIPO-MEMBA: -- meet that 7 threshold.</p> <p>8 MR. EADIE: Okay. Well, first of all, 9 we're not saving aging two store and three story 10 structures, that's clear. We are saving the Capitol 11 Towers. The historic nomination, by the way, is for the 12 entire site, including everything I'm going to mention. 13 Capitol Towers is being retained; the Jacques Overhoff 14 wall and grid is being retained and enhanced, in fact.</p> <p>15 In terms of mitigating, you know, 16 basically the idea of keeping any of the old two story 17 structures was something that we think is just not in 18 our will house for doing a project of this magnitude, 19 but it had been addressed in the EIR. It is addressed 20 in the EIR, and in the way in which we've approached the 21 project, the EIR writers have concluded that there's -- 22 the project itself doesn't mitigate with the retainage 23 of Capitol Towers and the Overhoff wall and the grid. 24 That doesn't, in and of itself, mitigate anything in the 25 historic aspect to less than significant, under CEQA's</p> <p style="text-align: right;">Page 47</p>	<p>1 Saturday from 7 a.m. to 9 p.m., to 6 p.m. on Sunday. So 2 that's what our Code says.</p> <p>3 COMMISSIONER BODIPO-MEMBA: And so just 4 to be clear, the Code allows a certain decibel level to 5 be reached during that construction period or is 6 construction allowed regardless of the decibel impact 7 from --</p> <p>8 MR. COMPTON: I might have to have an 9 environmental planner answer that one actually. I'm not 10 sure.</p> <p>11 MR. BUFORD: Chair and Members of the 12 Commission, Tom Buford, Senior Planner in Environmental. 13 The question is relating to impacts from noise for 14 construction, and I can't tell you about the decibels. 15 I can tell you that our usual practice, and I didn't 16 have the EIR to noise open up right here, is that in 17 most construction projects, as long as the construction 18 project complies with the city's guidelines and the 19 noise ordinance, we view construction as temporary and 20 the impact is less than figure, unless there are unusual 21 construction techniques taking place, for example, pile 22 driving and the like.</p> <p>23 If I were to go into the EIR and pull 24 that up, I think I would find that we have that 25 discussion. I'm not sure that it related directly to</p> <p style="text-align: right;">Page 49</p>	H2-8

13 (Pages 46 to 49)

H2-8
cont.

1 decibels. We can always follow up on that.
2 Our comment period just closed. We went
3 over comments, written comments this morning, and I
4 don't recall comments on noise, but they may be in
5 there. Probably the best I can give you right now.

6 COMMISSIONER BODIPO-MEMBA: No, that's a
7 great answer. I think that really clarifies everything
8 to the public why our conclusions were made. Thank you.

9 MR. EADIE: Can I follow up just one more
10 on that historical question?

11 COMMISSIONER BODIPO-MEMBA: No problem.

H2-7
part II

12 MR. EADIE: Just my knowledge of it, and
13 I think I'm correct in this, that CEQA requires a
14 selection of a reasonable array of alternatives to
15 consider, and a historical consultant, along with the
16 Preservation Director, selected the four, the three or
17 four ones that were analyzed, and so that, that
18 requirement of CEQA has been met, and those alternatives
19 were thoroughly examined, you know, and I understand
20 that members of the Preservation Commission might have
21 wanted to look at a different alternative but you kind
22 of have to stop somewhere and analyze along the way.
23 The process is so long, and that's what happened.

24 COMMISSIONER BODIPO-MEMBA: Thank you.
25 CHAIRMAN NYBO: Commissioner Burke.

H2-9

1 COMMISSIONER BURKE: Thank you,
2 Mr. Chairman. Can you go over the -- the setback issue?
3 I think in one of the documents talked about a 40 foot
4 setback. I think you guys went to 74 now. Can you
5 clarify that setback issue?

6 MR. EADIE: Sure.

7 COMMISSIONER BURKE: The concerns that
8 some of the neighbors had?

9 MR. EADIE: I certainly can. We'll get
10 to the right slide here and just it's the two below, it
11 two. That one there.

12 And again, this applies to Bridgeway or
13 Pioneer Towers, but the setback, there is no setback
14 requirement in the zoning code. When we first started
15 looking at an appropriate setback, Bridgeway was 20 feet
16 from their property line. We did the same thing, and it
17 turned out when the site design first was shared with
18 the Planning Commission, there was a 40 feet setback up
19 to a 50 feet setback.

20 Now as you can see, I don't know if it's
21 half but it's close to the half of the mid rise is now a
22 74 foot setback from Bridgeway, building to building,
23 and there is still a 40 feet setback, but importantly
24 the units on our side of the -- of the mid rise units,
25 instead of all looking at Bridgeway Towers fronting on

H2-9
cont.

1 Bridgeway Towers, if you will, we rotated them 940
2 degrees where they look away from the front. They face
3 away from Bridgeway Towers. And the previous slide
4 shows that on -- shows, the top graphic shows the
5 previous layout, and if you look to the right top, you
6 can kind of visualize how the units were all facing
7 Bridgeway, and now you see side-on underneath that,
8 where they're facing away.

9 I failed to mention one thing at the
10 bottom of that slide. The ventilation originally was
11 outside and kind of face-to-face with Bridgeway, and
12 that's changed to where it's no longer the case; garage
13 ventilation.

14 CHAIRMAN NYBO: Vice-Chair LoFaso.

15 VICE-CHAIR LOFASO: Mr. Chairman,
16 Mr. Eadie, I want to express my appreciation for the
17 graphic that appeared in the staff report that shows the
18 holistic impact on the free canopy with all the
19 non-Heritage, Heritage, and I appreciate the discussion
20 about the placement of the canopy and the time it takes
21 to get there.

22 My question is, are there anything -- are
23 there any things that can be done to accelerate that
24 restoration of the 24,000 some odd square feet to maybe
25 sooner than 20 years? Can we do that? Are there

H2-10

1 techniques, are there options?

2 MR. EADIE: Scott, is there any super
3 fertilizer or anything? You can answer that one.

4 MR. ECKHART: In terms of accelerating
5 the canopy growth, one option would be to install larger
6 trees at the outset. I guess the drawback to that
7 approach is typically smaller size planting stock adapt
8 to a site better and so you might actually see those
9 smaller trees catch up in size over time, so other than
10 that, no, there's no real magic, magic method for
11 increasing it at a faster rate.

12 VICE-CHAIR LOFASO: Thank you.

13 MR. ECKHART: You bet.

14 VICE-CHAIR LOFASO: One quick maybe
15 question for the architect. I thought I said -- I
16 thought I heard him say there was a bus station
17 somewhere. I missed that. Can you tell me where that
18 is?

19 MR. VAN TILBERG: You probably know
20 better where it is than I do, but I think it's on --
21 it's on the --

22 You're just talking about that bus stop
23 on 7th.

24 VICE-CHAIR LOFASO: On p Street.

25 MR. VAN TILBERG: The one on P or 7th?

<p>H2-11</p>	<p>1 On 7th, on 7th. 2 VICE-CHAIR LOFASO: You just mean a bus 3 stop, you don't mean a bus station? 4 MR. VAN TILBERG: Bus stop. 5 VICE-CHAIR LOFASO: Okay, I heard bus 6 station. 7 MR. VAN TILBERG: Sorry; I may have said 8 bus station. Bus stop; sorry. 9 VICE-CHAIR LOFASO: I appreciate that. 10 One last question. This really goes to staff and it 11 sort of dovetails off of Commissioner Kaufmann's 12 question about the phasing. 13 Mr. Eadie's answer, as I understood it 14 distinguished the common areas in a site plan that maybe 15 we're going to be considering very soon from the site 16 plan around specific structures associated with the 17 phasing. 18 Are we -- 19 When we do our first cut on this, when it 20 comes to us, I think, in May, will we be doing final 21 site plan review that green lights construction on the 22 common areas or will our site plan review be sort of big 23 and general and there will be more discreet site plan 24 reviews that are required before some of those -- before 25 real groundbreaking occurs even on those common areas?</p> <p style="text-align: right;">Page 54</p>	<p>1 If we did a finite design of all the 2 buildings now, it really wouldn't be representative of 3 what's going to be, say, in the fourth phase, which 4 could be several years down the road. The idea is to 5 come in with a framework approval for -- that 6 establishes height, setback, bulk, massing, parking, 7 driveway locations, the open space areas, and all of the 8 fundamental components of the project that give the 9 Commission and others at city council a feel for what 10 the project is going to be like, save for one thing, 11 which is really the design of the buildings themselves. 12 The design of the buildings that you see 13 before you are consistent with what our vision is today. 14 It is not terribly articulated in terms of great detail 15 but it is -- our planned unit development guidelines and 16 parameters have been based on that theme, if you will. 17 And the reason we added more to that in 18 that letter we sent you is to, I guess, have more 19 specificity on some of the areas that where it is, that 20 we're a little squishy, and we thought it would be good 21 to augment that. I spoke to Chair Nybo a lot about 22 that, and the idea was just to get more detail so that 23 when we come in with a site specific building design, 24 you've got a better frame of reference on what is -- we 25 all have a better frame of reference, including</p> <p style="text-align: right;">Page 56</p>	<p>H2-12 cont</p>
<p>H2-12</p>	<p>1 MR. COMPTON: Yes, the site plan and 2 design review is more related to the map but there is no 3 final plans. Those would require future site plan and 4 design reviews, and that we would really get into more 5 of the, you know, what are the setbacks and the 6 materials and all the final type of things. 7 VICE-CHAIR LOFASO: Okay. Thank you. 8 CHAIRMAN NYBO: Commissioner Burchill. 9 COMMISSIONER BURCHILL: Thank you, 10 Mr. Chair. My question is for Mr. Eadie. Thank you for 11 coming back for a second -- 12 MR. EADIE: Sure. 13 COMMISSIONER BURCHILL: -- opportunity 14 for us to comment and review this project. My question 15 was similarly about site plan and review and the planned 16 unit development guidelines and you're taking them on 17 two different tracks. First, the plan unit development 18 guidelines, and then coming back to us for site plan and 19 design review. 20 Can you explain your rationale for that, 21 as well as the design standards that you have added to 22 the plan unit development guidelines? 23 MR. EADIE: Sure. The rationale is on a 24 super block like this, basically the design standards 25 for that --</p> <p style="text-align: right;">Page 55</p>	<p>1 everybody in this city, on what is expected of us when 2 we come in, and I'm not very good at that, in explaining 3 it, but basically the existing guidelines weren't that 4 clear in certain areas, and we tried to augment it so 5 that you have that knowledge when we come in of what to 6 expect before we even walk in the door with a plan. 7 COMMISSIONER BURCHILL: Thank you. 8 MR. EADIE: Sure. 9 CHAIRMAN NYBO: Commissioner Chandler? 10 COMMISSIONER CHANDLER: Just one quick 11 question for Mr. Eadie. 12 MR. EADIE: Sure. 13 COMMISSIONER CHANDLER: Following up on 14 the question of the phrasing, to what degree do you 15 anticipate that each of the four described project 16 phases economically stands on its own? 17 MR. EADIE: Well, I think that they all 18 should, you know; however, you have to take baby steps, 19 if you will. 20 When I spoke about the two high rises, 21 one has to validate the other. I think that's the same 22 with respect to the two mid rises north and south of the 23 east/west promenade. We would build the 206 units to 24 the north. That's conventional wood frame construction, 25 five over two, and a proven product, and we expect there</p> <p style="text-align: right;">Page 57</p>	<p>H2-13</p>

H2-14 cont.

1 will be demand for that.
 2 However, Phase III is, of course,
 3 dependent on how well Phase II does. So I think that
 4 attempts to address your question. I'm not sure it
 5 does.
 6 COMMISSIONER CHANDLER: But just as a
 7 hypothetical situation, you know, five years from now,
 8 the economy starts to head downward and so two phases
 9 are complete. Is the project a success, from your
 10 standpoint, at least as far as economic shifting at that
 11 point?
 12 MR. EADIE: Well, I see what you're
 13 saying now. Each site -- Okay. If, you know, the hotel
 14 condo, for instance, that starts and is completed and
 15 first phase of the mid rise is completed and things are
 16 looking like they're -- there isn't enough demand
 17 downtown, let's say, I think on a super block like this,
 18 to attempt to do a total plan, it has to be founded upon
 19 a development agreement that allows for time in order
 20 for the project to be able to be a total project, you
 21 know, because it's going to --
 22 If there is a recession in the middle of
 23 a project of this magnitude, the time that we have
 24 available to us to moving forward eventually is allowed,
 25 and then as far as carry of the project, if you will,

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1 where how can we just do two phases and then just sit
 2 there, because you have to have velocity in building.
 3 That doesn't necessarily have to be the case in a
 4 business structure. You can -- You can establish this
 5 with separate entities.
 6 I've talked before about joint venturing
 7 one part of the project and doing a general contractor
 8 on another part, so hopefully our business plan would
 9 make sure that, to the extent feasible, that we could
 10 carry out the project and it would be a success based on
 11 whatever business model we develop.
 12 COMMISSIONER CHANDLER: For each phase,
 13 within each phase?
 14 MR. EADIE: Yes, within each phase.
 15 COMMISSIONER CHANDLER: Thank you.
 16 MR. EADIE: Yes.
 17 CHAIRMAN NYBO: Those are all the
 18 questions I have for you right now. Thank you very
 19 much.
 20 MR. EADIE: Thank you, Commissioners.
 21 CHAIRMAN NYBO: We have a few public
 22 comments. If I could ask for a couple -- I can't count
 23 high enough actually. I'll remind you that we have a
 24 three minute time limit for speaking. We could avoid
 25 redundancy, it would be greatly appreciated, and if

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H2-14 cont.

1 anybody else has not filled out a speaker slip, if you
 2 could do so and bring it up to the front. Thank you
 3 very much.
 4 Our first speaker is Jane Kryski-Morris.
 5 MS. KRYSKI-MORRIS: Good evening,
 6 Commission. Thank you for hearing me this evening. My
 7 name is Jane Kryski-Morris, and I am a current owner and
 8 resident at Bridgeway Towers, at Bridgeway Towers.
 9 Now I have never been for development, no
 10 way, no how. However, that being said, I'm not immune
 11 to the fact that development will occur, so I say if we
 12 must have it, why not do it in a responsible fashion?
 13 I'm sorry, Kennedy Wilson, but what you
 14 propose is not responsible. You propose to put 1400
 15 units where there are now 200, and 150 trees will become
 16 obsolete, and you say roof top. I mean, it's not the
 17 same thing. Come on. So what I suggest in the EIR --
 18 Is this on?
 19 CHAIRMAN NYBO: It's pretty automatic.
 20 You'll have it in a moment.
 21 MS. KRYSKI-MORRIS: Okay. In the EIR,
 22 this is an alternative to -- Oh, wow. This is
 23 alternative to in the EIR. It does only encompass for
 24 900 of the units, but it does have 25,000, over 25,000
 25 square feet of -- of retail space. I think this is the

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1 way to go. And in this way, we can all live in harmony
 2 and I'll get my trees, Sacramento will get its trees and
 3 Kennedy Wilson will have its project. Thank you.
 4 CHAIRMAN NYBO: Thank you very much for
 5 your thoughts. The next speaker is Ty Hudson.
 6 Mr. Hudson will be followed by Pete Noak.
 7 MR. HUDSON: Good evening, Chair Nybo and
 8 members of the Commission. My name is Ty Hudson and I'm
 9 with Unite here, Local 49, which is the Hotel, Food
 10 Service and Casino Workers union in the Sacramento area.
 11 We represent about 3000 workers in the area in those
 12 industries, and we have -- our members and our
 13 leadership have worked very hard in the last several
 14 years to -- to raise standards in industries that are
 15 normally associated with low wage, dead-end jobs, and
 16 we've created jobs where the standards are still,
 17 frankly, modest, but where folks can make a decent
 18 living, have health insurance and take care of their
 19 families.
 20 So as part of that mission, we pay very
 21 close attention to hotel development, of course. And as
 22 many of you probably know, we don't always support hotel
 23 development. Our main criterion is whether we can be
 24 confident that the developer and future employers that
 25 the developer brings to the project will be responsible

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16 (Pages 58 to 61)

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cont.

1 employers and will allow for the creation and expansion
2 of -- of good jobs that support families in -- in
3 Sacramento.

4 In this case, Kennedy Wilson should be
5 commended for its collaborative approach, which will
6 allow hotel workers to achieve good family-sustaining
7 jobs and will avoid the potential for disruptive labor
8 disputes in the future.

9 And this -- This is, hopefully, will --
10 They are following in the example of two major hotel
11 developments in relatively recent downtown Sacramento
12 history, the Sheraton and the Citizen hotels, which are
13 very successful hotels and have provided good jobs that
14 are important to hundreds of families in -- in the
15 Sacramento area, and we are confident that -- that the
16 hotel, should there be a hotel at Sacramento Commons,
17 will -- will follow the examples and contribute to a
18 strengthened hospitality industry that continues to
19 provide better and better jobs for workers in
20 Sacramento.

21 So we support the project, and we urge
22 you, as you continue to consider design and other
23 considerations about the project that are before you,
24 that you also keep in mind the potential creation of
25 good jobs that are good for the community. Thank you.

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1 that -- that you build this amount of units that will --
2 they will absorb.

3 With respect to phasing, in a building,
4 building high rises is a function of can you sell that,
5 you know, that in this market, it's a construction cost
6 versus rent, so I might prefer to see seven units built,
7 or seven stories built before high rises but they'll
8 deal with that.

9 With respect to setback, yes, it's always
10 nice to have more setback, if -- you know the 74 feet,
11 that's great. We do have a big canopy between our
12 project and the -- and the seven story buildings, and
13 the canopy is about seven stories high, so the more, the
14 merrier, but I think they've done a good job in creating
15 that setback.

16 So basically, you know, I'm for the
17 project as long as they really do -- do everything
18 they're saying, which is, I think with the green and the
19 openness and reopening the corridors there, it's going
20 to be a good project, so I'm for it, and I commend them
21 for coming to town and doing such a bold -- a bold
22 thing, that may take, I would imagine more than seven
23 years to do. So thank you.

24 CHAIRMAN NYBO: Thank you. Emilie
25 Cameron, followed by Glenn Snyder.

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cont.

H2-16

1 CHAIRMAN NYBO: Thank you. Pete Noak.
2 Emilie Cameron will be next.

3 MR. NOAK: Good evening, Chair and
4 Commission. My name is Pete Noak, and I am affiliated
5 with Bridgeway Towers, which is 500 N on the super
6 block.

7 Our company, CS 360, owns probably the
8 largest share of units in the 500 N Street property, so
9 I've got a delicate balance there, because I'm on the
10 Board there at 500 N Street, and what we've done there
11 and attempted to do is bring an older building into the
12 -- into the modern realm and create an old 1980s
13 building and call it urban, and so as owners of that
14 property, we're -- we're really a true believer in the
15 reurbanization of downtown. We believe in smart growth,
16 and, you know, I commend the group to come in and
17 attempt to do a super block like this, and I think the
18 residential is a key factor that will help continue to
19 run our downtown.

20 With the -- With the arena is going to
21 come a lot of retail, new retail, exciting retail, and
22 that may be bad for some of the old retailers when you
23 have so much new, but when you get more roof tops, it
24 will fuel and continue to make our downtown prosper.

25 With respect to density, I do believe

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1 MS. CAMERON: Hello, and thank you,
2 commissioners. I'm Emilie Cameron with the Downtown
3 Sacramento Partnership. We are the state's first
4 business district representing the 66 square blocks to
5 form the downtown core. Over the past decade, more than
6 one billion in public and private investments were made
7 in downtown that have effectively transformed its
8 landscape. This is music to the ears of the people
9 recently poled by the downtown partnership who, when
10 asked if the arena will make them more interested in
11 living downtown, indicated a significant increase
12 interest, in particular, among young adults whose
13 interest nearly doubled.

14 This is important. There is a national
15 competition for talent and the number of young adults
16 living in city centers has surged across the country.
17 About a million of them are crossing state lines every
18 year and 62 percent of college graduates are picking a
19 place to live before they even have a job. Sacramento
20 must be at the top of their list. We must be
21 competitive. To do this, we must be able to house them.

22 Notably, the same respondents on our poll
23 said that the lack of housing options is a top reason
24 why they would not want to live downtown. Add to that
25 the 2035 general plan for the city anticipating 68,000

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H2-17 cont.	<p>1 unit -- a demand for 68,000 units, and today, we simply 2 are not ready. The Sacramento Commons project is one of 3 the many ways we can get there. This project represents 4 just six percent of the demand indicated in the general 5 plan, and more importantly, it represents a compliment 6 to downtown's development. It is a mixed use infill 7 project with consideration given to diversity of housing 8 options, recreational and open space and proximity to 9 employment, entertainment and the transportation 10 centers.</p> <p>11 We have to do a better job of building 12 more residential housing downtown. Excuse me. By 13 definition, downtown housing needs to be higher density, 14 multi-story dwellings, and this project represents just 15 that. The Sacramento Commons project is complementary 16 not only for the vision of the future of downtown 17 Sacramento, but it is also considerate of the past that 18 got us to where we are today. This project will give us 19 the permanent residents we need downtown to be 20 successful well into the future. Thank you.</p> <p>21 CHAIRMAN NYBO: Thank you. Commissioner 22 Burke, did you have a question? 23 Thank you. Glenn Snyder, followed by 24 Keith Dias. 25 MR. SNYDER: Good evening, Chair Nybo and</p> <p style="text-align: right;">Page 66</p>	<p>1 will help to ease this disparity within the city's 2 largest job center.</p> <p>3 The city would enjoy many benefits by 4 moving forward with this project, one of which is higher 5 tax revenue generated by the new housing, businesses and 6 jobs. The Sacramento Area Council of Governments has 7 determined that this project is in a transit priority 8 area, and is consistent with the region's metropolitan 9 transportation plan and the sustainable community 10 strategy.</p> <p>11 Regional transit has multiple bus stops 12 and a light rail station, serving multiple lines, right 13 next to the site. Creating high density housing at this 14 site would give us a greater opportunity for federal 15 dollars to help expand the green line from downtown to 16 the airport. This project is the embodiment of a 17 sustainable community design and we believe it would be 18 a great asset to our community. I ask that you please 19 give it your full consideration and pass it to the city 20 council with your recommendation for approval. Thank 21 you for your time.</p> <p>22 CHAIRMAN NYBO: Thank you for your 23 thoughts. Rob Fong. I'm sorry, Mr. Dias, followed by 24 Rob Fong. 25 MR. DIAS: Thank you. Good evening,</p> <p style="text-align: right;">Page 68</p>	H2-18 cont.
H2-18	<p>1 Commissioners. My name is Glenn Snyder. I am a 2 representative with Sheet Metal Workers Local Number 3 104. Our union represents more than 10,000 members in 4 the northern California region, many of whom live here 5 in Sacramento.</p> <p>6 I'm here tonight to speak in support of 7 the proposed Sacramento Commons project. This project 8 would fulfill the growing need of more housing units in 9 a downtown core, meanwhile generating good paying 10 construction jobs for our members here in the Sacramento 11 area, some who are still trying to recover from the 12 brutal downturn of our local economy.</p> <p>13 Being a mixed-use project, this would 14 create various permanent jobs for Sacramento residents, 15 facilitating them to be able to live and work downtown. 16 The redevelopment of the Sacramento Commons site is 17 consistent with the city's general plan. Developers 18 need to be assured that when they're willing to invest 19 and develop projects like this in Sacramento that are in 20 line with that general plan, the city will allow that 21 development to take place.</p> <p>22 Currently, there is a disparity in the 23 city's jobs to housing ratio. Approximately 140 units 24 per acre are planned as Sacramento Commons. This is 25 over three times the density at the site currently and</p> <p style="text-align: right;">Page 67</p>	<p>1 Commissioners and staff. My name is Keith Dias. I'm a 2 Sacramento resident. I've done some homework on the 3 project and I like it. Frequently, my wife and I come 4 downtown and, you know, my wife always wants to live 5 in -- in the city, in the high rise or in the towers or 6 something like that. We live in Land Park now and maybe 7 when the kids grow up, this would be a perfect place to 8 live because we kind of like that urban area.</p> <p>9 I've seen the plan. It's got a lot of 10 open space, green space. It's a cool project. From my 11 research, you know, I feel this is a good project, you 12 know, for the city, for the county, you know, for the 13 residents. I really like it. I'm excited about it, and 14 it's going to provide not only housing but it's going to 15 provide some good jobs, okay, which this needs.</p> <p>16 I mean, right now, Sacramento, two main 17 employers is the state and agriculture. You know, when 18 you bring in housing, you can provide people like Gen 19 Tech or some high-tech pharmaceutical could come into 20 the city and come into the county, provide better jobs, 21 higher paying jobs.</p> <p>22 So, I mean, you could already hear in my 23 voice and from what I'm saying, I'm in favor of the 24 project. You know, the other potential, it will create 25 a tax revenue, tax base, what the city could use. I</p> <p style="text-align: right;">Page 69</p>	H2-19

18 (Pages 66 to 69)

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cont.

1 mean, our schools, we could all use that, that tax base
2 to help improve our schools. So I kind of like the
3 location because there's a lot of public transportation
4 and thinking, hey, if I live here, I could -- I could go
5 to the airport, you know, take public transportation
6 straight to the airport instead of having to deal with
7 parking, or anything like that. That's a pretty --
8 pretty enticing thing to be able to live down here. So,
9 you know, as a resident of Sacramento, I recommend
10 you -- you proceed with the project. I look forward to
11 seeing this project go forward, so thank you.

12 CHAIRMAN NYBO: Thank you. Rob Fong,
13 followed by Brian Sehnert.

14 MR. FONG: Good evening, Commissioners.
15 First of all, thank you for your service. I know -- I
16 know you guys have long hearings at times, and I
17 appreciate the thoughtfulness that you guys put into it.
18 It's -- As a former counsel member, we always really
19 appreciated our Planning Commission kind of doing the
20 hard work for us, so thank you. Tonight I'm here as a
21 consultant for UA Local 447, Plumbers and Pipefitters
22 who are in support of this project, and I just wanted to
23 remind you all that in 2009, when I was part of the
24 counsel, the mayor and counsel unanimously approved the
25 2030 general plan amendment, which specifically dealt

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H2-20

H2-21

1 with this part of town, since we're talking about that
2 tonight, and we made it a central business district,
3 which increased the densities for this part of town to
4 high density from medium density, and after years of
5 hearings, meetings with the public, when we finally
6 adopted the general plan that you all are working under
7 now for this part of town, this was exactly the kind of
8 project we envisioned when we increased the density and
9 made it a central business district, so I just wanted to
10 voice our support for this project. Thank you.

11 CHAIRMAN NYBO: You're very welcome.
12 Brian Sehnert and Mike Novak. Are you going to
13 tag-team?

14 MR. SEHNERT: So I'm Brian Sehnert and
15 this is Mike Novak. We're representing the American
16 Institute of Architects, Central Valley chapter tonight,
17 and I'm previously a Board member of the Preservation
18 and Design Commission and the previous chair of the
19 Design Commission, and enjoyed my time with it, and
20 thank you for your service.

21 Our Board has reviewed and committed a
22 comment letter on the draft EIR, and last October, our
23 Board invited the developer and the architect to discuss
24 the project with our Board. We've also met with the
25 reps of Sacramento Mod and SOGA and received an update

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1 on the historic district nomination. Mike is actually
2 our advocacy chair and he's going to present these
3 ideas. We are going omit discussion right now about the
4 historic nomination, as it's well represented here
5 tonight, and our purpose is, and Mike will speak to you,
6 outlining key areas of support and what we see as
7 potential areas of improvement.

8 MR. NOVAK: Chair Nybo, Commissioners,
9 thank you. We're trying to do two for one tonight
10 within three minute, so hopefully --

11 So our three big points are density, the
12 space in between, and community. So when the project
13 was first heard, a previous commissioner stated that the
14 urban core fell behind in new housing density during the
15 recession and this project would, quote, catch us up.
16 We are excited to see density focus, smart growth design
17 in the urban core. We also understand that density must
18 be controlled and sustainable to maintain the quality of
19 life in this garden city of trees. We encourage the
20 Commission and city staff to provide sustainable smart
21 growth and continue to explore how housing density can
22 be best distributed across multiple sites in the city,
23 including and beyond Sacramento Commons.

24 The original project was created by a
25 design team made up of some of the most well-respected

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H2-21
cont.

H2-22

H2-23

1 architects and landscape architects in northern
2 California, including a long-time local member of the
3 AIA, Dreyfuss & Blackford. We understand the firm had a
4 minor role in contrast to others, but what they
5 influenced was the nature of the garden apartments and
6 outdoor spaces, which took into account the cooling
7 southwest summer breezes for nature ventilation and
8 reduced the urban heat ion effect. This is unique to
9 designs in our valley. It needs to be directly
10 considered in the design, not only for the quality of
11 life and environmental implications for the site, but
12 also for impacts on adjacent sites.

13 We believe that a critical issue with the
14 Commons is the space in between. As we've heard
15 tonight, one of the great attributes of the existing
16 property is the outdoor space, and that was such an
17 integral part of the original design. That is where
18 community is formed. The site circulation and
19 pedestrian experience has significantly improved from
20 the previous version that we saw, but we hope the
21 Commission continues to understand the importance of the
22 pedestrian experience for this community. So with
23 community, yes, we're good. Thank you.

24 VICE-CHAIR LOFASO: Just one question, if
25 I may. I've got a couple questions for you. Could you

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19 (Pages 70 to 73)

H2-23
cont

1 speak on the space between what's proposed, as the AIA?
 2 What are your thoughts on the 40 feet between existing
 3 and proposed?
 4 MR. NOVAK: Well, that was a concern
 5 under the specific concern. Overall, we looked at the
 6 pedestrian experience, and as we said, you know, we
 7 reviewed it earlier and it was not as improved as it has
 8 been now. So I think there's been leaps and bounds of
 9 improvement. The change in direction of the units is
 10 definitely a step in the right direction, understanding
 11 there's a -- there's a counter-balance between less
 12 space between those buildings and more space in the main
 13 grid in the central part of the property. So that's
 14 also something that we considered, so we like the
 15 improvements.
 16 VICE-CHAIR LOFASO: And you think it's
 17 livable, 40 feet, seven stories.
 18 MR. SEHNERT: I think there's an issue
 19 with the sun pattern and there's going to be some
 20 shading in the early morning, but beyond that, that
 21 light would be the same as it is any other time, and I
 22 have just heard the canopy is about seven stories as
 23 well, so I think it's a separation there, and it is wide
 24 enough with the 74 feet a good portion of it, so it's
 25 definite an improvement, yes.

H2-24

1 VICE-CHAIR LOFASO: Thank you. One
 2 second. Commissioner Chandler.
 3 COMMISSIONER CHANDLER: Thank you.
 4 Actually I punched up before you finished speaking
 5 because I wanted to understand whether AIA had gotten
 6 into some depth on looking at the project relative to
 7 sustainable design and form and massing and the wind
 8 currents, and that sort of thing, so you touched on that
 9 very briefly, but did you go into more depth? Did you
 10 have more specific recommendations the AIA wanted to put
 11 out, put forth, and Mr. Sehnert, I know you're also
 12 highly involved in US Green Building counsel and have
 13 extensive background in that, so do you want to take a
 14 couple minute and touch on those points briefly.
 15 MR. SEHNERT: Yes, the comments about
 16 sustainability themselves?
 17 COMMISSIONER CHANDLER: The comments
 18 about sustainability themselves?
 19 MR. SEHNERT: Sustainability specifically
 20 with respect to the overall form and massing and with
 21 guidance for the architects.
 22 MR. SEHNERT: Great. I have a lot of
 23 respect for this architect and I've seen his work, I've
 24 lived in L.A. for many years and I know he's making
 25 every attempt. We just heard that he's going to do some

H2-24
cont

1 sort of cations with the project. The fact that there's
 2 some great outdoor spaces and light and air is
 3 considered -- is a great thing, and I think that's the
 4 first part of it. Whenever --
 5 CHAIRMAN NYBO: Mr. Sehnert, just a
 6 moment. Mr. Novak, could you just move over so we can
 7 capture his voice a little better.
 8 MR. NOVAK: Oh, sure.
 9 CHAIRMAN NYBO: Thank you.
 10 MR. SEHNERT: Whenever we get into high
 11 rises, there's always an issue of sustainability. How
 12 do you -- how do you -- you know, when you're doing
 13 demolition, are you recycling these materials, and
 14 you're creating high rise with a lot of new materials.
 15 Are those new materials thought of in terms of
 16 environmental concerns, and I hear the architect say
 17 that he's doing that, and I think that's going to be
 18 shown out in the certification, and that's really, I
 19 guess, where it is finally documented.
 20 COMMISSIONER CHANDLER: In the
 21 certification of the EIR, you're saying?
 22 MR. NOVAK: Certification of the -- He
 23 mentioned lead certification specifically.
 24 COMMISSIONER CHANDLER: Very good.
 25 MR. SEHNERT: Am I mistaken? I believe

H2-25

1 you said that. As well as something else. I wasn't
 2 sure what that was, but yes.
 3 COMMISSIONER CHANDLER: Okay. Thank you
 4 for elaborating.
 5 MR. NOVAK: Thank you very much.
 6 CHAIRMAN NYBO: Those were -- Those
 7 comments were the ones in favor. Now we have a couple
 8 that are not. Patrick Stelmach, followed by Hashim
 9 Khan.
 10 MR. STELMACH: Thank you so much, Chair
 11 Nybo and members of the Commission. My name is Patrick
 12 Stelmach, on the Board of Preservation Sacramento,
 13 former Sacramento Old City Association. I just want to
 14 remind the Commission that this is a historic
 15 neighborhood with historic charm and character and
 16 historic tree canopy that must be preserved, and this
 17 environmental process does not adequately mitigate for
 18 the tremendous damage that our -- that this community
 19 and our city will experience when these mid rise garden
 20 apartments are destroyed to build these tower.
 21 Now personally I am in favor of
 22 increasing house being stock and bringing back people in
 23 our central city; but at what cost? This must be done
 24 in a much more responsible way that, and first of all,
 25 other sites must be considered. Other sites are not

H2-26

H2-27

H2-27 cont.	<p>1 considered in this process.</p> <p>2 There are plenty of parking lots that are</p> <p>3 ripe for housing, again, that were destroyed in the mid</p> <p>4 century. The project could build around these mid rise</p> <p>5 projects, if we have enough space to accommodate for</p> <p>6 green space, we can surely accommodate these vital</p> <p>7 historic resources in our community. And thank you for</p> <p>8 taking the time to consider my comments. Thank you.</p> <p>9 CHAIRMAN NYBO: Thank you. Hashim Khan,</p> <p>10 followed by Justin Wood.</p> <p>11 MR. KHAN: Good evening. I'm Hashim</p> <p>12 Khan, and clearly I'm not a professional or expert in</p> <p>13 any field, unlike the other commenters, but I am a voice</p> <p>14 in and for the community, and as a resident of</p> <p>15 Sacramento, the City of Trees, I feel obligated to be</p> <p>16 against the project on the grounds that we call</p> <p>17 ourselves the City of Trees, and as residents of the</p> <p>18 city, I don't think any of us have gone without hearing</p> <p>19 that old myth that we are the number -- we are the city</p> <p>20 with the number one number of trees per capita. We've</p> <p>21 follow from that number down from number one in the</p> <p>22 world to 34th in the nation as of 2010. And projects</p> <p>23 like these are slowly and slowly taking away from the</p> <p>24 number of trees that we have and from the quality of</p> <p>25 life in Sacramento.</p> <p style="text-align: right;">Page 78</p>	<p>1 Sacramento Commons. It's the wrong project and the</p> <p>2 wrong place. There's overall consensus about this from</p> <p>3 the community.</p> <p>4 The public benefits do not outweigh the</p> <p>5 loss of an established neighborhood and historic</p> <p>6 district. We explain how and why in great detail in our</p> <p>7 response to the draft EIR. Sacramento Commons violates</p> <p>8 local, regional state and federal policies.</p> <p>9 There are alternatives that could make it</p> <p>10 the right project in the right place. We have an</p> <p>11 opportunity to make this a better project for our city.</p> <p>12 Demolition of a historic district is unnecessary. It is</p> <p>13 a highly successful established mixed use community and</p> <p>14 park, neighborhood that has been a model for livable</p> <p>15 downtown housing for over 50 years. It is a thriving,</p> <p>16 vibrant, livable and established community that already</p> <p>17 embodies the standards, principles and intentions that</p> <p>18 Sacramento Commons seeks to achieve. The buildings are</p> <p>19 inhabited, recently rehabilitated and fully economically</p> <p>20 viable.</p> <p>21 Worse, the applicant is unlikely to</p> <p>22 deliver on this project. What if they only seek</p> <p>23 entitlements and flip the properties for profit after</p> <p>24 destroying the neighborhood? Sacramento Commons seeks</p> <p>25 to shoehorn more density into an area that, as is,</p> <p style="text-align: right;">Page 80</p>	H2-29 cont.
	H2-28	<p>1 As a resident of Sacramento, I've seen</p> <p>2 the trees in my neighborhood and in neighborhoods</p> <p>3 surrounding me disappearing and historical areas like</p> <p>4 this disappearing for newer, more modern developments.</p> <p>5 And in looking at the positive business aspects of this</p> <p>6 project, we -- it's -- I feel it would be irresponsible</p> <p>7 not to look at the environmental impacts.</p> <p>8 For example, one of the biggest things</p> <p>9 that the trees in this city do is help prevent water</p> <p>10 pollution. As rain water comes down, it brings with it</p> <p>11 a lot of pollutants, which the trees in the city capture</p> <p>12 in their leaves and its bark, and without these trees,</p> <p>13 we are simply adding to the problem and putting more</p> <p>14 pollutants from storm water into the deltas, into our</p> <p>15 rivers, and ultimately in the oceans.</p> <p>16 And for that, I highly suggest that you</p> <p>17 oppose the project as well as. Thank you.</p> <p>18 CHAIRMAN NYBO: Thank you. Justin Wood,</p> <p>19 followed by Eva Nunez.</p> <p>20 MR. WOOD: All right, good evening,</p> <p>21 Commissioners, Chair. My name is Justin Wood. I'm here</p> <p>22 representing Sacramento -- or Sacramento Modern.</p> <p>23 Gretchen Steinberg is our president. You're probably</p> <p>24 used to seeing her. She's home sick and I hope she's</p> <p>25 getting some rest, although probably not. So we oppose</p> <p style="text-align: right;">Page 79</p>	
H2-29			H2-33
		H2-35	

H2-35
cont.

1 targeted. After 14 months, the applicant remains
2 unyielding to any compromises or alternatives and is in
3 denial regarding the historic district. This is in
4 great contrast with other large scale developments such
5 as what you recently heard Delta Shores, who have taken
6 the time and energy to listen to and integrate the input
7 of the community into their projects.

H2-36

8 Sacramento Commons should go back to the
9 drawing board. We can and we should do better for our
10 city, for our people and for our future. Thank you for
11 your time and your consideration.

12 CHAIRMAN NYBO: Thank you. Eva Nunez,
13 followed by Judy Kay Stanley.

14 MS. NUNEZ: Good evening to the Board of
15 Commissioners and everyone here. I thank you for giving
16 me the opportunity for being out here tonight.

H2-37

17 Relating to the active operation and
18 performance, the extension hours of work may develop
19 effective health concerns, understanding older adults,
20 traffic concerns, businesses around consumers, where
21 several people use the sidewalks, quality of the
22 possible and negative of this project, the environment
23 situation, people having to dislocate. This brings
24 higher tax money, the fundamental basic subjects we all
25 introduce tonight and concerns of this project.

H2-38

1 I live at the Pioneer Tower, at 515 P
2 Street with senior citizens, and the seniors are
3 concerned about the trees, the park, the comfort place
4 and walking their pets. I've lived in Sacramento since
5 1949 and I've a lot of changes in Sacramento. Many of
6 them are good, many of them can be changeable in some
7 ways.

8 I really feel that when we put up a
9 building or anything for 15 years and then we have
10 deconstruct it to put something else there and we have
11 to dislocate and transfer people, it's a high risk and
12 tax money. We all pay tax one way or another, even
13 going to the Farmers Market every day.

14 If this project goes through, I will
15 respect it and I respect the Commissioners, the city
16 council and everyone that votes on it, but if it turns
17 the other way, I do respect that also, in memory of many
18 senior citizens who do live at the Pioneer Tower.

19 I'd like to thank all of you for having
20 the opportunity to be here and I think what the seniors
21 want, I talk to seniors every day, and I think what they
22 want to know is it going to go through or not go
23 through. They're kind of -- you know, we're not sure.
24 A lot of them feel like, well, are they going to make
25 the people move out of Pioneer Towers in five years.

1 How much of it is going to change our daily life for a
2 lot of people who are concerned right now, and maybe
3 someone could explain that in a simple way so that other
4 senior citizens can understand. Thank you very much.

5 CHAIRMAN NYBO: Thank you. Mr. Compton,
6 can you respond to that? How will the -- will the
7 Pioneer Towers be effected by this project as far as the
8 current residents' living condition?

9 MR. COMPTON: The Pioneer Towers are not
10 a part of project scope.

11 CHAIRMAN NYBO: So they won't be
12 effected?

13 MR. COMPTON: Right, so the residents
14 will not be removed and there will be no construction on
15 that site.

16 MS. NUNEZ: Thank you.

17 CHAIRMAN NYBO: Thank you, Ms. Nunez.
18 Judy Kay Stanley, followed by Vivian Gerlach. And
19 Ms. Stanley, you win penmanship award of the evening, I
20 might add. Lovely.

21 MS. STANLEY: Thank you. You should see
22 my notes. They're not understandable.

23 Mr. Chairman, Commission members, Pioneer
24 Tower residents council opposes the plan to development
25 entitled Sacramento Commons. This afternoon, I

1 submitted 333 signatures and 40 plus letters of
2 opposition that our organization has gathered. In the
3 past, I've discussed the trees and the tranquility of
4 the super block. What was created in the '50s will
5 never be replaced in downtown Sacramento if Sacramento
6 Commons is it approved.

7 While I can appreciate the city's
8 interest in downtown housing, Sacramento Commons does
9 not provide any housing for the low income, for the low
10 five figure income people.

11 Why is it that low income citizens are
12 farthest away from their employment and will have to pay
13 more for transportation than the upper five figure
14 citizens? The noise factor of construction means
15 Pioneer Tower and Pioneer House will be inundated with
16 non-stop, ear-splitting, migraine level noise seven days
17 a week for six to seven years.

18 If the Commission cares about the current
19 downtown tenants, please shorten the day to 7 a.m. to
20 6 p.m., Monday through Saturday, no deliveries, no
21 demolition, no construction, no pile driving activities
22 on Sunday. We would like to have that day of quiet.

23 Parking is an absolute nightmare now.
24 Our families have to circle around Pioneer Tower for a
25 number of hours before they find a spot, and then they

H2-42 cont.	<p>1 have to hike five or six blocks or so to get to us. 2 I understand that with the Kings Arena 3 and the other newer tenants coming in with Sacramento 4 Commons, that parking is going to be really very, very 5 difficult, and, in fact, non-existent, so I wish that 6 something would be done in that area. 7 Now I know that they're going to put in 8 garages for the tenants, but we really, really need to 9 work very hard on parking, because it is terrible, and 10 then when we get people going to the arena, they will be 11 taking up the -- excuse me -- taking up the spaces that 12 are available, if any are around us. Thank you. 13 CHAIRMAN NYBO: Thank you. Vivian 14 Gerlach, followed by Carr Kunze. 15 MS. GERLACH: Good evening, Mr. Chair and 16 members of the Commission. My name is Vivian Gerlach 17 and I'm speaking on behalf of the Board president of 18 Preservation Sacramento, Mr. William Berg, who couldn't 19 be here this evening. 20 I also handed to staff a copy of our 21 letter that we submitted to you earlier this week, which 22 essentially is our comments, our EIR comments, and the 23 Board of Directors of Preservation Sacramento is urging 24 the Planning and Design Commission to follow the 25 recommendations of the Preservation Commission and</p> <p style="text-align: right;">Page 86</p>	<p>1 affordable housing in the central city that can only be 2 replaced again later by public subsidy in another 3 project, and the dislocation of those residents most 4 likely outside of the central city. 5 The applicant claims a fundamental reason 6 for the new project is the density of the Capital Towers 7 site, which is approximately 44 units per acre, compared 8 to the property's general land use category, which 9 recommends 60 to 450 units per acre. But just remember 10 that these general plan numbers are for total 11 neighborhood density, and when you put in Pioneer and 12 Bridgeway, you meet that at approximately 60 units per 13 acre. So it's already appropriately dense for its 14 location. 15 By comparison, the downtown entertainment 16 and sports complex project, a similarly sized project 17 within the central business district, is zoned currently 18 at 550 units per acre -- or sorry, 55 units an area or 19 550 units for the site. Currently, there are only 69 20 total housing units planned for that site, less than 21 seven units per acre, which is incredibly low. The 22 existing neighborhood is consistent with the goals of 23 the general plan to increase the central city 24 population, and the applicant has chosen not to explore 25 alternatives on the site; build on those parking lots,</p> <p style="text-align: right;">Page 88</p>	H2-44 cont.
H2-43	<p>1 demand substantial changes to the Sacramento Commons 2 development application. 3 This project claims to support one part 4 of the central city housing on a site that already meets 5 the requirements of that element of the general plan, 6 while violating two other parts of the plan, which is 7 the protection of the historic resources and the 8 protection of affordable housing. 9 The Preservation Commission's comments 10 reflect the failure of the applicant to follow the 11 general plan goals regarding historic resources, and the 12 city is obligated to consider proposed projects and the 13 impact on those historic resource, and Capital Towers 14 clearly qualifies as a historic resource. 15 The general plan element, land use 16 element prioritizes retention of existing affordable 17 housing. Demolition of the garden apartments means the 18 loss of over 200 reasonably priced apartments that are 19 affordable to working people at market rate. Again, 20 recently restored, currently inhabited and economically 21 viable. 22 The proposed replacement housing is far 23 more expensive, and those displaced by demolition will 24 likely not be able to afford the new project rent. 25 Therefore, approval of this project means the loss of</p> <p style="text-align: right;">Page 87</p>	<p>1 build on the existing green. I mean, they've got room 2 for green space, they've got room. We're urging you, 3 the Commission, to please take the Preservation 4 Commissions comments and demand significant changes to 5 this site to protect downtown housing that's already 6 there. Great, you know, the project could be very well 7 sited on other sites within the central city. We've got 8 lots of space to build; let's build it where we have the 9 room. Thank you very much for your time. 10 CHAIRMAN NYBO: Thank you. Carr Kunze, 11 followed by Dan Pskowski. 12 MR. KUNZE: Mr. Chair, members of the 13 Commission, my name is Carr Kunze and I'm pleased to be 14 here this evening. 15 I was the one who said great cities need 16 great spaces, defined by great architecture, but I'm 17 going to tonight -- and this is not going to get you -- 18 the proposal is not going to get you there. I would 19 love to do more critiques. I'm going to focus on the 20 housing issues. 21 The proposed development is not 22 sustainable, transit friendly, and there's a number of 23 recent studies that have come out on the issues of 24 transit rich neighborhoods and social equity. 25 The Dukakis Center for Urban and Regional</p> <p style="text-align: right;">Page 89</p>	H2-45
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TRANSCRIPT OF AUDIO RECORDING **APRIL 30, 2015**

H2-47 cont.	<p>1 Policy established that income is the primary 2 determinate of automobile ownership. In turn, is the 3 main determinate of whether people drive or use transit. 4 In transit rich neighborhoods, in particular, one 5 obvious indicator of undesirable genderfication would 6 seem to be rising automobile ownership associated with 7 the increase of incomes that companies -- the 8 genderfication, and that's what you're going to have 9 going on here.</p> <p>10 The past two days, I attended a 11 conference of Housing California. This is an issue of 12 rising prominence right now. What's happening as we 13 have more transit rich impacted neighborhoods. We're 14 losing our middle and moderate income housing stock in 15 our urban centers. I saw a graphic on this. I'm sorry, 16 I don't have it right now. It was phenomenal the rate 17 on which moderate and middle income renting communities 18 are being lost in the San Francisco Bay area over this 19 past decade, in the Los Angeles area as well, and this 20 project is the leading edge of what's going to be 21 happening here in Sacramento.</p> <p>22 You're going to lose your middle income 23 population from the central city. Housing element has 24 not accounted for housing losses. Sacramento Commons 25 has the potential of displacing as many households in a</p> <p style="text-align: right;">Page 90</p>	<p>1 MR. PSKOWSKI: Good evening, Chair Nybo, 2 members of the Commission. Dan Pskowski. I'm a degreed 3 arborist who has lived and worked in Sacramento for the 4 past 24 1/2 years and currently reside in Council 5 District 5. This Commission should not approval the 6 removal of 199 trees. The majority of the world's 7 scientists agree climate change is real and happening 8 right now.</p> <p>9 Trees are our first defense in combating 10 climate change. The leaves capture carbon dioxide from 11 the atmosphere and give us oxygen. 2014 was the hottest 12 year on record in Sacramento. This Commission needs to 13 take a leadership role in stopping climate change, and 14 the reason why it was the hottest year in Sacramento 15 last year was because of the removal of so many trees.</p> <p>16 This -- The Capital Towers, there's a 17 significant amount of canopy here, and what's happening 18 is they say on the projects, that they're going to 19 replace it in 25 years, but that's not happening. 20 What's happening is, here's an example.</p> <p>21 This is state of California Attorney 22 General Building, 1300 I Street, almost 20 years old; 23 all the street trees on I Street were removed, they 24 replaced them with 36 inch box size trees because they 25 were trying to replace the canopy, and this is what you</p> <p style="text-align: right;">Page 92</p>	H2-49 cont.
H2-48	<p>1 super block area as had been originally displaced in the 2 original redevelopment, but now without any of the 3 benefits of relocation assistance.</p> <p>4 The DIR claims that this will result in a 5 temporary loss. That's false. You will permanently 6 lose middle income housing in the central business 7 district and the downtown areas. Any housing that is 8 going to be built, and I include those in the other 9 areas of the Township 9, the rail yards, that is going 10 to be serving households above 120 percent of the median 11 income.</p> <p>12 CHAIRMAN NYBO: Sir, could I get your 13 final thoughts?</p> <p>14 MR. KUNZE: Thank you. Well, put 15 together a shred of the stakeholders that are involved. 16 There are options; there are alternative ways that you 17 can approach this and meet some of the objectives of the 18 developer but particularly save the historic stock and 19 this middle income serving stock, because you're going 20 to really losing a lot. Governor's Square will be next, 21 and there are other things. CADA is the otherwise the 22 only resource that you have for modest income housing in 23 the downtown area, unsubsidized. Thanks.</p> <p>24 CHAIRMAN NYBO: Thank you. Dan Pskowski, 25 followed by Karen Jacques.</p> <p style="text-align: right;">Page 91</p>	<p>1 have after almost 20 years. Where is the canopy 2 replacement? In fact, one of them was lost.</p> <p>3 So here we are 20 years later. That's 4 what we have. Another example, city parking structure 5 right here on 1000 I Street. After almost 20 years, 6 that's our canopy replacement.</p> <p>7 Trees and buildings can co-exist. This 8 is the Doug Watkins project, almost 20 years old. They 9 were able to protect the trees. They did building 10 setbacks, and so Commissioners, you have to ask 11 yourselves, do you support remove and replace or protect 12 and preserve?</p> <p>13 Finally, we know all the benefits of 14 trees. They give us oxygen, provide shade, provide 15 habitat for wildlife. Well, there's new studies coming 16 out. Dr. Roger Alrich of Chicago did a study on 46 17 patients that had gall bladder surgery, and the patients 18 that could see a tree outside their window recovered 19 quicker, required less pain medication and their 20 hospital stay was eight percent less. And so when 21 people can just see trees outside their window, it has a 22 benefit.</p> <p>23 Now look at these right next to the 24 Bridgeway Towers and Pioneer Towers. If you take out 25 these trees, what is the social effect it's going to</p> <p style="text-align: right;">Page 93</p>	H2-49 cont.

24 (Pages 90 to 93)

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cont.

1 have on people? We need developers that respect
2 Sacramento's heritage. We need development that
3 respects the trees.

4 CHAIRMAN NYBO: Thank you very, very
5 much. Karen Jacques followed by Adrienne Kandel.

6 MS. JACQUES: Good evening, Chair Nybo
7 and Commissioners. I'm Karen Jacques. You received an
8 email with some of my personal comments. I'm speaking
9 tonight as the preservation Chair for Preservation
10 Sacramento, and I would certainly reiterate some of the
11 comments that Vivian Gerlach made on behalf of Bill
12 Berg, our Chair.

13 I would like to specifically call out the
14 Commission's, Preservation Commission's comments on the
15 lack of real alternatives in the EIR. There was no
16 looking at how to get some additional density on that
17 site in a way that would have complied with Secretary of
18 Interior standards. There was no looking at alternative
19 sites when we have so many sites in the central city, in
20 the rail yards, in Richards, the docks, that just cry
21 out for development and wouldn't result in the
22 destruction of a historic district.

23 The general plan certainly calls for
24 density but it also calls for the preservation of
25 historic districts. This is one that's been deemed

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H2-53

H2-54

1 eligible for the National Register. It calls for open
2 space. We're losing a great deal of it, and the plaza
3 at the corner of 7th and P, a busy traffic area, won't
4 make up for what is now a de facto public park. We need
5 trees now, not in 25 years, and I certainly agree with
6 Mr. Pskowski that we won't get the canopy in 25 years.
7 With the drought, the trees that are being planted now
8 are dying, and there's no reason to think that we're
9 going to have better climate conditions.

10 We need the affordable housing. There's
11 no guarantee that this project is going to be built or
12 built out. I think there's real question if there is a
13 market for it, and if there is a market, it won't
14 necessarily be able who also work downtown. It will be
15 people who want to live in a central urban core but who
16 may commute all over the place. Fifty percent of the
17 tenants that we have now, my husband and I, don't live
18 in the core, they don't work in the core. They want to
19 live down here but they commute all over the place.

20 What I'd like to wrap up with, because
21 I'm running out of time, is to say that Sacramento wants
22 to be a world class city. Well, world class cities
23 don't demolish historic resources significant enough to
24 be identified for the National Register. It wants to be
25 the most livable city in America. That's the 2030

1 general plan goal. Well, livable cities don't destroy
2 existing successful thriving neighborhoods that have
3 individuality and character, and they protect amenities
4 like open space and trees and sense of place, and this
5 project destroys all of that. Thank you.

6 CHAIRMAN NYBO: Thank you. Adrienne
7 Kandel, followed by -- followed by Paula Boghosian;
8 followed by Paula.

9 MS. KANDEL: Okay, my name is Adrienne
10 Kandel. I'm asking you to set a precedent for a livable
11 setback for infill. I do support infill. I could
12 support this project for modification. So my daughter
13 came and spoke six -- nine months ago or so, and she
14 showed you this, and she pointed out that this is what
15 we're talking about is this area towards the bottom. My
16 condo is right there. (Inaudible) a lack of light, et
17 cetera, and the deciduous trees that are here, or that
18 would get a lack of light, in the winter (Inaudible-
19 Witness not speaking in microphone).

20 Now they've made an improvement first
21 because of the easement. They've moved part of it. And
22 now -- and to be nice, they said they'd try a little
23 harder and they add a little (Inaudible-Witness not
24 speaking in microphone.) But we still got, half of us
25 in the (Inaudible-Witness not speaking in microphone.)

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cont.

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1 And all I ask is that you give us the same kind of
2 setback as everyone else.

3 And let me just say that because we still
4 have a half that's dark in winter when all the trees are
5 bare, that there would be no winter sun to the lower six
6 floors at all, and six to eight floors are effected and
7 Delta breeze is blocked.

8 Now the American Institute of Architects
9 didn't like the 40 feet but they decided to accept it
10 because they said it allows more space here, so they saw
11 a trade-off that otherwise you use the whole building.
12 My trade-off is we chop off and let you make it a little
13 bigger. You don't make, if you will, a transfer of
14 wealth from the people here to these people who will
15 already have loads and loads of units with all the sky
16 scrapers. So that's my proposal. I kind of
17 compromised. I really would like it to be way back, so
18 this is a big compromise.

19 The last thing I'd like to address is the
20 history of why is our thing only 20 feet back. And the
21 answer is because the city of Sacramento made a complete
22 plan that had the two towers at the end and the other
23 buildings which are, of course, all facing away, because
24 these are all facing what's now blank. Nobody wants to
25 face a big wall. And the city of Sacramento, when it

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cont.

1 could not get the people who were building apartments in
2 the middle to build them high rises they wanted, then
3 they broke the lots and got other people to buy just to
4 build them, so it's not like we said, oh, we have a lot
5 and we're only building 20 feet back. So I'm all for a
6 compromise that gives a good setback, in summary, but
7 it's got to be a good one.

8 CHAIRMAN NYBO: Thank you very much.
9 Paula B, followed by Don Cox.
10 MS. BOGHOSIAN: Good evening,
11 Mr. Chairman and members of the Commission. My name is
12 Paula Boghosian. Sorry that it was so hard for you.

13 I was the first chairman of the first
14 city Preservation Board. I was also the chairman of the
15 Committee of University Women that produced Vanishing
16 Victorians, which is a book about the history of some of
17 Sacramento's historic houses.

18 In 1972, a planning commissioner, a city
19 staff person and a Sac State student began to notice the
20 large number of historic buildings that were demolished
21 in and around downtown Sacramento. A staff paper and a
22 student report attracted some media and public attention
23 but nothing happen until a book noting the important
24 histories associated with a number of older houses in
25 this city was published, the Alhambra treater became

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1 threatened, and citizens began to lobby the city council
2 for some type of action to slow or stop the demolitions.

3 The Council delegated to the Planning
4 Department the appointment of a committee, including
5 public members and city staff, to research and develop
6 some type of preservation program. The Planning
7 Department and the citizens committee then developed a
8 preservation program that was adopted in 1975 and
9 established preservation as a city goal at a critical
10 planning tool for the city.

11 Now 40 years later, the program has
12 listed hundreds of buildings and dozens of historic
13 districts in the Sacramento Register of Historic and
14 Cultural Resources, and a number of policies that
15 protect Sacramento's significant architectural heritage
16 have been adopted.

17 I'd like to remind you of the critical
18 role the Planning Commission and Planning Department
19 play in the establishment of this program and the many
20 important buildings the program has saved from
21 demolition during the last 40 years.

22 The Preservation Commission has done its
23 job and recommended that the highly significant mid
24 century complex of Capital Towers be retained. I only
25 request that you now undertake an action that very

1 seriously recognizes the city's preservation goal and
2 will allow this resource to remain one of Sacramento's
3 modern treasures. Thank you.

4 CHAIRMAN NYBO: Thank you, and thank you
5 for your public service. Mr. Cox, followed by George
6 Salerno.

7 MR. COX: My name is Don Cox. I'm a
8 member of the Board of Preservation Sacramento.
9 Remember what you saw here at your last meeting with
10 Delta Shores. You had a committed developer who was
11 seeing the project through from beginning to end, a
12 developer who engaged the community. They listened.
13 They made changes and improvements in their project.
14 The Meadowview community was here, wearing green frogs
15 and praising the developer. You will find none of that
16 with this project by Kennedy Wilson.

17 At the last meeting of the Preservation
18 Commission, one of the Commissioners said that he could
19 see a project alternative not presented in the EIR that
20 would satisfy both the aims of the project and
21 preservation, so he asked Bill Berg of Preservation
22 Sacramento if he would entertain a compromise. Bill
23 said that he would. The Commissioner asked Gretchen
24 Steinberg of Sacramento Modern if she would entertain a
25 compromise, and she said she would.

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cont.

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1 He then asked Kennedy Wilson if they
2 would consider a compromise and the answer was a flat
3 no. Dave Eadie came down here to this very podium in a
4 recorded public meeting and stated that Kennedy Wilson
5 had no interest in compromise.

6 Yes, Kennedy Wilson has had public
7 outreach meetings. However, they've never engaged the
8 public in a genuine dialogue and have never changed
9 their project in any meaningful way. Kennedy Wilson
10 does not give a damn what the public thinks.

11 With Delta Shores, you had the Meadowview
12 community here, praising the project. You had a sea of
13 green frogs in attendance. Instead, here you have
14 nothing but angry mushrooms. No green frogs, just angry
15 mushrooms.

16 Why angry mushrooms? Because they've
17 been kept in the dark and fed nothing but bullshit.
18 Thank you.

19 CHAIRMAN NYBO: George Salerno, followed
20 by Jim Pachl.

21 MS. SALERNO: Good evening,
22 Commissioners, and thank you for allowing me to speak.
23 My name is George Salerno. My wife, Elizabeth, and I
24 own unit 1602 at 500 N Street, which is Bridgeway
25 Towers. I'd like to speak to you tonight on two issues,

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H2-60 cont.	<p>1 but before I do that, let me just say that I am also a 2 member of the Board of Directors of Bridgeway Towers. 3 I'm not here speaking for the Board but I am speaking 4 for a number of my fellow owners. 5 First, there are eight units with windows 6 on the east end of Bridgeway Towers building that have 7 clear, unobstructed views of the capital, the east 8 facing cityscape and, on clear days, the Sierras. The 9 26 story high rise hotel proposed by Sacramento Commons, 10 although now turned as of this evening, would still 11 obliterate our views, and I might say that those towers 12 will also put us in the shadows for half the day. 13 The views from those windows are clearly 14 a value to the owners. Many, if not all, who own the 15 eight units value and paid for those views. No 16 consideration has been given to the impact on our 17 property values if or when the high rise is built 18 blocking our views. For that reason, we oppose the 19 construction of that high raise. 20 The second issue I'd like to speak to is 21 traffic. The traffic congestion on N Street will be a 22 disaster waiting to happen if the proposed high rise 23 hotel comes to fruition. On N Street alone, from the 24 corners of 5th to 7th, there are five parking lots and 25 garages now contributing to heavy increase in traffic</p> <p style="text-align: right;">Page 102</p>	<p>1 area, which holds up traffic. 2 We ask that you take a serious look at 3 traffic in this particular area before you go ahead and 4 approve anything of this -- this magnitude. Thank you. 5 CHAIRMAN NYBO: Thank you. Jim Pachl, 6 followed by Susan Bellew. 7 MR. PACHL: Good evening. My name is Jim 8 Pachl. I'm a resident and owner in Bridgeway Towers, 9 which is next door to the project. 10 Earlier in the evening, the -- I believe 11 a representative, Mr. Buford, from Department of 12 Environmental Review, stated that no comments were 13 submitted on the noise issue during the public comment 14 period on the draft EIR. That statement is flatly 15 untrue. Neighbors of Capital Towers and Villas 16 submitted a lengthy letter, which addressed that issue 17 in some depth, and frankly, I'm very disappointed that 18 DER, I guess, lost the letter or something. I'm very 19 disappointed that Department of Environmental Review, 20 Mr. Buford, think that construction noise seven days a 21 week, 8 to 5, 9 to 10, whatever it is, is acceptable and 22 is regarded as less than significant. I mean, that's 23 ridiculous. 24 Pete Noak represented that he was 25 affiliated with Bridgeway Tower earlier this evening,</p> <p style="text-align: right;">Page 104</p>	H2-62 cont.
H2-61	<p>1 flow. 2 The new 10 story parking garage at 500 3 Capitol Mall has significantly increased traffic hazards 4 with vehicles entering and exiting N Street all day and 5 night. 6 The same is true for the two story 7 parking at 520 Capitol Mall and our own facility two 8 story parking across the street. We exit that -- our 9 parking lot between 500 Capitol Mall and 520, and 10 thereby three flows of traffic funnel into a narrow N 11 Street, all heading east to 7th street. Then there is 12 also 650 Capitol Mall, the Homeland Security building. 13 They empty traffic from their employee 14 traffic lot and service entrance on N Street. On the 15 opposite side of the street from Homeland Security is 16 residential parking. 17 CHAIRMAN NYBO: Sir, if we can get your 18 final thoughts on that. 19 MR. SALERNO: Say it again, sir. 20 CHAIRMAN NYBO: Just your final thoughts 21 on the traffic. 22 MR. SALERNO: Yes, this is it. Also you 23 should know that in Homeland Security, every evening, 24 they have vehicles come in, buses come in that turn 25 perpendicular to back them into the -- into the security</p> <p style="text-align: right;">Page 103</p>	<p>1 and that his entity owned the greater part of their 2 units. In fact, Mr. Noak is affiliated with a developer 3 who owns one-third of the units. The other two-thirds 4 are owned by various individuals. He is on the 5 Bridgeway Board but he definitely does not represent 6 Bridgeway Owners' Association. 7 It is critical, I believe, that the -- 8 that there be a condition imposed that explicitly 9 prohibits this demolition of existing structures, trees 10 and landscape on any individual parcel within the PUD 11 area, if it's approved, unless the city council first 12 approves a project and determines that there are legal 13 binding contracts for all construction and complete 14 financing of that parcel and that start-up construction 15 is eminent. If you don't have that in there as a 16 written condition, as part of the mitigation measures, I 17 can assure you that what you will end up with is 18 demolition followed by maybe a parking lot, while the 19 landowner is attempting to either flip the parcel or 20 trying to find somebody, a lender willing to put up the 21 very large sum of money to actually build the project. 22 That's been a pattern in downtown Sacramento on other 23 occasions. 24 Finally, I should point out that the 25 landscape plan looks very nice. There's nothing in the</p> <p style="text-align: right;">Page 105</p>	H2-63
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cont.

1 project documents requires that it be implemented. It's
2 not a mitigation condition. They don't have to do it if
3 they don't want don't to. Thank you very much.
4 CHAIRMAN NYBO: Thank you. Ms. Bellew,
5 if I could have one moment. Mr. Compton, Mr. Buford, if
6 you would like, you may also -- Excellent.
7 Mr. Compton, I've heard before this issue
8 of a condition of approval, that everything be financed,
9 everything be approved before anything can be done. How
10 is a condition like that prepared?

11 MR. COMPTON: Staff is still evaluating
12 that. We are in the process of going and collecting all
13 the public comments and we're working with the developer
14 on their development agreement, so we're -- we're still
15 working on the language but we think that we can come
16 back with something at our next meeting for you to
17 consider, but that language really isn't available right
18 now.

19 As far as looking at the financing before
20 a project moves forward, typically that's not how we
21 handle things. There may be additional, like I said,
22 the site plan and design reviews for the new
23 development, to make sure that those are secured
24 beforehand. We've had conditions like that in the past
25 but it usually doesn't involve financing.

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part II

1 heard, it's been eligible for the National Register of
2 Historic Places. It's on the California Register, and,
3 you know, two weeks ago the Preservation Commission
4 voted to recommend placing it on the Sacramento
5 Register, so I -- It is very close to becoming an
6 official historic structure, but I do consider it a
7 historic resource.

8 I also wanted to talk about, in the staff
9 report, under Policy Considerations, under General Plan
10 Designations, there's policy HCR 2.1.14 that has to do
11 with demolition of historic resources, and it says, "The
12 city shall consider demolition of historic resources as
13 a last resort, to be permitted only if, 1,
14 rehabilitation of the resource is not feasible." As you
15 have heard already, the -- it has been recently
16 renovated. People are living there and it is an
17 economically viable neighborhood.

18 Number two, "Or the demolition is
19 necessary to protect the health, safety and welfare of
20 its residents." That's not the case here. I think that
21 for the residents living in those 220 affordable
22 apartments, life is good. This is a wonderful
23 neighborhood that is working. And three, "Or the public
24 benefits outweigh the loss of the historic resource."
25 And I don't believe that either; that what I'm seeing

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cont.

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part II

1 CHAIRMAN NYBO: So normally it would just
2 be covered through a bond, bonding for the site work?

3 MR. COMPTON: Like I said, there's a
4 number of options that are open and available but we
5 just haven't got there yet.

6 CHAIRMAN NYBO: Okay, thank you. Thank
7 you very much. Mr. Buford.

8 MR. BUFORD: Yeah, thank you, Chair Nybo.
9 I actually intended to have the draft EIR speak for
10 itself, but getting back to the question regarding
11 decibels and references, the mitigation measure 4.93
12 deals with noise. I've read it. There are some
13 questions that have been raised about hours, days of
14 construction. Those are spelled out here. They're
15 spelled out further in the discussion. We're always
16 happy to answer questions and bring the subject up and
17 discuss it in any detail we like. But thank you very
18 much.

19 CHAIRMAN NYBO: Thank you. Thank you
20 very much. Ms. Bellew, I apologize for the delay,
21 followed by Judith.

22 MS. BELLEW: Good evening, Commissioners.
23 I'm Susan Bellew. I'm a Board member of Preservation
24 Sacramento, and what I want to address tonight is
25 Capital Towers as a historic resource, and as you've

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1 here is that we have this -- this wonderful neighborhood
2 that is working, and it is a public benefit now and I
3 think that the only benefit is going to be monetary
4 benefits for the investors in this.

5 I don't think it's reasonable, and it
6 certainly isn't sustainable to demolish and dismantle an
7 entire neighborhood that is working perfectly well.

8 This is what Sacramento should be
9 striving to be like, and I really hope that we save
10 Capital Towers. Thank you.

11 MS. LAMARE: Good evening, Mr. Chairman,
12 members of the Commission. I'm Judith Lamare. I reside
13 at 500 N Street. At your last meeting, many
14 Commissioners noted that they were concerned about the
15 trees and the tree canopy and how they would be
16 protected, and in the present proposal, there is a
17 landscape plan. We looked very hard at the EIR and the
18 PUD guidelines to determine what requires this land use,
19 this landscape plan to be implemented as it is designed.
20 And I can assure you that nothing in any of these
21 documents requires that plan be implemented.

22 So all of our mitigation, shall we say,
23 for the clear cutting of 199 mature canopy trees, is a
24 poof of air. The arborist said there would be a 20 to
25 25 year loss of eco system services from the existing

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cont.

1 tree canopy as this landscape plan grew up and took its
2 place. The fact is, you know, will it work, will the
3 plan provide that benefit? And we had an independent
4 arborist evaluate that and his answer was no. There are
5 a number of factors you heard from Dan Pskowski, another
6 arborist, why that plan can't work as proposed. The one
7 is soil compaction. The other is soil volume.

8 Just imagine the trees on Bridgeway's
9 border that the proponent pointed to as a wonderful
10 buffer between their mid rise and our high rise units.
11 Those trees have roots and canopy that will empty, be
12 cut off by the building of this mid rise apartment
13 building. We don't think they can survive.

14 The EIR does not address the issue of the
15 survival of our trees, and our trees are counted by the
16 developer's landscape person as a benefit for the
17 project. Not only our trees but the city trees that
18 survive the project construction are counted as benefits
19 of the project in looking at the eco system services.

20 Finally, the issue of what would happen
21 if our existing canopy were not cut down? What would be
22 the eco system services over that 20 to 25 years?
23 That's never mentioned in any of the reports, so you're
24 not comparing apples to apples anyway.

25 So if you're relying on that landscape

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1 plan to mitigate for the trees that you're going to
2 approve to be clear cut from our city, you're going to
3 be very, very disappointed. It's not an honest report.
4 We have a lot of detailed comments on the EIR. Thank
5 you.

6 CHAIRMAN NYBO: Thank you. Those are all
7 the comments we have. If there's any other -- If
8 anybody else would like to speak, now would be the
9 appropriate time.

10 Oh, yes, I'm so sorry, a couple of quick
11 questions. Commissioner Kaufman.

12 COMMISSIONER KAUFMAN: Thank you.
13 Mr. Compton, can you address that issue very quickly
14 about the implementation of the landscape plan?

15 MR. COMPTON: The staff report is a
16 review and comment report, so you'll notice that there
17 are no conditions of approval, and so that would be a
18 subsequent report, so we'll take a look at that when we
19 put together our conditions.

20 CHAIRMAN NYBO: Seeing nobody jumping up
21 to speak, would the developer like to make the closing
22 comment on this? It's not required, of course.

23 MR. EADIE: Thank you again,
24 Mr. Chairman, Commissioners. I guess just hitting on a
25 couple of things very quickly, when we purchased the

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1 property, we looked at established historic district, we
2 looked at the zoning, we looked at the general plan and
3 all the other regulatory business in this central
4 business district and we felt that let's design
5 something that would be in compliance with everything we
6 see, and that's what you have before you, and it's -- I
7 think it speaks well for the business community insofar
8 as investing in downtown, because it's -- it's a model,
9 in my opinion, of how you can go downtown and invigorate
10 it, and at the same time, have a great business
11 opportunity, and that's kind of the bottom line in our
12 view. So I think it speaks well for that.

13 A lot of comments I heard are clearly
14 addressed in the EIR. I mean, we got into this hybrid
15 of discussion tonight during the public comment period
16 because, you know, largely our presentation was the
17 design and what it was before and what it is now, and a
18 lot of the comments, I'm sure, will be digested and
19 addressed in the final EIR and the conditions of
20 approval, as Mr. Compton has mentioned.

21 Other than that, you know, I'd rather not
22 belabor and go into a lot of detail on this, but I think
23 that, again, I think we stand strongly and
24 enthusiastically behind our plan. I think it resonates
25 well with all of your codes and provisions, as well as

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cont.

1 what the goal is for downtown, and we're anxious to go
2 forward with it.

3 CHAIRMAN NYBO: Thank you very much. One
4 second. Are there any questions of the applicant by
5 Commissioner? I think you're good to go.

6 MR. EADIE: Okay. Thank you very much.
7 Thanks for your time tonight.

8 CHAIRMAN NYBO: Are there any questions
9 in general for the Commissioners for staff? Vice-Chair
10 LoFaso.

11 VICE-CHAIR LOFASO: Thank you, Mr. Chair.
12 Mr. Compton, Ms. Cosgrove, or whomever, can you all help
13 me drill down on this central general plan issue that is
14 sort of hovering over this entire question? And this
15 has been a central theme of the applicant, in addition
16 to, of course, the blueprint, and I remember when we
17 were here last time, I took some time to drill down on
18 the history of this particular site apropos to some of
19 the comments that former council member Fawn made, and I
20 will say in some of my conversations, some of the
21 opponents gave me some similar history about actions the
22 city council took in 2009 with the 2030 general plan.

23 What I'm trying to drill down on is the
24 opponents have made a number of very strong statements
25 about the -- value statements in the general plan in

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cont.

1 support of preserving historic resources as a last
 2 resort, et cetera, and juxtaposing that to the big
 3 question of 10,000 units in the central city and the
 4 mayor's announced initiative, one that I will candidly
 5 say I express support for in the media, and I do
 6 support.

7 In fact, numerous opponents of this
 8 project have expressed support for variations on that
 9 theme in a variety of ways, but when I get when I
 10 juxtaposed the two things -- and yes, there is a
 11 question coming -- is that I think some residents in our
 12 city would like a much more granular site-specific
 13 approach to identifying certain potential development
 14 sites. Vacant lots, parking lots keep getting brought
 15 up, and it's not clear to me that's really what the
 16 general plan does.

17 Now I know some advocates would love if
 18 we'd really look for some of those sites and start
 19 putting them forward as we advertise our city open for
 20 business on the 10,000 units and say build here, build
 21 here, build here, but don't build there, don't build
 22 there, don't build there.

23 So with that very long introductory
 24 statement, my question is, can you help me understand
 25 better the site specific approach to preserving historic

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1 resources in the general plan, particularly as applied
 2 to this super block?

3 MR. COMPTON: I'll try. So the general
 4 plan obviously has a lot of policies, from multiple
 5 different things, you know, mobility, land use, and so
 6 there's a lot of balance that has to be done. Sometimes
 7 projects that come before us can be very clear-cut and
 8 we can look at all the general plan policies and say
 9 this applies to all of them and it conforms and it's
 10 easy, and that's the majority of our projects, but
 11 sometimes we have projects that come before us that
 12 there are competing goals.

13 Obviously, the historic resources portion
 14 is one of them, but also adding density downtown, and so
 15 when we're evaluating those projects, we have to try to
 16 find a balance between those, and ultimately this is
 17 going to be something that is going to be decided by the
 18 city council, and so certainly, we're going to look at
 19 all the policy statements, see where it conforms, where
 20 there are, you know, some possible deviations and
 21 looking at it from a more holistic approach. It's not
 22 necessarily that says it conforms to all of them, but
 23 that it conforms to a majority of them and it furthers
 24 the goal of the 2030 general plan.

25 So does that answer your question?

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cont.

1 VICE-CHAIR LOFASO: I'm going to go one
 2 more -- one or two more steps. So as the applicant has
 3 noted numerous times, general plan and the zoning code
 4 call for higher densities on this parcel. The
 5 opponents, in their letter, have offered data to suggest
 6 that the density of the current site is in the ballpark,
 7 and, you know, I'm just going to take it face value,
 8 their analytics that if you include Bridgeway Towers and
 9 Pioneer Towers, it's 59 units per acre and the general
 10 plan is 60 to 450, and the R5 is something to 175, and
 11 maybe you can fill in that blank.

12 It's -- it's a -- It's at the minimum,
 13 and if the applicants are -- excuse me, the opponents
 14 are accurate in their assertion that this is one of the
 15 denser sites in the central city, the only other site
 16 being the jail, and we have -- and I don't know how much
 17 high density urban and R5 we have in the central city
 18 that's on its way to going to residential, how do I
 19 respond to the data points that tell me that the
 20 densities are at the low end of what the general plan
 21 says? How do I juxtapose that with all these planning
 22 documents that say more density?

23 MR. COMPTON: So when we're evaluating
 24 projects, we have to evaluate what is before us and we
 25 have to look at the project that's before us and its

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1 merits, so although it's true that there are other sites
 2 within the central business district that could
 3 accommodate more housing, that project isn't really
 4 before us. But certainly if we had someone that came
 5 and wanted to redevelop a surface parking lot and put
 6 additional housing, we would look at that and we would
 7 be very supportive in our central business district. So
 8 again, we have to evaluate the project based on the
 9 merits of what is before us.

10 VICE-CHAIR LOFASO: Two more questions on
 11 the same thing. Maybe this isn't fair to ask you,
 12 Mr. Compton, but the letter we all received from the
 13 Preservation Commission, this speaks to the question of
 14 this site versus other sites. There was a suggestion
 15 by -- maybe I'm going to draw Ms. Deering up here, but
 16 one of the -- I'm trying to find it. One of the most
 17 off-site alternatives is, quote, "Analyze possible
 18 transfer of development rights to an alternative site."
 19 I don't understand what that means.

20 MR. COMPTON: I think that they're just
 21 saying if there was another site -- They're talking
 22 about looking at off site alternatives, which
 23 environmental planning, they can go confirm with this,
 24 but that's not something that's necessarily required,
 25 that's something that's being requested. But the

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cont.

1 surrounding area in the central business district and in
 2 the C3 zone allows up to 450 dwelling units per net
 3 acre. This one is in the R5, so that one is about 175,
 4 and a lot of the projects that, you know, you've
 5 reviewed in the past have actually been well below those
 6 limits, so I don't think that necessarily you would need
 7 to do any type of transfers to any other sites because
 8 they could probably accommodate all the development and
 9 more.

10 But again, it goes back to evaluating the
 11 project based upon the merit of the one that's in front
 12 of us, you know, but again, I think in their letter, and
 13 the Preservation Director can provide further comments,
 14 but they were just asking to look at other sites because
 15 they felt that there were a lot of other under-utilized
 16 sites in the area.

17 VICE-CHAIR LOFASO: Okay, I appreciate
 18 that. And apropos -- This is my last question. I'm
 19 just going to do an introduction. In this whole broad
 20 discussion about the 10,000 units in the central city,
 21 it's very clear to me that some people who are not in
 22 the development community or active interested
 23 stakeholders, like many of the opponents of the project,
 24 don't have a clear sense of what a 10,000 unit increase
 25 in units, increase in density even looks like.

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1 I was asked by a reporter does that mean
 2 we're going to have high rises, residential high rises
 3 all over downtown, and on the fly, my reply was
 4 something to the effect of mid rise and vacant sites,
 5 and I've heard lots of people suggest to me that is the
 6 plan forward.

7 A, could you comment on that; and B,
 8 could you give me any insights as to whether -- and this
 9 is wrapping back to my original question -- are we
 10 really, in our general plan, looking for the sites we're
 11 trying to tell people to develop or are we really saying
 12 here's big, here's little; investor, you decide?

13 MR. COMPTON: I think how we've
 14 approached it in the past up until this point is that
 15 we're really looking for a private development to come
 16 forward and to make, you know, project proposals. I
 17 know that based upon the mayor's 10,000 unit plan, that
 18 we are trying to look at it more holistically and maybe
 19 clearing them from an environmental perspective and kind
 20 of doing a whole central city housing strategy, but
 21 that's still in the works. That hasn't been completed
 22 but that's something that we're doing.

23 VICE-CHAIR LOFASO: I appreciate that.
 24 Time for me to yield the mic. If the Preservation
 25 Director wants to elaborate on that one issue, I'll

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1 defer to the Chair at that particular time. Thank you
 2 Mr. Compton.

3 CHAIRMAN NYBO: Ms. Deering, did you want
 4 to talk about the transfer of the development rights?
 5 And on your way up, I'll just say there's no such thing.
 6 So please.

7 MS. DEERING: They could work. They have
 8 been proposed in areas where there are limited
 9 development rights available, FARs of 10, and someone
 10 has a building, a historic building with an FAR of 10,
 11 and instead of demolishing it, those 10 units can be
 12 transferred to another site so they could build a
 13 project with an FAR of 20.

14 CHAIRMAN NYBO: But what are -- Okay.

15 MS. DEERING: Those are the kinds of ways
 16 its been visioned.

17 CHAIRMAN NYBO: If I could, we're talking
 18 about density bonuses, right?

19 MS. DEERING: Yes.

20 CHAIRMAN NYBO: But density bonuses are
 21 only good if you own the property upon which the bonus
 22 applies.

23 MS. DEERING: Or if you sell your
 24 development rights, but as Evan said, when other
 25 properties in downtown that are vacant now can have, you

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1 know, high densities. You don't need to buy development
 2 rights to get there.

3 CHAIRMAN NYBO: Thank you. Thank you
 4 very much. Commissioner Burchill.

5 MS. BURCHILL: Thank you, Mr. Chair. My
 6 question is for Mr. Buford, if you would come forward,
 7 and it's about the hours of construction which you
 8 invited us to discuss if we so chose, so I am.

9 MR. BUFORD: I'm sorry; go ahead.

10 MS. BURCHILL: I said my questions are on
 11 the hours of construction and I said that you invited us
 12 to discuss them and I'm going to take you up on that
 13 offer. I'm joking, but in any case, the hours of
 14 construction I understand that the EIR looks at are
 15 7 a.m. to 6 p.m. Monday through Saturday and 9 a.m. to
 16 6 p.m. on Sunday, is that correct?

17 MR. BUFORD: I noticed this evening, when
 18 I looked at it, there is a seven day a week provision,
 19 yes.

20 MS. BURCHILL: And how were those hours,
 21 dates and hours selected?

22 MR. BUFORD: If those are not -- I
 23 believe those are consistent with the ordinance. I
 24 don't have the ordinance in front of me, and we would
 25 usually work from that and use that as a -- as the

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cont.

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cont.

1 baseline for the analysis in terms of what would be
 2 allowed on the site.
 3 I noticed in the mitigation measure that
 4 it also goes on to talk about a plan to work, to limit
 5 noise or restrict noise, especially when they have
 6 building activities that are going to be something like
 7 pile driving. I think the conclusion that we reached
 8 was that it was less than significant.
 9 COMMISSIONER BURCHILL: Thank you. And
 10 Mr. Compton, I think this question is more within your
 11 purview then. I understand that the -- that this
 12 Commission has, within its discretion, limiting
 13 construction hours, is that correct?
 14 MR. COMPTON: I believe that -- Well, do
 15 you have a comment on that, Stacia?
 16 MS. COSGROVE: The hours of construction
 17 where you're allowed to exceed the decibel levels is in
 18 Title VIII of the city Code. I don't -- I'd have to
 19 confirm. I don't know that or know that the Commission
 20 -- I don't know. I'd have to look into that, if that
 21 was the Commission's interest.
 22 COMMISSIONER BURCHILL: Okay. Thank you.
 23 MR. BUFORD: If the question were the
 24 Commissioner had an interest in talking about the hours
 25 of construction because they were concerned about the

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1 hours of construction, in one way or the other, we
 2 approach those from one of two angles, and typically
 3 it's the same way we approach the project.
 4 We have environmental issues and we have
 5 planning issues. On the environmental front, any kind
 6 of limitation on hours of construction would flow from
 7 the finding of a potential significant impact, and
 8 because we have a mitigation measure, we found a
 9 potential significant impact because of noise.
 10 If you were interested in talking about
 11 the measures that we proposed in the draft EIR, as to
 12 whether you felt those were adequate to do what we said
 13 it did, we can talk about that from the environmental
 14 side.
 15 MS. BURCHILL: Thank you.
 16 MR. BUFORD: I don't know about the
 17 planning side.
 18 MS. BURCHILL: Thank you, Mr. Buford, and
 19 that's what my question was really on the planning side.
 20 Thank you.
 21 CHAIRMAN NYBO: Commissioner Bodipo-
 22 Memba.
 23 So you're good. Commissioner Kaufman.
 24 COMMISSIONER KAUFMAN: Thank you, Chair
 25 Nybo. Mr. Buford, one more time. I want to follow up

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cont.

1 on this question from Commissioner Burchill but ask it a
 2 different way. As a basis of comparison, how are the
 3 hours of construction and mitigation measures for this
 4 project, how do they compare to the Arena and Plaza
 5 Tower, comparable?
 6 MR. BUFORD: They are -- I would say I
 7 believe the way we ended up with the arena was the arena
 8 indicated that they would, at times, which is common
 9 with some -- well, not common but it happens with
 10 construction projects, that they would need to have, in
 11 some cases, 24 hour construction because they were
 12 building something.
 13 I've not -- I don't recall hearing that
 14 here. Again, I didn't look that up, but I don't think
 15 we were told that they would need 24 hour construction.
 16 They did on arena. We did have variances to exceed the
 17 hours of construction that are allowed in the ordinance,
 18 and that was evaluated in the EIR for the arena, so in
 19 that case, they actually went over the hours.
 20 COMMISSIONER KAUFMAN: Okay. So fewer
 21 hours of construction and --
 22 MR. BUFORD: Hold on just a second. I
 23 asked Mr. Eadie. I'm correct, we did not talk about 24
 24 hour construction or exceeding the hours of the -- the
 25 normal hours of the ordinance in this EIR.

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1 CHAIRMAN NYBO: Okay. So fewer hours of
 2 construction and mitigation measures that are
 3 commensurate with that?
 4 MR. BUFORD: Yes.
 5 CHAIRMAN NYBO: Thank you. Are there any
 6 other Commissioners that have a question for staff or
 7 applicant? Commissioner Chandler?
 8 COMMISSIONER CHANDLER: I just wanted to
 9 clarify a point that came up at the end of the
 10 Preservation Commission meeting and also came up a
 11 couple times today. I'd like to invite the Preservation
 12 Director, while you're walking up, the question has been
 13 posed a number of times relative to the establishment of
 14 the EIR alternatives and what role city staff played in
 15 that, if any.
 16 So can you just briefly refresh my memory
 17 of how that process works and the degree to which we, as
 18 a city, input to that process versus responding to what
 19 we receive?
 20 MS. DEERING: Environmental Planning
 21 staff is involved in all aspects of developing the draft
 22 EIR, including developing alternatives and analyzing
 23 them. The Preservation Director advises Environmental
 24 Planning staff. I was invited to meetings. I reviewed
 25 the draft environmental -- the administrative draft

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cont.

1 documents, that type of thing.
 2 COMMISSIONER CHANDLER: Okay. Do you
 3 feel that the statements that you provided as part of
 4 that process were incorporated in the development of the
 5 alternatives?
 6 MS. DEERING: I made recommendations.
 7 COMMISSIONER CHANDLER: I guess I'll let
 8 that go. Thank you, that's all for now.
 9 CHAIRMAN NYBO: No further comments of --
 10 No further questions of the Commissioners. I'm going to
 11 close the public hearing portion of the meeting and call
 12 a ten minute recess. When we come back, we'll have
 13 comments of the Commissioners. Thank you. So we'll
 14 meet back here at 8:50.
 15 (Recess.)
 16 CHAIRMAN NYBO: Thank you for coming
 17 back. Commissioner Mack recommended three minute time
 18 limits for the Commissioners, so if I can get
 19 everybody's final thoughts right now.
 20 Okay, so now we're in the public comment
 21 period. There won't be a resolution taken this evening.
 22 What will happen is that the Commissioners will give
 23 their various thoughts on the project. There may be
 24 some form of trying to find some cohesive thoughts. If
 25 not, the staff will put it all together and it will get

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1 assimilated into the -- the project entitlements that
 2 come forward sometime in the future. So this is
 3 primarily dealing with design issues this evening and
 4 not so much conditions of approval or environmental.
 5 However, that, of course, could be spoken on.
 6 Commissioner Burchill.
 7 MS. BURCHILL: Thank you, Mr. Chair, and
 8 I will fit within three minutes myself. When we first
 9 heard this project at our first review and comment last
 10 summer, one estimate was that 2800 new residents could
 11 be added to downtown with the project as proposed, and I
 12 shared then and I'll share again today how much
 13 potential I think it has for the city of Sacramento for
 14 the downtown.
 15 We, not that long ago, approved the tower
 16 adjacent, the arena, which will have some ownership
 17 housing, some condominiums, as well as hotel and office
 18 and retail, and I really saw that as the first ripple in
 19 the ripple effect from the downtown arena.
 20 Well, you look two blocks south, and
 21 here's another ripple, so I see immense potential here.
 22 I also recognize that this is a major impact to the
 23 residents in primarily Bridgeway Tower and Pioneer Tower
 24 who -- who live on this -- on this super block, and
 25 appreciate the adjustments that the applicant has made

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1 since our last review and comment, particularly as they
 2 relate to the spacing between Bridgeway Tower and the
 3 building in this proposed project, as well as
 4 reorienting the balconies, and so I want to certainly
 5 acknowledge those adjustments.
 6 In terms of the short term impacts on the
 7 residents, we had some questions, myself included, on
 8 the construction, and I recognize that's not about
 9 design. Given that there was some question about the
 10 Commission's discretion there, I would ask staff to look
 11 into that, and noting too that the proposed construction
 12 hours, while they're less than what we have approved for
 13 the downtown arena, given the residential uses so close,
 14 I would ask the applicant to take a look too.
 15 I heard from one representative of
 16 Pioneer Tower, you know, can you not have construction
 17 on Sundays, so to think about giving the residents
 18 nearby what those -- what those hours might look like to
 19 -- to be respectful of your neighbors.
 20 And with that, I look forward to, it
 21 sounds like a couple more hearings, potentially both to
 22 come back to look at all the entitlements, including the
 23 plan unit development guidelines, and then subsequent
 24 site plan and design review under the phasing
 25 approaching. Thank you.

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1 CHAIRMAN NYBO: Commissioner Kaufman.
 2 COMMISSIONER KAUFMAN: Thank you, Chair
 3 Nybo. I'm going to work towards that three minute
 4 restriction also. I'd like to associate myself with the
 5 comment of Commissioner Burchill on increased
 6 densification downtown, taking a meaningful first step
 7 to providing some housing in the downtown grid. I do
 8 appreciate, as Commissioner Burchill did, the increased
 9 separation between the mid rises and Pioneer Tower and
 10 Bridgeway Tower. I know the applicant lost a number of
 11 units in doing this. I do appreciate the reconnection
 12 with the grid with O Street.
 13 I appreciate the applicant's change in
 14 the PUD guidelines to shift from permissive to more
 15 required language in many cases. I like the roof level
 16 landscaping. I would like to make sure that staff spend
 17 some time looking at -- assuring that the landscape
 18 plans as proposed are what we're going to get, and I'd
 19 like to see you continue working, as I know you are, on
 20 the phasing issue and the financing requirements related
 21 to that. And that's it for me. Thank you very much.
 22 CHAIRMAN NYBO: Commissioner Bodipo-
 23 Memba.
 24 COMMISSIONER BODIPO-MEMBA: Thank you,
 25 Chair Nybo, and I will ignore the three minute warning.

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H2-76 cont.	<p>1 Prepare for a long -- long-winded speech here. 2 In all seriousness, I want to thank staff 3 again for preparing us very well for this meeting and 4 for the hard work. I also want to thank the applicant. 5 They have done a lot of work since we last saw them and 6 it's very apparent that they've been listening to the 7 words that we've said and some of the community voices 8 as well. I realize there's still some disconnect and 9 discord, but I think everyone can say that this is a 10 better project than we saw up front, and it can be -- 11 and the work can be shown from the open space 12 improvements, the way the tree canopy has improved; 13 again, very impressed. 14 Change is the word that continues to ring 15 for me as part of this project and change is difficult, 16 so change for the residents, the idea and the vision is 17 very difficult, the change for the applicant, in terms 18 of their initial vision and having to adjust to some of 19 the context changes that have occurred throughout the 20 project, but change is good and I think we have to 21 embrace change as a part of this project, and I imagine 22 that will project will change when we see it next and 23 I'm confident it will be for the better. 24 I really want to make sure, since I kind 25 of stirred the pot with the noise issue, that it's clear</p> <p style="text-align: right;">Page 130</p>	<p>1 to earlier was the central question about the robustness 2 of our policies and what it means both with regard to 3 our business climate and nurturing investment capital, 4 but in all due deference from the people advocating for 5 the low income and preservation, you are the social 6 capital of our community and you bring a lot of value to 7 the equation, and that's important to get to also, so 8 out of the clouds, down on the ground. 9 I appreciate the comments of Commissioner 10 Burchill about ripples and potential and Commissioner 11 Bodipo-Memba's change comment. I agree with you all 12 that change is hard and there are costs and there are 13 risks, and the documents are very clear on what the 14 costs and the risks are and they're not to be taken 15 lightly. 16 There's definitely been progress. I 17 think the clarity and specificity in the revisions to 18 the document are very important. I know, as we go 19 through this process, we're going to drill down, and a 20 lot of the comments were about will the vision as its 21 being presented actually happen. I think there's lots 22 of opportunities to make sure that that gets 23 crystallized in the documents in ways that are 24 manageable but ensure that if we go down this road, that 25 it really happens. Thank you.</p> <p style="text-align: right;">Page 132</p>	H2-77 cont.
H2-77	<p>1 that the document does analyze noise very adequately, so 2 while I respect the comments and the concerns of the 3 community, I'm very confident that the mitigation 4 measures in place will address those issues, and I 5 appreciate Mr. Buford's statements about improving the 6 coordination, so I appreciate staff addressing that 7 accordingly in their analysis. I just want to make sure 8 it was clear how the noise was analyzed. 9 The last statement -- I may make it under 10 three minutes -- is I really want to make sure, as we 11 talk about the rooftop trees, that we look not to the 12 past but to the future, as the presentation showed us, 13 that we don't limit our views with skepticism but with 14 opportunity. I really believe this project has the 15 opportunity, if they continue to work with the community 16 and work with staff, to really set Sacramento in a place 17 not just for our current residents but for those future 18 residents as well. So again, I'm happy with where we've 19 come from and I'm looking forward to seeing further 20 improvement along the project. Thank you. 21 CHAIRMAN NYBO: Vice-chair LoFaso. 22 VICE-CHAIR LOFASO: Mr. Chair, I'm sure I 23 can stay under the three minutes because I said to you 24 privately I'm not going to separate my questions and my 25 comments, so I got it out, but what I was trying to get</p> <p style="text-align: right;">Page 131</p>	<p>1 CHAIRMAN NYBO: Thank you. Commissioner 2 Mack. 3 COMMISSIONER MACK: Like my fellow 4 Commissioners, I'm really encouraged by the changes 5 we've seen since the last time the applicant was here. 6 I really want to thank the community for your 7 involvement. I consider myself a community activist as 8 well. It's a very important part of who we are and what 9 we do and how we make our community our own. 10 Staff, you've worked really, really hard 11 on this, and the applicant has been really co-operative 12 in working with everybody and making some changes and 13 doing some compromising, and that's really appreciated. 14 I love the neighborhood feel that it's 15 starting to get. I've walked Capital Towers. I know 16 some people that live there, and it does have a nice 17 neighborhood feel, and I really appreciate that the 18 applicant and staff are working together to try to 19 maintain that and maintain some green space and canopy. 20 It's just -- It's looking really good. 21 It's very, very positive. I like that we're focusing on 22 making it a walking community, that there's public 23 transportation close by. You know, there's state, city 24 and county facilities within walking distance of this 25 building, and it just makes sense to make more housing</p> <p style="text-align: right;">Page 133</p>	H2-78

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cont.

1 available in that high concentration of employment.
 2 So I, like my fellow commissioners, I'm
 3 concerned about possible construction seven days a week.
 4 You're still going to have people living there, and I
 5 know it's not part of the design but I hope when we come
 6 back, we can have some more clarity on what's allowed
 7 and what the applicant's willing to do, and yes, that
 8 one day of peace and quiet from the construction would
 9 be a really, really wonderful thing for the people that
 10 are going to continue to live there. So I'm looking
 11 forward to us coming back.
 12 CHAIRMAN NYBO: Commissioner Chandler?
 13 COMMISSIONER CHANDLER: Well, I think
 14 those are excellent comments, and I don't know how to
 15 stay within the three limit time limit so I'm not even
 16 going to try. But let me echo largely what I've already
 17 heard and then steer us into a different direction.
 18 You know, I listened -- I said I would
 19 listen with interest to the discussions and deliberation
 20 of the Preservation Commission because they had both a
 21 mandate and a back drop of being able to really look at
 22 that issue, and so there was some good discussion within
 23 that -- within that meeting. And so recommendation was
 24 made to forward on this whole area as a historic thing,
 25 but I want to dive into that a little bit with respect

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1 to what we're seeing today, because there are some
 2 pieces that -- that I focus on as far as looking at the
 3 project that we are being -- that is being proposed that
 4 we're looking at from our particular lens.
 5 And so the things I want to call
 6 attention to are that the -- the value of this
 7 neighborhood as being a cohesive planned thing ties in
 8 with a couple of key points that were made about it,
 9 that it has these incredible walking green spaces and
 10 with, you know, the large established trees within it;
 11 that it has that pool amenity for the Capital Towers
 12 residents, that it was planned as an overall
 13 development, and that includes these pockets of space,
 14 and then there's also value in -- in looking at, you
 15 know, having the historic -- not the historic -- well,
 16 it is. I think that's been taken off the table, that it
 17 has been deemed to be a historic resource.
 18 However, what we're looking at tonight is
 19 something where half of the housing that was included in
 20 the original project is still there. It's represented
 21 in the Tower, and there was some discussion at the
 22 Preservation Commission relative to losing embodied
 23 energy. Well, you know, most of the building focused
 24 embodied energy is really focused in the concrete tower
 25 rather than the low rise construction. So that is all a

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cont.

1 long-winded preamble to say where this comes down for
 2 me, in assessing this versus the impact on the
 3 historical value, is to say what is the -- what is the
 4 inherent value in the design expression that was created
 5 with the low rise structures, because that's really
 6 what's on the table, is the low rise structures.
 7 We still have incredible central spaces;
 8 we still have tree canopy and the urban forest is a
 9 living thing that has to recycle, and there will be an
 10 impact but it's recovering in half the time that it took
 11 to establish it last time. If you look at some of the
 12 1961 photos, you see some pretty small trees.
 13 So, you know, both the city and the urban
 14 forest are living things. So what is the inherent
 15 design value in the excellent work that an architect did
 16 at that time versus the architectural value of what is
 17 being proposed by a strong design team that are trying
 18 to establish their own legacy now? And can -- We have
 19 to make our recommendation with that as part of our
 20 lens, to say is the architecture that we are being shown
 21 sufficient to establish its own legacy and does that,
 22 therefore, allow us, one reason, among a wide ranging
 23 set of considerations, to over-ride the value of the
 24 design quality that was done before. And that is -- So
 25 that's the lens that I'm looking at -- at this.

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1 Where I'm coming down with this is that I
 2 -- you know, I look at this project and I think that
 3 they've made some excellent progress. I do think that
 4 points have been made that we need to -- to, as
 5 Commissioner LoFaso said, figure out how to crystallize
 6 some of the key aspects to make sure they end up in the
 7 final results so that we actually get what is being
 8 promised, but I don't see necessarily a conflict. I
 9 think that -- that we can have a living city and we can
 10 go forward.
 11 Let me jump to some rather specific
 12 items. One thing that I would like to see flushed out
 13 in more detail in the planned unit development
 14 guidelines is statements talking about the -- the
 15 quality of the design architecture and its relationship
 16 to the Sacramento climate and very much drilling that
 17 home. I know it's already there. I'd like to see it
 18 advance further, particularly towards the end of the
 19 document as it's talking about some of the architectural
 20 forms and detailing, because partly it addresses my
 21 concerns with the losses of the design input on the low
 22 rise. Partly also because it gives the applicant team a
 23 tool for keeping that front and center in focus as this
 24 whole project moves forward and additional players come
 25 into and out of the mix. I don't want that to get lost

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cont.

1 because it's a very important part of the consideration
 2 that we have to use if we're going to recommend this
 3 thing to go forward.
 4 The other thing is, one of the things
 5 that I would like to see if the applicant team can
 6 address in a little bit more detail, I know that they've
 7 already made some modifications to the setbacks next to
 8 Bridgeway and Pioneer Tower. Perhaps there's an
 9 opportunity at the upper one to two floors of that, to
 10 just step that most forward section of the building back
 11 one more rung, to allow the tree canopy that's kind of
 12 wedged in there between the buildings a little bit more
 13 space to be there, but also to allow a little bit more
 14 of a sun angle in the winter time, to get down towards
 15 the bottom of Bridgeway Towers, and that's really where
 16 the impact is, is the basic Bridgeway Towers. For all
 17 intents and purposes, Pioneer Towers, is the one shaping
 18 the rest of the project.

19 And then the last item on that set of
 20 things is at the plaza that's down in the southeast
 21 corner of the site. I would like to understand, when
 22 this comes back, in much greater detail the pedestrian
 23 feel of the connectivity between that plaza and the
 24 adjacent proposed high rise buildings, because right
 25 now, there's a -- there's a nicely designed plaza, and I

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1 can see where it's going and I like where it's going.
 2 What I'm losing track of is the pedestrian connectivity
 3 between that and the entrance to the buildings right
 4 there, and I don't want that to get lost in a vehicular
 5 pathway. I'm going to leave it at that. I don't know;
 6 was that ten?

7 CHAIRMAN NYBO: I don't know. Those are
 8 good comments. Thank you, Commissioner Chandler.
 9 Are there any further comments from the
 10 Commissioners on this? Seeing none, all right. Then
 11 I'll finish this up.

12 I'd like to thank everyone this evening
 13 that came and participated in this project. I know
 14 that, for both sides, it's a very difficult issue. One
 15 has made a significant financial investment in this
 16 property and is pushing an aggressive project. The
 17 other ones have long time residents that have lived in,
 18 existed, farmed, lived their lives in the building
 19 adjacent to it, and for that, I appreciate you coming
 20 out and participating, being so politeful this evening.
 21 Also, everyone was politeful this evening. Thank you
 22 very much. I appreciate that.

23 I've had some concerns with the project
 24 because the PUD guidelines, for the most part, are
 25 rather vague, and I understand why they are. It's

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1 because it provides flexibility for the future. As
 2 sensibilities change, it's nice to have that flexibility
 3 in there. My concern was that the flexibility could be
 4 nefarious and be used to produce a -- a product that is
 5 not of the quality that is shown currently in the
 6 renderings.

7 In my now almost eight years of being on
 8 commissions, I remember back in the day when we were
 9 approving towers that were of similar size that are
 10 snuck in under the wire, and there are projects in the
 11 central city that are approved with stucco exterior and
 12 what would be the equivalent of a residential window,
 13 and that was my concern on this one.

14 I think that the applicant has gone --
 15 with the PUD suggested changes, has made a huge step
 16 forward in allaying my concerns, that if it is going to
 17 be built, then I want it to represent what has been
 18 shown that it will be. I think that's fair, and
 19 everybody else making a commitment, one that staff has
 20 reviewed what the applicant kindly put together. They
 21 have a couple of suggestions on there specifically, that
 22 they want to make it a little bit broader so that
 23 there's a little bit more flexibility in the future,
 24 that perhaps it was too narrow, just being glass and
 25 steel curtain walls, and I'm fine with that. I have

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cont.

1 tremendous respect for our staff.

2 One thing I wanted to do though was to
 3 narrow it down to preclude the ability for the Towers to
 4 have -- be a stucco exterior. I don't -- It's not
 5 what's shown. I don't think anybody wants it, but some
 6 day in the future, these things take awhile, it could
 7 possibly take awhile to get built up.

8 My other concerns are the phasing of the
 9 off site infrastructure for the project. The PUD gives
 10 a lot of flexibility in how the mainline infrastructure
 11 can be put in the ground, primarily the wet utilities,
 12 sewer and water, and I don't believe -- I spoke with
 13 their -- their engineer, Wood Rogers, and there are some
 14 proposed conditions of approval that would deal with
 15 this, and so when it comes forward, I would like to see
 16 that in the first phase, this issue be dealt with on the
 17 get-go, and whether that's re-routing the utilities
 18 around the block, since it's just gravity and pressure,
 19 or that they're all put in at the same time, and that
 20 would include the landscaping and hardscape, and those
 21 be built prior to the -- whatever building is being
 22 built.

23 The PUD gives a lot of flexibility as to
 24 what's Phase I. Phase I, lot I in the tentative map has
 25 the off-site pedestrian right of ways. However, I don't

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H2-83 cont.	<p>1 really know how that -- how that gets dealt with in a 2 final map when you have to do an easement or something 3 over a paved lot if you wanted to built an adjacent one, 4 and I think that that's where there's potential 5 conflicts in there, and if we are going to remove mature 6 trees, it would seem to be a waste to come in and 7 partially build out the pedestrian off-site area and 8 then leave it alone for five years, when those could be 9 growing years, even if it's for whatever reason. I 10 think we've all been around long enough to be cynical 11 about buildings that get started. Hopefully they don't, 12 get started but sometimes they do get started and then 13 they get stopped, and it's beyond the city of Sacramento 14 to control that. It's not our fault. We don't cause 15 these things but sometimes we still get hit with them. 16 I think the hours of operation, I can 17 certainly understand that, you know, geez, that arena 18 has got almost no residential around it. I can't think 19 of any, at least permanent, and this one's got a lot of 20 units that are facing right in front of it. Not only 21 that, but the units are concrete buildings that are 22 basically silos for that noise that's going to hit those 23 windows. The windows are not new, fancy triple ply 24 windows, or however they are made. 25 I would -- I would ask the developer to</p> <p style="text-align: right;">Page 142</p>	<p>1 here, then I'm going to conclude this item on the 2 agenda. Do I gavel? I don't know. 3 Well, thank you very much, everybody. 4 Thank you very much for participating. 5 The next item on the agenda is public 6 comments not on the agenda. Everybody here is welcome 7 to pipe in if there's anything else people wanted to 8 bring up. 9 If you guys could just give me a moment. 10 Now I just -- if you could just bear the Commission's 11 patience for one second. 12 So item number five is public comments, 13 matters not on the agenda. And I don't think that 14 there's anyone that wants to speak. 15 We'll go to item number six, Members 16 Comments. And the reason I wanted to wait for the room 17 to clear out, it's out of respect for Scott Mending, 18 whose memorial service was this afternoon, passed away, 19 I think everybody probably knows, on April 17th, and had 20 been a very long term member of the city of Sacramento 21 staff and was critical to a lot of very important 22 projects, big projects in town, and I've asked Dave 23 Kwong if he would come up, since they've been friends 24 for years, to give a word. 25 MR. KWONG: Thank you, Chair. We were</p> <p style="text-align: right;">Page 144</p>	H2-85 cont.
H2-84	<p>1 take a look at the construction scheduling and how that 2 will be done. Maybe there's some way that you can 3 separate out interior construction and exterior 4 construction or noisy construction and none. 5 I know that one time, I had a meeting 6 with my attorney when the soccer property was driving 7 pilings and her lot overlooked it, and it was awfully 8 noisy for a long time, so heaven forbid that happens at 9 7:00 and you work a night shift. That would be pretty 10 attenable. 11 If we do go over this though, and as I'm 12 proposing that there's some type of consideration for 13 the phasing of the infrastructure, that would mean that 14 the landscape plans would be one of the very first 15 things that would be approved, and so as several of the 16 commissioners have mentioned, I do think that those 17 landscape plans should be further developed when they 18 come back, since -- I think everybody is saying that if 19 -- if the off sites are going to -- If building permits 20 are going to be pulled in '16 and they'll be done by the 21 -- they'll be ready to be -- by the end of this year, 22 they should be fairly far along in the CD's or whatever 23 schematics. 24 Besides that, I think that that concludes 25 my comments on this. If there's no other comments on</p> <p style="text-align: right;">Page 143</p>	<p>1 all saddened to hear of his sudden illness and passing, 2 and we did celebrate his life today and the memory of 3 his life and the intelligence and kindness and how 4 gentle he was, and frankly, he was a mentor to me as 5 well, and all the comments that were made by the public, 6 the folks, the family, the cousins, all the folks he 7 ever worked with from -- from one side to the other side 8 of the table basically just had good things to say about 9 him, and I just want to kind of impart that back to you, 10 the Commission here. 11 There weren't any bad things said about 12 him, and how well he just worked with others and how 13 great he was, and a lot of us were there, and we 14 continue to mourn his loss, or mourn the loss of Scott. 15 So definitely expressing our feelings towards the family 16 for the whole Commission, for the council. It was just 17 a sad day for us. 18 CHAIRMAN NYBO: I'm -- I am going to 19 adjourn the meeting in honor of Scott. And I'd just 20 like to give a word to say thank you. I'd like to thank 21 him for his many years of service. Thank you very much. 22 (Meeting adjourned.) 23 24 25</p> <p style="text-align: right;">Page 145</p>	H2-85 cont.

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<p>1 TRANSCRIBER'S CERTIFICATE 2 I, Lynne M. Homan, attest that the foregoing 3 proceedings provided to me via audio were transcribed by 4 me to the best of my ability. 5 I further attest that I am not a relative or 6 employee to any attorney or party, nor financially 7 interested in this action. 8 I declare under penalty of perjury under the laws 9 of California that the foregoing is true and correct. 10 Dated: May 14, 2015. 11 12 13 14 _____ 15 Lynne M. Homan, CSR 16 17 18 19 20 21 22 23 24 25</p>	
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RESPONSE TO COMMENT H2-1

The commenter notes a community member raised an issue/question regarding the vehicular versus pedestrian circulation near the southeast corner of the site of the plaza.

Pedestrian circulation is described in Chapter 2 of the EIR, "Project Description" and in more detail in the PUD Guidelines (Appendix N of the DEIR). Section 4.11 of the DEIR evaluates potential transportation impacts of the proposed project, including those related to pedestrian circulation. See Impact 4.11-4 (starting on page 4.11-58 of the DEIR).

RESPONSE TO COMMENT H2- 2

The commenter notes the Preservation Committee's recommendation to deny the project and to consider additional alternatives to the project, as well as to list the project site on the City's historic register.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see 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 the 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 a rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, and Master Response 2.3.7.10 for conclusory statements related to alternatives. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts, Master Response 2.3.4.4 for a discussion of mitigation recommendations from the Preservation Commission, and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT H2-3

The commenter asks about project demolition and construction phasing.

Please see the project applicant's response in Comment H2-3 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability. See Chapter 2 of the DEIR for a description of the proposed project, including anticipated phasing.

RESPONSE TO COMMENT H2-4

The commenters ask about construction financing prior to demolition.

Please see the project applicant's response in Comment H2-4 contained in the Planning and Design Commission transcript. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability. See Master Response 2.3.12.9 regarding proposed mitigation relating to financial feasibility.

RESPONSE TO COMMENT H2-5

The commenter requests a summary about outreach efforts undertaken as a part of the process.

Please see the project applicant's response under Comment H2-5 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Please see Response to Comment O8-19 for a summary of public outreach efforts.

RESPONSE TO COMMENT H2-6

The commenter requests information about market demand.

Please see the project applicant's response in Comment H2-6 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability. See Chapter 3 of the DEIR for a discussion related to land use, population, and housing, including existing and future 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.

RESPONSE TO COMMENT H2-7

The commenter requests information about the significant and unavoidable impact on historic resources, specifically the Capitol Towers.

Please see applicant's response under Comment H2-7 contained in the Planning and Design Commission transcript. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project, Master Response 2.3.4.3 for a discussion of the historic significance of the proposed project site, including differing opinions among experts, Master Response 2.3.4.4 for a discussion of mitigation recommendations from the Preservation Commission, and Master Response 2.3.4.6 for information related to historical impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT H2-8

The commenter asks for clarification about construction-noise impact thresholds.

Please see Master Response 2.3.1.2 for a description of the thresholds of significance used for the noise analysis and Master Response 2.3.1.4 for a summary of construction noise impacts.

RESPONSE TO COMMENT H2-9

The commenter asks for clarification on the setbacks in relation to existing buildings.

The proposed project includes a setback of no less than 40 feet between any building, which is consistent with the City Code section 17.208.740(D)(3) requirement of a 40 foot interior side yard setback and ensures adequate setback is provided for fire access. Please refer to Chapter 2 of the EIR, which discusses the project details, including changes to respond to community input. Please see subsection 2.5.7 of the DEIR for more details. Changes to the project in response to community comments include increasing the spacing between high-rise and mid-rise buildings (above podium level) to a minimum of 40 feet; including landscape and trees as a buffer between buildings; reorganizing building footprints to recognize existing easements; increasing building separation between Pioneer and 500 N Street condominium tower to 74 feet from 40 feet; and increasing the width of the O Street walkway between the mid-rise buildings to 44 feet.

RESPONSE TO COMMENT H2-10

The commenter asks if there is a way to accelerate the new-tree canopy growth rate.

Please see applicant and arborist's response under Comment H2-10 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.2 about loss of tree canopy and other tree impacts, particularly 2.3.2.3 and 2.3.2.8 about the landscape plan and tree replacement. See Master Response 2.3.2.9 for ecosystem services and tree growth calculations.

RESPONSE TO COMMENT H2-11

The commenter asks about timing of final site plan and design review, particularly for the common areas.

Please see staff response under Comment H2-11 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.3.6 for a discussion of site plan and design review.

RESPONSE TO COMMENT H2-12

The commenter inquires about timing for site plan review and the planned unit development (PUD) guidelines, and about the design standards that were added to the PUD guidelines.

Please see staff response under Comment H2-12 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.3.6 for site plan and design review.

RESPONSE TO COMMENT H2-13

The commenter asks if each of the four project phases is economically viable, independent of the other phases.

Please see the project applicant's response under Comment H2-13 contained in the Planning and Design Commission transcript. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability. See Master Response 2.3.12.9 regarding proposed mitigation relating to financial feasibility.

RESPONSE TO COMMENT H2-14

The commenter expresses concern about tree loss and replacement with roof top trees and indicates support for one of the alternatives.

See Master Response 2.3.2 about loss of tree canopy and other tree impacts, particularly 2.3.2.3 and 2.3.2.8 about the landscape plan and tree replacement, and Master Response 2.3.2.6 about project revisions to reduce the removal of trees. See Master Response 2.3.2.9 for information on rooftop trees. See 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 the alternatives analysis, and Master Response 2.3.7.5 for information on consideration of off-site alternatives.

RESPONSE TO COMMENT H2-15

As a representative of Unite Here, Local 49, hotel, food service, and casino workers union in the Sacramento area, the commenter expresses support for the project.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's support is noted and the comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-16

Representing CS 360, which owns units in Bridgeway Towers, the commenter expresses support for the project and setbacks.

The proposed project includes a setback of no less than 40 feet between any building, which is consistent with the City Code section 17.208.740(D)(3) requirement of a 40 foot interior side yard setback and ensures adequate setback is provided for fire access. Please refer to Chapter 2 of the EIR, which discusses the project details, including changes to respond to community input. Please see subsection 2.5.7 of the DEIR for more details. Changes to the project in response to community comments include increasing the spacing between high-rise and mid-rise buildings (above podium level) to a minimum of 40 feet; including landscape and trees as a buffer between buildings; reorganizing building footprints to recognize existing easements; increasing building separation between Pioneer and 500 N Street condominium tower to 74 feet from 40 feet; and increasing the width of the O Street walkway between the mid-rise buildings to 44 feet.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's support is noted and the comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-17

The commenter expresses support for the project and discusses demand for housing in the Central City area.

Please see Master Response 2.3.10.3 for a discussion of housing, including housing within the Central City area. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's support is noted and the comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-18

As a representative for the Sheet Metal Workers Local Number 104, the commenter expresses support for the project and indicates that the project will help to address the jobs-housing imbalance that currently exists in the Central City area.

Please see Master Response 2.3.10.3 for a discussion of housing, including housing within the Central City area. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's support is noted and the comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-19

The commenter expresses support for the project.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's support is noted and the comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-20

As a consultant for UA Local 447, Plumbers and Pipefitters, the commenter expresses support for the project, identifies that the project is consistent with the General Plan in relation to density in the Central Business District.

Please see Master Response 2.3.10.1 for a discussion of the project's consistency with land use policies in the City's General Plan. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's support is noted and the comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-21

As representatives for the American Institute of Architects (AIA), Central Valley, the commenters are excited to see the density increase on-site and request sustainable smart growth and continued exploration of density distribution across the city.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The comment will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT H2-22

The commenter discusses background on architects that worked on the project site. As representatives for the American Institute of Architect (AIA), Central Valley, the commenters request project design to consider cooling breezes for natural ventilation and reducing the urban heat island effect.

See Master Response 2.3.4 about impacts to historic resources. 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. 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.

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 to 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.

RESPONSE TO COMMENT H2-23

The commenters ask for continued understanding of the pedestrian experience when considering new and existing building setbacks.

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. See Master Response 2.3.8 for information about easements.

RESPONSE TO COMMENT H2-24

The commenter asks if AIA had gotten into depth about the projects relative to sustainable design, and form and massing, and wind currents.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The comment will be provided to the City Council as part of this FEIR for consideration. 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. The project's sustainability vision is presented in Section 1.2.3 of the PUD Guidelines (DEIR Appendix N). The project's location and design will help minimize vehicle miles traveled (VMT) and associated air pollution, including greenhouse gas (GHG) emissions, as well as energy use. 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. Because of these characteristics, residents of

Center/Corridor community areas are estimated to generate 29% less VMT per capita than the regional average, along with the energy use and GHG emissions associated with this VMT reduction (SACOG 2014). 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% lower than the regional average in 2008 and is anticipated to be 79% lower than the regional average in 2035.

Climate-appropriate landscaping is included as a part of the project (see PUD Guidelines, Section 1.2.3) and the orientation of the proposed towers are required to take into consideration Sacramento's climate conditions, including solar access and natural ventilation (PUD Guidelines, Section 3.1). 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 Section 3.2.2 of the PUD Guidelines (Appendix C of this Final EIR) for a discussion of orientation to take advantage of the Delta breeze.

RESPONSE TO COMMENT H2-25

The commenter expresses concern related to the historic neighborhood's charm and character, and about historic tree canopy preservation.

See Master Response 2.3.3 for Aesthetics, particularly 2.3.3.6 for site plan and design review, and 2.3.3.7 for project revisions to reduce visual changes. See Master Response 2.3.4 regarding historic resources and 2.3.1.4 regarding mitigation measures for historic resources. Please see Master Response 2.3.2 regarding loss of tree canopy and other tree impacts, particularly 2.3.2.3 about the landscape plan, 2.3.2.6 about project revision to reduce removal of trees, and 2.3.12.5 regarding mitigation measures for tree impacts.

RESPONSE TO COMMENT H2-26

The commenter contends the environmental process does not adequately address damage to the community and city from demolition of existing housing and project construction.

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. See Master Response 2.3.1.4 regarding mitigation measures for historic resources. See Master Response 2.3.10.3 for a discussion of housing.

RESPONSE TO COMMENT H2-27

The commenter contends other sites were not considered in the process.

Please see Master Response 2.3.7.5 for information on consideration of off-site alternatives.

RESPONSE TO COMMENT H2-28

The commenter describes the need to look at the environmental impacts resulting from removal of trees.

Please see Master Response 2.3.2 for loss of tree canopy and other tree impacts, including Master Response 2.3.2.2 regarding tree removal, Master Response 2.3.2.4 for aesthetic changes attributable to tree removal, Master Response 2.3.2.5 for greenhouse gas-sequestration benefits and air quality benefits and impacts, Master Response 2.3.2.6 for project revisions to reduce removal of trees, and Master Response 2.3.2.7 about determination of the significance of tree-related impacts. See Master Response 2.3.12.15 regarding mitigation measures for tree impacts. As discussed in the DEIR, and as identified in Chapter 12.56 of the City Code, the City recognizes various benefits of tree cover that, “enhances the natural scenic beauty, increases life-giving oxygen, promotes ecological balance, provides natural ventilation, air filtration, and temperature, erosion, and acoustical controls, increases property values, improves the lifestyle of residents, and enhances the identity of the city” (see DEIR, page 4.3-26).

RESPONSE TO COMMENT H2-29

The commenter contends the public benefits of the project do not outweigh the loss of an established neighborhood and historic district.

See Master Response 2.3.4 about impacts to historic resources. Please see Master Response 2.3.4.6 regarding historical impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT H2-30

As a representative of Sacramento Modern, the commenter contends the project violates local, regional, state, and federal 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. Each environmental sub-section of the DEIR discusses relevant provisions of local, regional, state, and federal law.

RESPONSE TO COMMENT H2-31

The commenter contends there are alternatives to the project to avoid historic resources impacts.

Please see Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered historical resources and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project. See Master Response 2.3.4.5 regarding project consistency with the goals and polices of the City's 2030 and 2035 General Plan, and 2.3.10.2 about cultural resources.

See 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 the 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 a 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.

RESPONSE TO COMMENT H2-32

The commenter claims that the applicant is unlikely to develop the project and states the existing development already conforms with the General Plan in terms of density and contends it should be integrated without demolition.

Please see Master Response 2.3.11 for development density and Master Response 2.3.10.5 regarding project consistency with the City's 2035 new and revised 2030 General Plan Goals and Policies. See 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 the 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 a 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.

RESPONSE TO COMMENT H2-33

The commenter expresses concern about impacts to the city's tree canopy and urban forest.

Please see Master Response 2.3.2 regarding loss of tree canopy and other tree impacts, particularly 2.3.2.3 about the landscape plan, 2.3.2.6 about project revision to reduce removal of trees. See Master

Response 2.3.2.8 and 2.3.12.5 regarding mitigation measures for tree impacts, and 2.3.10.5 regarding project consistency with the applicable General Plan goals and policies regarding the urban forest.

RESPONSE TO COMMENT H2-34

The commenter contends the project reduces affordable housing in the Central City area and that the city granted entitlement elsewhere to achieve density.

As described in Chapter 3 of the DEIR (page 3-29), the City's 2013–2021 Housing Element, adopted in December 2013, has policies related to the preservation of affordable, income-restricted, publicly subsidized rental housing. The existing project site does not provide income-restricted affordable housing. Please see Master Response 2.3.10.3 for project consistency with applicable General Plan goals and policies, specifically accommodating population and housing at appropriate affordability levels, and Master Response 2.3.12.12 about mixed-income housing mitigation measures. Please see Master Response 2.3.11 in relation to density.

RESPONSE TO COMMENT H2-35

The commenter shares the opinion that the project is proposed for the wrong location and contends the project applicant remains unyielding in compromises or alternatives.

Please see 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 the 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 a 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.

RESPONSE TO COMMENT H2-36

The commenter suggests that additional public input is needed and contends the project applicant is in denial regarding the historic district.

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 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. The meetings the applicant has held up until this time with community groups and other interested parties is the Response to Comment O8-20.

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 are summarized in the DEIR (see pages 2-16 and 2-17 under the heading, "Evolution of the Site Plan").

Please see Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered a historical resources and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project. See Master Response 2.3.4.5 regarding project consistency with the goals and polices of the City's 2030 and 2035 General Plan related to preservation of historic resources.

RESPONSE TO COMMENT H2-37

The commenter expresses concerns from senior citizens, specifically about traffic, trees, the park, the comfort place, and walking their pets.

Please see Master Response 2.3.5 for a discussion of traffic impacts. 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 landscape, 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, 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.

See Master Response 2.3.8 for easements.

RESPONSE TO COMMENT H2-38

The commenter expresses concern about the dislocation and transfer of people and potential impacts to residents of Pioneer Towers.

Please see City staff's response under H2-38 contained in the Planning and Design Commission transcript. 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 2.3.10.3 for project consistency with applicable General Plan goals and policies, specifically accommodating population and housing at appropriate affordability levels.

RESPONSE TO COMMENT H2-39

The commenter expresses opposition to the project and concern about trees and tranquility.

Please see Master Response 2.3.1.1 for a discussion of sensitive receptors in the project vicinity, Master Response 2.3.1.4 for a discussion of construction noise impacts and existing noise levels on-site, and Master Response 2.3.2.2 for a summary of tree removal impacts.

RESPONSE TO COMMENT H2-40

The commenter contends that the project does not provide housing for low-income people.

Please see Master Response 2.3.10.3 for project consistency with applicable General Plan goals and policies, specifically accommodating population and housing at appropriate affordability levels.

RESPONSE TO COMMENT H2-41

The commenter requests that construction and demolition related activities be further restricted to exclude Sundays.

Please see Master Response 2.3.12.10 about mitigation measures for construction-related noise.

RESPONSE TO COMMENT H2-42

The commenter describes parking problem and expresses concern about increased parking demand.

Commenters opinion that additional off-street parking is needed is noted and will be included for City Council consideration. Please see Master Response 2.3.5 regarding traffic impacts, specifically 2.3.5.1 about parking in the vicinity of the proposed project site. As noted in this Master Response and in the DEIR, 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.”

RESPONSE TO COMMENT H2-43

The commenter contends the project fails to follow the General Plan goals regarding historic resources.

Please see Master Response 2.3.10, project consistency with applicable General Plan goals and policies, specifically Master Response 2.3.10.2 for cultural resources, and Master Response 2.3.4.5 regarding project consistency with the City’s preservation General Plan goal and policies.

RESPONSE TO COMMENT H2-44

The commenter expresses concern about reducing the number of affordable housing units in the Central City area and dislocation of residents.

Chapter 3 of the EIR provides an analysis of housing in the Central City area, including housing cost. Please see Master Response 2.3.10.3 for project consistency with applicable General Plan goals and policies, specifically accommodating population and housing at appropriate affordability levels, and Master Response 2.3.12.12 about mixed-income housing mitigation measures.

RESPONSE TO COMMENT H2-45

The commenter states the neighborhood is already consistent with the General Plan density goal.

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 approximately 60 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.

RESPONSE TO COMMENT H2-46

The commenter contends the applicant did not explore alternatives on the site, such as building on parking lots or existing green space.

Please see staff response under Comment H2-72 contained in the Planning and Design Commission transcript. See Master Response 2.3.7.3 for alternatives considered but then rejected, Master Response 2.3.7.4 for a summary of the alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for additional off-site alternatives, and Master Response 2.3.7.10 for conclusion statements on alternatives.

RESPONSE TO COMMENT H2-47

The commenter contends the project will result in gentrification and an increase in automobile ownership.

Please see Master Response 2.3.5.4 for a discussion of travel demand. This comment suggests that the traffic impacts of the proposed project may be worse than reported in the DEIR. The commenter bases this statement on a review of a report prepared by Dukakis Center for Urban & Regional Policy, Northeastern University “Maintaining Diversity in America’s Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change” (October 2010). The report documents research how the planned transit stations impact the development and whether there is a significant pattern of neighborhood change. The report mentioned above does not directly apply to the analysis provided in the DEIR since it is focused on the expansion of public transit systems, rather than on land use change. The trip generation for the proposed project analyzed in the DEIR is based on information compiled by the Institute of Transportation Engineers (Trip Generation Manual, 9th Edition, 2012 and Trip Generation Manual User’s Guide and Handbook, 9th Edition, 2012), the travel mode shares from the travel survey at the existing Capitol Towers apartment building (conducted in February 2008 and March 2008 at the site), and the Pre-census Travel Behavior Report: Analysis of the 2000 SACOG Household Travel Surveys (DKS 2001). The number transit trips were calculated based on the both surveys that accurately reflect the travel mode share for downtown Sacramento specifically. In addition to transit, walking, biking, and other non-auto travel mode share is expected to be higher downtown – many of the

residents may be working within walking distance from their employment/business. Adding residential land use to the proximity of offices and retail, such as downtown setting, locate people closer to their destinations and allow for more walk, bike and transit travel. These factors are considered to the extent applicable in the DEIR. See Section 4.11 and Appendix H of the DEIR for more detail.

RESPONSE TO COMMENT H2-48

The commenter contends the project will result in a loss of middle-income housing stock and population in the central city and the displacement of residents.

Please see Master Response 2.3.10.3 for project consistency with applicable General Plan goals and policies, specifically accommodating population and housing at appropriate affordability levels, and Master Response 2.3.12.12 about mixed-income housing mitigation measures. 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 would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy which represents a shift towards infill development. 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 H2-49

The commenter expresses concern about impacts related to the loss of tree canopy.

Please see Master Response 2.3.2 regarding loss of tree canopy and other tree impacts, particularly 2.3.2.4 for aesthetic changes attributable to tree removal, 2.3.2.5 for greenhouse gas-sequestration benefits and air quality benefits and impacts, 2.3.2.6 for project revisions to reduce removal of trees, 2.3.2.7 about determination of the significance of tree-related impacts, and 2.3.2.3 about the landscape plan. See Master Response 2.3.2.8 and 2.3.12.15 regarding mitigation measures for tree impacts, including tree replacement.

RESPONSE TO COMMENT H2-50

Speaking as preservation chair for Preservation Sacramento, the commenter contends there was no looking at alternative sites.

Please see Master Response 2.3.7.5 for information on consideration of off-site alternatives. See also 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 the alternatives analysis, 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 a 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.

RESPONSE TO COMMENT H2-51

The commenter states that in addition to density, the General Plan also calls for preservation of the historic districts and states the site has been deemed eligible for the National Register.

See Master Response 2.3.10, project consistency with applicable General Plan goals and policies, specifically Master Response 2.3.10.2 for cultural resources, and Master Response 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies. As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project.

RESPONSE TO COMMENT H2-52

The commenter contends that there will be a loss of open space and expresses concern about the ability to replace tree canopy.

Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy. See Master Response 2.3.2.3 for information related to the landscape plan and Master Responses 2.3.2.8 and 2.3.12.5, which address mitigation related to project impacts. 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. Please see Response to Comment H2-37 for more detail on parks and recreation.

RESPONSE TO COMMENT H2-53

The commenter expresses concerns about a lack of guarantee that project occupants will live and work in downtown.

See Response to Comment O8-26 and Response to Comment H2-47.

RESPONSE TO COMMENT H2-54

The commenter expresses concern about the loss historic resources and the protection of community character, open space, and trees.

Please see Master Response 2.3.3 for Aesthetics, particularly 2.3.3.6 for site plan and design review and 2.3.3.7 for project revisions to reduce visual changes. See Master Response 2.3.4 regarding historic resources. Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy. Please see Response to Comment H2-37 for more detail on parks and recreation.

RESPONSE TO COMMENT H2-55

The commenter expresses concern about having inadequate sunlight due to building setbacks.

Tree placement will consider access constraints (including fire access) and setbacks necessary to provide adequate sun exposure. Please see Master Response 2.3.3.1 regarding aesthetic impacts under CEQA, Master Response 2.3.3.2 on the focus of aesthetics impact analysis in the DEIR, Master Response 2.3.3.4 for information on private views, and Master Response 2.3.3.5 for a discussion of visual changes attributable to the proposed project. 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 H2-56

The commenter contends that the building setbacks will diminish winter sunlight for lower building floors and will block the Delta breezes

The proposed project includes a setback of no less than 40 feet between any building, which is consistent with the City Code section 17.208.740(D)(3) requirement of a 40 foot interior side yard setback and ensures adequate setback is provided for fire access. Please refer to Chapter 2 of the EIR, which discusses the project details, including changes to respond to community input. Please see subsection 2.5.7 of the DEIR for more details. Changes to the project in response to community comments include increasing the spacing between high-rise and mid-rise buildings (above podium level) to a minimum of 40 feet; including landscaping and trees as a buffer between buildings; reorganizing building footprints to recognize existing easements; increasing building separation between Pioneer and 500 N Street condominium tower to 74 feet from 40 feet; and increasing the width of the O Street walkway between the mid-rise buildings to 44 feet. 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. 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.

RESPONSE TO COMMENT H2-57

The commenter expresses concern about existing units facing a wall and needing adequate building setbacks.

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. See also the Response to Comment H2-56.

RESPONSE TO COMMENT H2-58

The commenter asks for recognition of the city's preservation goal and for retaining Capitol Towers as a historic resource.

See Master Response 2.3.4.5 regarding project consistency with the goals and policies of the City's 2030 and 2035 General Plan, and Master Response 2.3.10.2 about cultural resources. Please see Master Response 2.3.4 about impacts to historic resources, particularly 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered a historical resources and Master Response 2.3.4.6 for a discussion of historical impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT H2-59

The commenter contends that the project applicant never engaged the public in a genuine dialogue or changed the project in any meaningful way to respond to community comments.

Please see Response to Comment H2-36.

RESPONSE TO COMMENT H2-60

The commenter expresses concern about the project obstructing views and creating shadows.

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 H2-61

The commenter states there is no consideration of the project's impact on existing property values due to obstructed views.

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 H2-62

The commenter expresses concern about the project exacerbating traffic congestion on N Street.

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. 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, Master Responses 2.3.6.2 and 2.3.12.12 for discussion of traffic management during construction.

RESPONSE TO COMMENT H2-63

The commenter notes that there were noise-related comments on the project and contends that allowing construction noise seven days a week is not less than significant.

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 the 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. 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 H2-64

The commenter requests that the city prohibit demolition prior to having a binding contract for project financing and construction.

See Master Response 2.3.6 for a discussion related to construction phasing and economic viability, specifically 2.3.6.1 for information about economic feasibility and abandonment of the project. See Master Response 2.3.12.9 regarding proposed mitigation relating to financial feasibility.

RESPONSE TO COMMENT H2-65

The commenter expresses concern that there is nothing binding the applicant to implement the landscape plan

See Master Response 2.3.2.3 for information related to the landscape plan and Master Responses 2.3.2.8 and 2.3.12.5, which address enforceable mitigation related to project impacts. A revision has been made to Mitigation Measure 4.3-2 to add the text shown below:

- ▶ Replacement trees, including all 147 ground level trees identified in the Conceptual Landscape Plan prepared for the project, 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.

RESPONSE TO COMMENT H2-66

The commenter discusses the historic status of the proposed project site and asks about the plausibility of having financing as a condition of project approval.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. Please see Master Response 2.3.4.1 for a summary of historic resources impacts under CEQA, and Master Response 2.3.4.2 for a summary of historic resources impacts attributable to development of the proposed project. Please refer to Master Response 2.3.4.5 for a discussion of consistency of the project with the City's General Plan.

RESPONSE TO COMMENT H2-67

The commenter identifies impacts related to trees and the tree canopy, and expresses concern that there is nothing binding the applicant to implement the landscape plan and contends that the DEIR does not address survival of trees during and after construction.

See Master Response 2.3.2.3 for information related to the landscape plan and Master Responses 2.3.2.8 and 2.3.12.5, which address enforceable mitigation related to project impacts. The intent of the Mitigation Measure 4.3-2 is to ensure survival of retained trees and successful adaptation and growth of newly-planted trees. 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. See also the Response to H2-65.

RESPONSE TO COMMENT H2-68

The commenter contends that there is no information about the eco system benefits are from the tree canopy over the next 20 to 25 years to compare to 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. Please see also Master Response 2.3.7.4, which evaluates alternatives impacts, including a sub-section related to tree impacts.

RESPONSE TO COMMENT H2-69

The commenter requests information from staff about having landscape plan implementation as a project condition of approval, the support from project opponents for off-site alternatives, and consistency of the project with the City's General Plan in relation to historic resources and density.

Please see staff response to comment under H2-69 contained in the Planning and Design Commission transcript. See Master Response 2.3.2.3 for information related to the landscape plan and Master Responses 2.3.2.8 and 2.3.12.5, which address enforceable mitigation related to project impacts. See also the Response to H2-65. See Master Response 2.3.7.5 for a discussion of off-site alternatives. Please refer to Master Response 2.3.4.5 for a discussion of consistency of the project with the City's General Plan. Please refer to Master Response 2.3.11 for a discussion of density.

RESPONSE TO COMMENT H2-70

The commenter asks for clarification about the recommendation from the Preservation Commission to consider off-site alternatives and asks about a City goal to add 10,000 housing units to the Central City area.

Please see staff response under Comment H2-70 contained in the Planning and Design Commission transcript. See Master Response 2.3.7.5 for a discussion of off-site alternatives, including the use of transfer of development rights. Please see Master Response 2.3.10.3 for project consistency with applicable General Plan goals and policies, specifically accommodating population and housing at

appropriate affordability levels. 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 would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy which represents a shift towards infill development. 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 for development density and 2.3.10.5 regarding project consistency with the City's 2035 new and revised 2030 General Plan goals and policies.

RESPONSE TO COMMENT H2-71

The commenter inquires about how the construction hours in the DEIR were determined and about the mitigation measures.

Please see staff response under Comment H2-71 contained in the Planning and Design Commission transcript. See Master Response 2.3.12.10 for information related to mitigation measures for construction-related noise. Please see Master Response 2.3.1.4 for a summary of construction noise impacts and Master Response 2.3.1.6 for a discussion of the duration of construction.

RESPONSE TO COMMENT H2-72

The commenter asks about the establishment of the DEIR alternatives, and the role of City staff in their establishment.

Please see staff response under Comment H2-72. See 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 a summary of the alternatives analysis.

RESPONSE TO COMMENT H2-73

The commenter discusses support for changes to the project to increase space between buildings and reorient buildings for privacy. The commenter requests reconsideration of the construction hours to exclude construction activities on Sundays.

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. Please see Master Response 2.3.12.10 about mitigation measures for construction-related noise.

RESPONSE TO COMMENT H2-74

The commenter discusses support for changes to the project to increase space between buildings and

reorient buildings for privacy. The commenter requests better assurance of landscape plan implementation.

See Master Response 2.3.2.3 for information related to the landscape plan and Master Responses 2.3.2.8 and 2.3.12.5, which address enforceable mitigation related to project impacts. See also the Response to H2-65.

RESPONSE TO COMMENT H2-75

The commenter asks for continuing work on phasing and financing requirements.

See Master Response 2.3.6 for a discussion related to construction phasing and economic viability, specifically 2.3.6.1 for information about economic feasibility and abandonment of the project. See Master Response 2.3.12.9 regarding proposed mitigation relating to financial feasibility.

RESPONSE TO COMMENT H2-76

The commenter expresses appreciation for improvements made to the project and looks forward to seeing further improvement along the project.

Based on input received from the community at project 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 are summarized in the DEIR (see pages 2-16 and 2-17 under the heading, "Evolution of the Site Plan").

RESPONSE TO COMMENT H2-77

The commenter expresses appreciation for progress and notes continued opportunities to ensure project implementation as presented. The commenter identifies that the EIR analyzes noise very adequately and makes reference to rooftop trees.

Please see Response to Comment H2-76. Please also see Master Response 2.3.2.3 for a discussion of the landscape plan and Master Response 2.3.2.11 for information related to rooftop trees. Please see Master Response 2.3.4.5 regarding project consistency with the City's General Plan goals and policies.

RESPONSE TO COMMENT H2-78

The commenter expresses appreciation for revisions to the project. The commenter expresses concerns about construction seven days a week and would like to see consideration for reducing this to six days.

Please see Master Response 2.3.12.10 about mitigation measures for construction-related noise. See Master Response 2.3.12.10 for information related to mitigation measures for construction-related

noise. Please see Master Response 2.3.1.4 for a summary of construction noise impacts and Master Response 2.3.1.6 for a discussion of the duration of construction.

RESPONSE TO COMMENT H2-79

The commenter references the historic status of the proposed project site, on-site open space, on-site trees, and building energy.

As described on page 4.4-1 of the DEIR, the property is considered a historical resource and has been evaluated for potential impacts of the proposed project pursuant to CEQA. See Master Response 2.3.4 about impacts to historic resources, particularly Master Response 2.3.4.3 regarding a difference in opinion among experts as to whether or not the Capitol Towers and garden apartments are considered historical resources, 2.3.4.4 about mitigation measures identified in the DEIR and FEIR that include measures suggested by the City's Historical Preservation Committee, and Master Response 2.3.4.5 regarding project consistency with the City's preservation General Plan goal and policies.

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 the 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 landscape, 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 landscape, 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 the Response to A6-12 for a discussion of construction and operational energy use.

RESPONSE TO COMMENT H2-80

The commenter references, the historic value of existing buildings, the tree canopy, the architectural design of the proposed project, a requests consideration for further building setbacks on upper floors to allow more room for the tree canopy and sunlight. The commenter requests seeing design flushed out in more detail in the PUD guidelines, including statements about quality of design architecture and its relationship to the Sacramento climate.

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. 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. See Master Response 2.3.3.6 for site plan and design review. See also the Response to Comment H2-22 for a discussion of microclimates and the urban heat island effect. The climate of the Sacramento area is summarized in Section 4.2 of the DEIR (see page 4.2-1, for example) and climate change effects on the Sacramento region are summarized in Section 4.6 of the DEIR (see page 4.6-3). Climate-appropriate landscape is included as a part of the project (see PUD Guidelines, Section 1.2.3) and the orientation of the proposed towers are required to take into consideration Sacramento's climate conditions, including solar access and natural ventilation (PUD Guidelines, Section 3.1).

RESPONSE TO COMMENT H2-81

The commenter asks for more information about the southeast corner of the site, specifically the connectivity between the plaza and the adjacent high-rise building.

Pedestrian circulation is described in Chapter 2 of the EIR, "Project Description" and in more detail in the PUD Guidelines (Appendix N of the DEIR). Section 4.11 of the DEIR evaluates potential transportation impacts of the project, including those related to pedestrian circulation. See Impact 4.11-4 (starting on page 4.11-58 of the DEIR). The City maintains standard specifications for construction of streets, which are required to be adhered to for projects within the City limits and designed, in part, to protect the public safety in the context of new improvements. The City's Pedestrian Friendly Street Standards (adopted in 2004) are included in the City's Design and Procedure Manual, Section 15-Street Design Standards.

RESPONSE TO COMMENT H2-82

The commenter requests the PUD Guidelines to have some specificity, particularly preclusion of a stucco exterior.

See Master Response 2.3.3.6 for site plan and design review. Please see Master Response 2.3.3.1, which identifies that California Public Resources Code Section 21099(d) provides that aesthetic impacts of a qualifying transit project shall not be considered significant effects on the environment. The proposed project qualifies as a residential project in an infill area that is located in a transit priority area (Public Resources Code Sections 21099[a] and 21099[d]). However, the City has included an assessment of aesthetic changes attributable to the proposed project in the DEIR for informational purposes to provide a more detailed understanding of the proposed project's design. See the PUD Guidelines 3.2.2, which discourages the use of stucco.

RESPONSE TO COMMENT H2-83

The commenter expresses concern about phasing of off-site infrastructure for the project, and requests more specificity in the first phase of the project approval conditions about the re-routing of utilities, including hardscape or landscaping, prior to building construction.

The necessary infrastructure for each phase of the proposed project will be required to be constructed to City standards. Multiple final maps may be recorded. Prior to recordation of any final map, all infrastructure/improvements necessary for the respective final map will be required to be in place to the satisfaction of the City Departments of Utilities and Department of Public Works. The landscaping and hardscaping will occur with the site preparation and building construction for each phase. Please see Master Response 2.3.6 for a discussion of construction and demolition phasing. Please see Master Response 2.3.3.6 for site plan and design review.

RESPONSE TO COMMENT H2-84

The commenter requests further consideration when coordinating project construction activities to reduce duration of construction noise.

Please see Master Response 2.3.12.10 for information related to mitigation measures for construction-related noise. See Master Response 2.3.12.10 for information related to mitigation measures for construction-related noise. Please see Master Response 2.3.1.4 for a summary of construction noise impacts and Master Response 2.3.1.6 for a discussion of the duration of construction.

RESPONSE TO COMMENT H2-85

The commenter requests further development of the landscape plan

See Master Response 2.3.2.3 for information related to the landscape plan. See also Response to Comment H2-83 regarding project phasing.

2.3 MASTER RESPONSES TO COMMENTS

Several of the comments address the same or related issues. Therefore, the City has prepared Master Responses to issues that are mentioned multiple times in the comments on the Draft EIR, with appropriate references to these Master Responses:

- ▶ Construction Noise and Vibration;
- ▶ Loss of Tree Canopy and Other Tree Impacts;
- ▶ Aesthetics;
- ▶ Historic Resources;
- ▶ Traffic Impacts;
- ▶ Construction and Demolition Phasing;
- ▶ Alternatives Analysis;
- ▶ Easements;
- ▶ Streamlined Approach to Environmental Analysis;
- ▶ Consistency of the Project with Applicable General Plan Goals and Policies;
- ▶ Development Density; and
- ▶ Mitigation Measures.

2.3.1 CONSTRUCTION NOISE AND VIBRATION

2.3.1.1 SENSITIVE RECEPTORS

As described in Section 4.9 of the Draft Environmental Impact Report (DEIR), there are noise-sensitive land uses near the project site (see DEIR Table 4.9-10 on page 4.9-18), including residences in the Capitol Towers building and garden apartments that currently exist on site, residences on adjacent residential properties, such as the condominiums located at 500 N Street (40 feet) to the north, senior residential uses (Pioneer House) located at 415 P Street (150 feet) to the west, Pioneer Tower located 515 P Street (42 feet) to the south of the project site, and residences to the west at a greater distance (500 feet) located at 1451 3rd Street from the project site. In addition, the children at the Discovery Tree Preschool, who are a noise-sensitive receptor, located on the ground floor of the Board of Equalization building at 450 N Street (100 feet from the project site) to the west of the project site. Due to the fact that there is a senior housing (Pioneer House) in the vicinity of the project site, the DEIR also acknowledges that it may be relatively more likely that people may be sleeping during the day, when construction activities associated with the proposed project would be anticipated to occur. The noise

and vibration impact analysis conducted to support this EIR focused on the effect on the above described existing nearby noise and vibration sensitive uses.

2.3.1.2 THRESHOLD OF SIGNIFICANCE

The lead agency is charged with selecting the appropriate threshold of significance for evaluating the significance of an issue pursuant to CEQA. For this EIR, the City first considered whether the City's standard construction noise exemption applies, which allows daytime construction noise, in part, due to the fact that residents are relatively less likely to be home and sleeping during daytime hours. However, in recognition of Pioneer Tower residents and other nearby senior residents, the City considered whether construction could result in 75 decibels or greater, a level that could potentially disturb sleep (based on NIDCD 2008), notwithstanding that the City Code exempts construction noise during daytime hours. The 75 dBA threshold was also used for the City's environmental review of the Sacramento Entertainment and Sports Center (City of Sacramento 2013a). As explained in detail in the DEIR and as summarized in this response, maximum indoor noise levels have been estimated and, based on this analysis, are not anticipated to exceed this threshold. Given that construction noise qualifies for the City's exemption and would not exceed 75 decibels after mitigation, the City found the impact to be less than significant with mitigation.

2.3.1.3 VIBRATION IMPACTS AND MITIGATION

Some of the effects of groundborne vibration include movement of building floors, rattling of windows, shaking of items that are sitting on shelves or hanging on walls, and rumbling sounds. In extreme cases, vibration can cause damage to buildings. Building damage is not a factor for most projects, with the occasional exception of blasting and impact pile driving (when they occur close to existing structures) during construction. Older buildings are more susceptible to structural damage from vibration.

The project will require piles for building foundations. Temporary noise and vibration associated with different techniques for installing piles has been estimated and is presented in the DEIR (see page 4.9-21 in particular). The amount of vibration depends on the technique used. Projects located in the vicinity of vibration-sensitive uses, such as the proposed project, have options for the technique of pile installation. One of the most important differences in the options is the level of vibration generated. Once the building design is finalized, it will be possible to select the method of pile installation. Since it is not possible to know what methods will be used to install the building piles, until the buildings are fully designed, it was conservatively assumed that the project could have potentially significant vibration impacts. However, the City has also included a mitigation measure that will require the project to avoid significant vibration impacts for both nearby vibration-sensitive uses (such as residents) and also historic buildings. Please refer in particular to Mitigation Measure 4.9-3b, which identifies methods to reduce vibration impacts to a less-than-significant level, and also establishes quantified performance standards that the mitigation must achieve. As explained in the DEIR, with the incorporation of this mitigation measure, the impact is considered less than significant.

The performance standards (thresholds) used in this mitigation measure are based on industry standard thresholds that have been developed based on research conducted by public agencies to

avoid adverse effects to vibration-sensitive uses and historic buildings (FTA 2006, pp. 7-1 to 7-8; Caltrans 2004, pp. 5-7). These thresholds are keyed to structures and human responses because water wells and buried pipelines can survive rather high-vibration intensities, since they are constrained by the soil and bedding materials surrounding them (Caltrans 2013). Human annoyance from groundborne vibration often occurs when the vibration exceeds the threshold of perception by only a small margin. A vibration level that causes annoyance can be well below the damage threshold for normal buildings. The Federal Transit Administration has published a technical manual entitled *Transit Noise and Vibration Impact Assessment* that provides criteria for groundborne vibration impacts with respect to building damage during construction activities (FTA 2006). According to FTA guidelines, a vibration-damage criterion of 0.20 inch per second (in/sec) PPV should be considered for non-engineered timber and masonry buildings. Furthermore, structures or buildings constructed of reinforced concrete, steel, or timber have a vibration-damage criterion of 0.50 in/sec PPV, pursuant to the FTA guidelines. To address human response (annoyance) to groundborne vibration, FTA has established maximum-acceptable vibration thresholds for different land uses. These guidelines recommend 80 VdB for residential uses and buildings where people normally sleep, and 83 VdB for institutional land uses with primarily daytime operations (e.g., schools, churches, clinics, offices). As described on pages 4.9-21 and 4.9-22, the EIR uses thresholds of greater than 0.5 in/sec or vibration levels greater than 80 VdB for project construction and 0.2 in/sec for historic buildings (such as the Heilbron House).

As discussed in Impact 4.9-4 (DEIR page 4.9-30), depending on the technique selected for installation of building piles, the maximum vibration levels for the closest sensitive receptors within 40 feet north of proposed construction could range from 0.04 PPV/81 VdB (if auger drilling pile installation is used) to 0.75 PPV/106 VdB (if impact pile driving is selected). Vibration levels greater than 80 VdB would be considered a significant impact.

Implementing Mitigation Measures 4.9-3a and 4.9-3b (DEIR pages 4.9-28 and 4.9-29) would limit all construction activities to the days and hours specified in the City's noise ordinance, and would require the project applicant to prepare and implement a noise and vibration control plan for pile installation. This plan would be developed in coordination with an acoustical consultant, and would include measures demonstrated to ensure construction noise exposure for the interior of nearby residential dwellings is less than 75 dB L_{eq} and that vibration exposure for all buildings and vibration-sensitive receptors in the vicinity of the project site is less than 0.5 PPV and 80 VdB, and less than 0.2 PPV for historic buildings. Therefore, implementing Mitigation Measures 4.9-3a and 4.9-3b would reduce the proposed project's construction pile installation noise and vibration impacts to a less-than-significant level. As shown in Table 4.9-13 of the DEIR and explained on pages 4.9-27 and 4.9-28, there are optional techniques available for pile installation that would avoid significant temporary noise and vibration impacts.

2.3.1.4 CONSTRUCTION NOISE IMPACTS AND MITIGATION

The DEIR compares existing ambient noise levels on-site to those anticipated during construction of the proposed project. In order to allow a quantitative estimate of temporary increases in noise levels during construction, ambient measurements were conducted in various locations in and adjacent to the project

site. Noise measurements were taken at eight different locations that were selected to represent noise-sensitive uses on and near the project site. 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 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.

Transmission loss of noise for common building materials ranges from 18–40 dBA, depending on the type, thickness and weight of walls (FHWA 2011). Some buildings containing sensitive receptors within and adjacent to the project site were built using plywood, and therefore would be expected to provide a minimum of 20 dBA attenuation, while the 500 N Street, Pioneer Towers, and Capitol Towers, all were built using concrete materials that would be expected to provide higher levels of attenuation (up to 40 dBA), depending on thickness and other specific design specifications (FHWA 2011). However, to ensure conservative results, the EIR assumes just a 20-dB reduction in the analyses detailed throughout Section 4.9 of the DEIR (rather than the higher attenuation that may be anticipated with different building materials).

Some commenters have identified that certain nearby buildings (such as Pioneer Tower) have glass windows and doors facing the project site. The Federal Highway Administration (FHWA) estimates that attenuation associated with glass is approximately 22 decibels (more than assumed for the conservative analysis detailed throughout the DEIR (FHWA 2011, page 9 of 16). The Federal Aviation Administration (FAA) Part 150 – *Airport Noise Compatibility Planning Guidelines* Appendix A (starting on page 9) includes Table 1, “Land Use Compatibility with Yearly Day-Night Average Sound Levels.” This noise and land use compatibility is similar to those used by most cities within California within their general plans to determine compatibility with various noise sources. In the notes to Table 1, this document indicates that “normal residential construction can be expected to provide an outdoor to indoor noise attenuation of 20 decibels.”

It is typical in EIR analyses to assume that noise-sensitive uses can close windows in order to avoid substantial noise exposure. The outdoor to indoor noise attenuation associated with buildings is higher when doors and windows are closed compared to when they are open. However, consistent with the conservative analysis included throughout this EIR, the DEIR details potential worst-case construction noise levels for the closest noise-sensitive uses both with doors and windows open and with doors and windows closed (see in particular DEIR page 4.9-18, Table 4.9-10).

Table 4.9-10 in the DEIR presents estimates of construction equipment noise for the worst case sub-phase of construction where the noisiest equipment will be required in relation to the closest noise-sensitive receptors (see page 4.9-18 of the DEIR). For example, as discussed in Impact 4.9-3 (DEIR pages 4.9-26 and 4.9-27), construction equipment noise, not including pile driving activities, could result in a maximum temporary interior noise level of approximately 69 dBA L_{eq} at the residences at the garden apartments, located on the project site with windows closed. Construction noise levels experienced at other noise-sensitive receptors both on and adjacent to the project site would be lower than this worst-case scenario (including the Capitol Towers building) based on concrete construction materials and increased distance from the noise source.

Some comments raised concerns with the allowable hours and days for construction in Sacramento and the daily and hourly limits on construction imposed on the proposed project. Section 8.68.080 of the City's Noise Ordinance exempts certain activities, including "noise sources due to the erection (including excavation), demolition, alteration or repair of any building or structure," as long as these activities are limited to between the hours of 7 a.m. and 6 p.m. Monday through Saturday, and between the hours of 9 a.m. and 6 p.m. on Sunday. As required by Mitigation Measure 4.9-3a (pages 4.9-28 and 4.9-29 of the DEIR), construction of the proposed project would occur within these timeframes. Therefore, the proposed project's construction noise levels would not violate the standards in the City of Sacramento Noise Ordinance.

Additionally, Mitigation Measure 4.9-3a requires placement of noisy equipment as far as practicable from noise-sensitive uses, limits equipment idling time, provides a coordinator to receive and respond to noise complaints during construction, and prior notification of residents and other users in the vicinity of construction activities. The mitigation measure requires construction personnel to put as much distance as is practicable between noise generating equipment and nearby noise-sensitive uses. The distance that would be achieved through this portion of the mitigation measure may be anticipated to be different during different phases of construction and also different over the course of a day or week, as certain noise-generating equipment will move through the project site. After implementation of Mitigation Measure 4.9-3a, the proposed project would not result in construction noise levels that exceed 75 dBA L_{eq} at the interior of a residential building during the daytime hours based on the threshold established according to guidance developed by the National Institute on Deafness and Other Communication Disorders (NIDCD 2008).

According to the National Institute on Deafness and Other Communication Disorders, the louder the sound, the shorter the time period before noise-induced hearing loss can occur. Noise levels of less than 75 decibels, even after long exposure, are unlikely to damage hearing and single-event noises of 75 dBA or less is unlikely to disturb sleep (see Table 4.9-2 on page 4.9-4 of the DEIR). Therefore, the EIR proposes Mitigation Measure 4.9-3a to ensure that construction-related noise levels will not exceed 75 decibels and, after implementation of the mitigation measure, concludes the impact is less than significant.

As discussed in DEIR Impact 4.9-3 (DEIR page 4.9-27), installation of piles could result in peak noise levels for the closest sensitive receptors from 66.3 dBA (if auger drilling pile installation is used) to 83.2 dBA (if impact pile driving were selected). Table 4.9-13 of the DEIR presents estimates of noise and

vibration associated with different pile installation techniques for noise-sensitive receptors that are the closest to the areas where piles could be installed. As noted in the DEIR, receptors that are at greater distances would experience reduced impacts compared to the worst-case results reported in the DEIR (see page 4.9-21 of the DEIR).

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.) would be considered a significant impact. Implementing Mitigation Measures 4.9-3a and 4.9-3b (DEIR pages 4.9-28 and 4.9-29) would limit all construction activities to the days and hours specified in the City's noise ordinance, and would require the project applicant to prepare and implement a noise and vibration control plan for pile installation. This plan would be developed in coordination with an acoustical consultant, and would include measures demonstrated to ensure construction noise exposure for the interior of nearby residential dwellings is less than 75 dB L_{eq} . Therefore, implementing Mitigation Measures 4.9-3a and 4.9-3b would reduce the proposed project's construction pile installation noise impacts to a less-than-significant level. As shown in Table 4.9-13 of the DEIR and explained on pages 4.9-27 and 4.9-28, there are optional techniques available for pile installation that would avoid significant temporary noise impacts. See also Master Response 2.3.12.10 for a discussion of construction noise mitigation.

2.3.1.5 CONSERVATIVE APPROACH TO ANALYSIS

As with the entirety of the construction noise analysis, estimates of vibration and noise from pile installation is intentionally conservative representing a worst-case scenario (meaning that the analysis could somewhat overestimate actual impacts). Mitigation Measure 4.9-3b requires buffer distances, limits on the type of equipment, the use of attenuation devices and/or "quiet" pile installation technology to achieve specifically identified performance standards designed to reduce temporary impacts. Among the options available for installation of piles include cast-in-place or auger cast piles. The potential vibration impacts associated with pile installation – particularly as it relates to this potential technique – are overestimated in the analysis presented in the DEIR. According to Caltrans, using cast-in-place or auger cast piles eliminates impact driving and limits vibration generation to a small amount generated by drilling, which is negligible (Caltrans 2004, page 29).

As explained in detail throughout Section 4.9 of the DEIR, the analysis is intended to represent the worst-case scenario during construction. The analysis focuses on reporting on 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 noisiest construction equipment would not be used during the entire construction period.

2.3.1.6 DURATION OF CONSTRUCTION AND DURATION OF NOISE- AND VIBRATION-GENERATING SUB-PHASES

As described in detail in DEIR Chapter 2, "Project Description" (DEIR 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). Pile

installation would not occur throughout the construction period and the noisiest equipment is used for a limited time period at the start of construction during the site preparation phase. For most of the overall construction period, temporary noise levels would be lower than those analyzed in the impact analysis and reporting included in the DEIR. In other words, while project construction is anticipated to occur over approximately a six year period, construction noise during the construction period would generally be substantially lower than the worst-case estimate presented in the DEIR. The relatively noisier and vibration-generating sub-phases of construction (demolition, excavation, and pile installation) are anticipated to occupy approximately 10 to 20% of the overall construction period, while the quieter parts of construction following site preparation and excavation and occurring on upper stories are anticipated to occupy the balance of the overall construction period.

However, after implementation of Mitigation Measures 4.9-3a and 4.9-3b, even under worst case noise levels (such as pile installation) at nearest sensitive receptors from proposed project construction activities, the proposed project's construction-related noise impact is less than significant.

2.3.2 LOSS OF TREE CANOPY AND OTHER TREE IMPACTS

2.3.2.1 EXISTING SETTING

The proposed project site is located in an urban setting in the City of Sacramento's Central Business District (CBD) and is currently developed with urban uses. The CBD is Sacramento's most intensely developed area. The CBD includes a mixture of retail, residential, office, governmental, entertainment, and visitor-serving uses built on a framework of streets and park spaces associated with the original Sutter Land Grant in the 1840s. Vegetation on the project site consists of ornamental landscaping and does not include any native plant communities or natural habitats. On-site urban vegetation consists primarily of street tree strips (i.e., linear rows of trees) and shade tree/lawn structure (i.e., grassy lawn areas with trees shading portions of the lawn). Most of the on-site trees were planted during the development of the project site in the 1960s.

As discussed in DEIR Impact 4.3-2 (pages 4.3-23 through 4.3-26), based on the Arborist Report (DEIR Appendix M), there are a total of 291 trees on the project site that provide a total tree canopy area of approximately 5.7 acres (Dudek 2014). On the project site, 50 trees are designated as protected or regulated trees under Chapters 12.56.020 and 12.64.020 of the City's Code, including 39 trees that meet the definition of a City Street Tree and 11 trees that meet the criteria for classification as a Heritage Tree. Of the 39 City Street Trees, six also meet the size criteria for classification as a Heritage Tree.

2.3.2.2 TREE REMOVAL

Construction of the proposed project is expected to result in the removal of up to four Heritage Trees which are classified by the Arborist Report as being in good or fair condition, and up to four City Street Trees (Dudek 2014). The proposed project would also result in removal of approximately 191 Non-Heritage Trees (i.e., trees that do not meet the City's definition of either a Heritage Tree or City Street Tree and are not regulated by City Code).

2.3.2.3 LANDSCAPING PLAN

The proposed project's Conceptual Landscape Plan is intended to replace and, over time, enhance the tree canopy on-site (see DEIR Figures 2-4a and 2-4b on pages 2-9 and 2-10, DEIR Appendix N, and Figure 4.1-5). This Plan includes a total of 147 new trees to be planted throughout the site at ground level as required by Mitigation Measure 4.3-2 (see Master Response 2.3.12.5). Additionally, the project applicant has agreed to plant 100 new trees on elevated balconies and roof tops (referred to as "podium" trees). Not including the podium trees, approximately 10 years after installation of project landscaping, the tree canopy cover on the project site is estimated to be approximately 155,811 square feet (roughly 62 percent of the existing coverage) and approximately 25 years later the canopy cover is estimated to increase to 251,699 square feet (roughly a 2 percent increase over existing canopy coverage). Including approximately 100 proposed podium trees at 10 years after installation of project landscaping, the tree canopy cover on the project site is estimated to be approximately 167,201 square feet (roughly 68 percent of the existing coverage) and approximately 25 years later the canopy cover is estimated to increase to 275,979 square feet (roughly a 12 percent increase compared to existing canopy coverage).

These calculations are reasonable and were based on an average size by age derived from ten (10) shade tree species that grow in the Sacramento region. Consequently, the expected canopy growth encompasses both large and small canopy trees. Specific trees included are London plane tree (*Platanus x acerifolia*), American elm (*Ulmus americana*), Red maple (*Acer rubrum*), Valley oak (*Quercus lobata*), Scarlet oak (*Quercus coccinea*), Hackberry (*Celtis sinensis*), Zelkova (*Zelkova serrata*), Red oak (*Quercus rubra*), Camphor (*Cinnamomum camphora*), and Tulip tree (*Liriodendron tulipifera*). Therefore, as ground level trees included in the proposed project mature, it is anticipated that the tree canopy coverage on the project site would be similar to the existing coverage. This information is detailed in the DEIR, as well as in Appendix M of the DEIR, please refer to Tables 9 and 10, on page 21.

For the purposes of determining whether the proposed project's tree-related impacts would be mitigated to a less than significant level, the City considered the significance of the impact after implementation of Mitigation Measure 4.3-2 and in consideration of the 147 ground level trees proposed as part of the conceptual landscape plan. The City finds that through replanting 147 ground level trees and implementation of Mitigation Measure 4.3-2, the proposed project's tree related impacts will be reduced to a less than significant level. Consideration of the 100 podium and rooftop trees is not required to reduce the proposed project's tree related impact to a less-than-significant level. Nevertheless, the project applicant has agreed to plant 100 podium and rooftop trees.

There are several examples of podium landscaping in downtown Sacramento and elsewhere in the region that have been successful in providing open space above the ground. Near the proposed project site for example, podium landscaping is used at the Lincoln Plaza Building (southwest of the intersection of 5th and P Streets), the California Public Employees Retirement System (CalPERS) office building (southwest of the intersection of 5th and Q Streets), and at the office building at 300 Capitol Mall. A representative photo of a podium landscape space is included below (Figure 2-1).



Figure 2-1. Podium Landscaping, Lincoln Plaza Building

The proposed project's Conceptual Landscape Plan is intended to replace and, over time, enhance the tree canopy on-site consistent with Title 12, Chapters 12.56 and 12.64 of the City Code and with Mitigation Measure 4.3-2 of the DEIR. Mitigation Measure 4.3-2 (DEIR pages 4.3-27 through 4.3-28) would require that Heritage Trees and City Street Trees would be replaced consistent with Title 12, Chapters 12.56 and 12.64 of the City Code. Mitigation Measure 4.3-2 also provides for tree protection measures that would be implemented prior to and during construction, along with tree monitoring during and after construction, for Heritage Trees, City Street Trees, and other on-site trees. Therefore, the DEIR concluded that tree impacts would be reduced to a less-than-significant level following implementation of Mitigation 4.3-2. This mitigation measure addresses adverse effects associated with the project in relation to the project site.

The overall tree canopy of the City would be enhanced and maintained by the City according to General Plan Policy ER 3.1.2. As a part of supplemental changes to the 2035 General Plan prior to adoption, the City added language to this policy, as shown below:

ER 3.1.2 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.

This additional language was recommended in order to provide a policy mechanism for monitoring and maintenance of the City's tree canopy.

As illustrated in Figures 2-4a and 2-4b (and discussed in detail in Section 2.5.5 of Chapter 2, “Project Description”), a 44- to 64-foot-wide East-West Promenade and a 60- to 85-foot-wide North-South Promenade would be included on the project site providing a dominant landscaping pattern on the site and primary pedestrian traversing through the site. The landscape plan incorporates these Promenades with a balance of hardscape paving and softscape lawn areas, trees for shade, and gathering with seating, allowing for a variety of outdoor activities. A secondary network of smaller scale pedestrian walkways would connect both the existing and proposed buildings between the North-South Promenade and 7th Street; these passageways would also be tree-lined, providing additional tree canopy coverage and would include small seating areas and additional landscape areas. The northwest corner of P and 7th Streets would be occupied by a hardscape community plaza organized around a structural feature and including a tree canopy that would provide shade.

Some of the comments raised concerns that minimum soil volume and adequate space is needed to accommodate tree plantings, that the site may not be able to accommodate 147 replacement tree plantings, that trees may not receive 4 hours of direct sunlight, that planted trees cannot grow to maturity without damaging infrastructure, and that planted trees may require removal within 8 to 20 years, prior to achieving the size and benefits stated in the project’s Arborist Report. Commenters further state that if small replacement trees are planted to avoid future potential problems, they will not meet the growth projections stated in the project’s Arborist Report.

Tree species selection will be finalized in coordination with the City’s Urban Forester and will include species that are suitable to the post-development environment, as identified in Arborist Report and Mitigation Measure 4.3-2. Tree species selection will consider planting stock (size and quality), available growing space, shade tolerance, root damage potential, growth rates, shading capacity, biogenic emissions, and aesthetics, amongst other factors. Trees will be planted in suitable locations allowing for appropriate setbacks from property lines, buildings, hardscape, fire access lanes, and other project infrastructure and to allow for adequate sun exposure. Rooftop trees will be sited and planted according to industry specifications. Soil remediation and treatment will also be specified in the project’s final landscape plan to ensure suitable soil volume and soil conditions for tree growth. Future use of small trees to replace any removed trees should not be necessary given the consideration to species and suitable planting locations. Ultimately, the final landscape plan, inclusive of tree species selections and planting and placement specifications, will be subject to approval by the City during its Design Review Process.

Regarding the capability of the site to accommodate retained trees and proposed ground-level plantings, an understanding of available planting area can be gained by evaluating the site’s current and proposed permeable landscape area. As presented in Section 4.8 of the DEIR, the site’s current permeable landscape equals 2.30 acres (and contains 252 trees, not including City Street Trees) and the proposed site’s permeable landscape area equals 1.88 acres (and contains 204 trees). Therefore, the average on-site tree density for the existing condition is 110 trees per acre and that for the proposed landscape is 109 trees per acre. Based on this comparison of tree quantities and permeable landscape area for existing and proposed site conditions, the site’s capability to support and sustain the proposed tree population is reasonable.

The Sacramento Commons project includes taller buildings that will create different solar exposures throughout the site as compared to existing conditions. However, this is consistent with most urban centers where trees continue to prosper. Tree species will be chosen for the conditions that exist with the understanding that some require more sun, and some are adapted to more shady conditions. Further, emergency vehicle access has been studied preliminarily to provide the necessary paths of travel and requirements related to emergency access were taken into consideration in determining that 147 trees can be accommodated in the proposed project landscape plan (Scott Eckhardt, Arborist, Dudek).

The redevelopment of the project site in the 1960s presented a condition similar to that associated with the proposed project. Site re-development in the 1960s involved significant removal of trees that lined 6th and O Streets, as well as trees that were included in private yards that comprised the current project site, based on a visual comparison of aerial photographs taken in 1957 and 1964. Re-development in the 1960s also involved retention of some larger trees on site as well as planting of numerous small trees in then newly-available planting sites. Many retained trees survived and newly-planted trees were able to adapt to the site and grow, despite site and soil disturbance associated with demolition of structures, infrastructure, and roads and the construction of the buildings and towers currently present on site.

2.3.2.4 AESTHETIC CHANGES ATTRIBUTABLE TO TREE REMOVAL

The DEIR provides a description of existing conditions and an assessment of aesthetic changes attributable to implementation of the project, including removal and planting of trees (see Section 4.1 of the DEIR for details). As noted in the DEIR, the existing trees mostly occur in planting strips around the perimeter of the project site, along City streets and sidewalks and around on-site buildings, parking lots, and adjacent to internal walkways that traverse the site (see DEIR, page 4.1-15). Project construction, including removal and installation of project landscape, would occur in phases (please refer to Chapter 2 of this EIR, "Project Description" for information on phasing). New trees would be planted as the project is built in phases, allowing those trees to mature and contribute to the tree canopy, prior to overall project completion. Please see also Master Response 2.3.3.

2.3.2.5 GREENHOUSE GAS SEQUESTRATION BENEFITS AND AIR QUALITY BENEFITS AND IMPACTS

The DEIR includes a very detailed discussion of the various benefits of trees and effects of removal of trees from the proposed project site, including what is known as greenhouse gas or carbon sequestration. Carbon sequestration is the removal of carbon dioxide from the atmosphere, which is an environmental benefit related to global climate change. As discussed on DEIR page 4.6-17 (Section 4.6, "Greenhouse Gas Emissions and Energy"), the existing tree coverage on-site is estimated to provide approximately 26,328 pounds per year of CO₂ sequestration (see DEIR Appendix M and Dudek 2014). The project proposes to remove trees that provide a total of approximately 15,491 pounds per year of CO₂ sequestration (Dudek 2014). Considering existing trees that would be preserved as a part of the project and the new 147 ground level trees, the total sequestration potential after 25 years of growth would be 23,421 pounds per year (Dudek 2014). Including podium and rooftop level trees, the total sequestration potential after 25 years of growth would exceed the existing canopy

by approximately 1 percent (26,581 pounds per year pounds per year) (Dudek 2014). While the analysis timeframe covered only 25 years, tree growth is expected to occur beyond 25 years, continuing to provide benefits for the site (DEIR, Appendix M, page 22).

Based on species-specific biogenic emissions data provided by Selectree (selectree.calpoly.edu; Urban Forest Ecosystems Institute, California Polytechnic State University, San Luis Obispo), the project site's existing trees are classified with the following ratings for volatile organic compound emissions: Low (90 trees [31%]), Moderate (63 trees [22%]), High (81 trees [28%]), and Unknown (57 trees [19%]). The retained trees exhibit a similar distribution of classifications: Low (34 trees [37%]), Moderate (24 trees [26%]), High (27 trees [29%]), and Unknown (7 trees [8%]). Tree species selection for newly-planted trees will be conducted in coordination with the City's Urban Forester and will need to balance multiple site constraints and demands, including, but not limited to, growth rate, shade tolerance, species diversity, aerosol emissions, and carbon sequestration rates. Based on the biogenic emissions classifications of retained trees and species diversity of newly-planted trees, it is expected that the post-development tree population will exhibit a similar distribution of biogenic emissions classifications as the existing tree population.

Additionally, for the purposes of CEQA review, tree related air quality benefits are not considered in isolation. Instead, air quality related impacts are evaluated on a project wide basis. The removal of trees required by the proposed project would decrease existing air pollution related benefits associated with trees on the project site; however, as discussed in DEIR (page 4.6-15), the proposed project adds residential units in Sacramento in an area that would result in reduced average VMT and related pollution emissions per resident as compared to the average resident in Sacramento. Therefore, tree-related air pollution impacts of the proposed project are offset by the other air quality benefits associated with the proposed project. Furthermore, as the trees required to be planted by Mitigation Measure 4.3-2 mature, on-site tree-related benefits associated with micro-climate cooling and pollution reduction will increase as replacement trees mature and the tree canopies expand, and will achieve a similar level as existing conditions within approximately 25 years.

2.3.2.6 PROJECT REVISIONS TO REDUCE REMOVAL OF TREES

As described in the DEIR, the project design has been refined (see pages 2-16 and 2-17 in particular) to address public comments provided about trees, in addition to other topics. A number of changes were made to the design based on input provided from three workshops held for the community by the applicant, numerous meetings with residents, owners, and other stakeholders in the project vicinity, the public scoping meeting, and input from the Planning and Design Commission after their initial review of the project. Some of the proposed changes, depicted in Figures 2.3 and 2.4 (pages 2-8 through 2-10 of the DEIR), include: landscaping and trees as a buffer between buildings; providing a setback on 5th Street to preserve existing Street Trees; revising the landscape plan to retain additional healthy trees on site, in addition to Street and Heritage Trees; and refining the landscape plan to provide additional community open space areas with incorporation of native trees at 7th and P streets.

2.3.2.7

DETERMINATION OF THE SIGNIFICANCE OF TREE-RELATED IMPACTS

In evaluating the significance of biological resource impacts, CEQA focuses on impacts to endangered, rare or threatened animal or plant species and wildlife habitat of significant value. (See, e.g., CEQA Guidelines, § 15380 [defining endangered, rare or threatened animal or plant species]; Public Resources Code, § 21155.1 [defining habitat of significant value].) CEQA does not require impacts to landscape features, such as landscape trees that are not endangered, rare or threatened, to be considered a potentially significant impact on the environment. Therefore, in evaluating a project's biological resource impacts and specifically a project's impacts on trees, a lead agency is necessarily tasked with distinguishing between impacts to existing landscaping that is considered less than significant and impacts to existing landscaping with the potential to be significant, such as heritage and street trees as identified in the City Code. (*California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 282 [upholding the lead agency's determination that trees proposed for removal were not sensitive biological resources because "the urban setting... lessened their biological significance" and, therefore, finding the lead agency was "not required to adopt mitigation measures with respect to these trees before certifying the EIR"]; see also *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 648-649, 655 [distinguishing between "old growth" redwood trees (defined as redwoods with a diameter of 30 inches or more) and redwoods not meeting that definition and citing to the State Parks Natural Resources Handbook, which establishes measures to safeguard protected trees].)

Here, the project site is classified as "urban" according to CDFW's California Wildlife Habitat Relationship System and is "comprised entirely of ornamental landscaping." (DEIR, App. L [Biological Resources Assessment Report], p. 4.) With the exception of some City Street Trees located along the perimeter of the site and along the abandoned O Street and 6th Street walkways, the majority of existing trees were planted in conjunction with development of the project site in the 1960s. No trees on-site are protected federally or by the state, and the majority of trees on and around the site are nonnative species. (Ibid.) Pursuant to City Code standards, thirty-nine trees located along the perimeter of the site qualify as City Street Trees and 17 trees located on or around the perimeter of the project site, including six of the City Street Trees, qualify as Heritage Trees; thus, in total 50 trees on and surrounding the site qualify as either or both a City Street or Heritage Tree.

The proposed project is anticipated to require removal of 8 of the 50 existing City Street and Heritage Trees which are in good or fair condition. (DEIR, p. 4.3-24). In addition to these eight trees, the proposed project requires the removal of approximately 190 additional trees that do not qualify as City Street or Heritage Trees. Only 6 of these 190 trees are native to the Sacramento region.

To determine an impact is less than significant, CEQA does not require a project result in no impact. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 899.) As discussed in the DEIR, until trees proposed as part of the conceptual landscape plan mature, the proposed project will result in a reduction in the tree canopy coverage on-site as compared to existing conditions. Given the downtown urban nature of the project site, the largely ornamental and non-native nature of the existing trees, the requirement to comply with the City's Tree Preservation Ordinance to address impacts to locally protected trees, the commitment to plant 147 ground-level trees on-site, as well as the

monitoring commitment included in the mitigation measures, which exceeds the City's Tree Preservation Ordinance requirements, the DEIR concludes the biological resource impact associated with the loss of trees and associated canopy cover is less than significant after mitigation. This conclusion is consistent with the Master EIR for the 2035 General Plan, which acknowledges "new replacement trees would not immediately compensate for the benefits of large trees that cannot feasibly be retained; however, the proposed 2035 General Plan is based on a 20-year planning horizon, and replacement trees planted over 20 years would be at various stages of growth by 2035 and would include large, mature trees." (2035 General Plan Final Master EIR, 4-304.)

CEQA Guidelines section 15183 further supports the validity of the tree impact analysis and mitigation included in the DEIR. Section 15183 provides that where a project is "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified", as is the case here, then the EIR for the project may rely on "uniformly applied development policies or standards" in determining an impact is less than significant. (CEQA Guidelines, § 15183.) Both the 2030 and 2035 General Plan require "tree replacement or appropriate remediation" for City Street and Heritage Trees that are removed as part of the proposed project. (See 2030 and 2035 General Plan, Policy ER 3.1.3.) The Master EIRs for the 2030 and 2035 General Plans identify compliance with Sacramento Tree Preservation Ordinance and American River Parkway Plan as regulatory requirements sufficient to ensure proposed projects developed consistent with the 2035 General Plan will result in a less than significant impact with respect to the reduction of the number of trees within the General Plan Policy Area. (2030 General Plan Master EIR, pp. 6.3-48 – 49; 2035 General Plan Master EIR, pp. 4.3-19 – 20; see also *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1185 [a mitigation program that is covered by an EIR for a general plan may constitute adequate mitigation for the purposes of CEQA].)

In certifying the Master EIRs for the 2030 and 2035 General Plans, the City found that implementation of Sacramento Tree Preservation Ordinance would substantially mitigate tree impacts caused by future projects within the General Plan Policy Area. (Findings Certifying the EIR and adopting the Mitigation Monitoring and Reporting Program (MMRP) for the Sacramento 2030 General Plan Project, p. 140 [requiring the City to implement a tree preservation ordinance to provide suitable mitigation for impacts to trees of significance]; see also Findings Certifying the EIR and adopting the MMRP for the Sacramento 2035 General Plan Project, p. 125.)

With respect to the proposed project, the DEIR requires implementation of the City's Tree Preservation Ordinance in addition to requiring other measures to address tree impacts. Furthermore, the project site is not located within the American River Parkway. Therefore, pursuant to CEQA Guidelines section 15183, Mitigation Measure 4.3-2 meets and exceeds the requirements necessary to adequately mitigate the proposed project's impacts on trees.

Additionally, the DEIR considers non-biological resource impacts associated with loss of trees such as aesthetic impacts [Section 4.1], air quality impacts [Section 4.2], and historical resource impacts [Section 4.4]. The DEIR concludes aesthetic and air quality impacts associated with the proposed project, including impacts related to removal of trees, are less than significant. (see Sections 4.1 and 4.2 of the DEIR; see also Pub. Resource Code, § 21099, subd. (d)(1) [stating aesthetic impacts for

qualifying projects, like the proposed project, shall not be considered a significant impact on the environment[.] The DEIR concludes the proposed project's impact on historical resources, including the removal of trees that make up part of the project site's historical landscape, is significant and unavoidable even after implementation of feasible mitigation because development of the proposed project would require removal all the existing garden apartments and would replace existing historical landscape features with new landscape features (DEIR page 4.4-23). With the exception of historical impacts, the DEIR concludes all tree-related impacts associated with tree removal are less than significant after mitigation.

2.3.2.8 MITIGATION OF TREE-RELATED IMPACTS

Mitigation proposed to address the project's impacts to regulated trees and to address the reduction in tree canopy on and surrounding the project site includes tree replacement planting and protection of retained trees during construction activity (Mitigation Measure 4.3-2) as well as planting 147 ground-level trees (which is required by Mitigation Measure 4.3-2 as revised by this FEIR – see Master Response 2.3.12.5). The following sections address comments received on each of these mitigation components.

Tree Replacement

Some comments received provide opinions that the mitigation ratio for tree removal is less than 1:1 when considering ground-level trees only and is therefore insufficient. The arborist report (“the Mann letter”) submitted as a part of Comment Letter O6 expresses concern with the City's current replacement requirements for 24” box and 15-gallon size trees, stating that smaller planting stock adapts better to a site. Several commenters recommend that an appraisal or structural value assessment of removed trees should be conducted in considering mitigation, with replacement value equaling the appraised or structural value, and the Mann letter states that replacement trees should be contract-grown. Finally, several comments state that only Heritage Trees and City Street Trees are being provided mitigation.

The City's thresholds of significance for evaluating impacts to trees requires the lead agency to evaluate if the project would conflict with “any local policies or ordinances protecting biological resources” (DEIR p. 4.3-18). The City recognizes that the planting and preservation of trees is important and includes an ordinance to protect City Street Trees (Title 12, Chapter 12.56 of the Sacramento City Code) as well as mature trees that qualify as Heritage Trees (Title 12, Chapter 12.64 of the Sacramento City Code). There is no requirement in the existing City Code to evaluate the loss of tree canopy.

The mitigation recommendations identified in the project's Arborist Report are provided for City-regulated trees, which include Heritage Trees and City Street Trees. Tree replacement is consistent with City requirements for removal of City Street Trees (City Code Section 12.56.090) in terms of tree size (24” box size trees). The City does not currently require that an appraisal of regulated trees be conducted to inform the mitigation process. However, as stated in the project's Arborist Report, Heritage Tree replacement requirements are subject to tree removal permit conditions issued by the Director of Transportation. In addition, a hearing regarding the Heritage Tree removal permit application

will be held in accordance with City Code Section 12.64. Additionally, both the current ordinance and the latest publicly-available version of the City's Revised Tree Ordinance and Tree-Related Ordinance Amendments (February 3, 2015) do not identify appraisal as a component of tree replacement requirements.

Mitigation Measure 4.3-2 requires City Street trees to be replaced using either 24-inch box size trees or 15-gallon size trees. Specifically, consistent with the City Code requirements (City Code Section 12.56.090), City Street Tree with a trunk, measured four and one-half feet above ground, that is six inches or larger in diameter must be replaced with a 24-inch box size tree. Mitigation Measure 4.3-2 requires Heritage Trees, which by City definition also have a trunk size exceeding six inches measured four and one-half feet above ground, to be replaced with a 24-inch box size tree. For all other replacement trees required by Mitigation Measure 4.3-2, the planting stock size and source will be specified during finalization of the project landscape plan, and will likely include smaller tree sizes in consideration of site conditions and survival rate expectations of smaller versus larger specimens. 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.

Consistent with the City Code, Mitigation Measure 4.3-2 requires a 1:1 replacement ratio for Heritage Trees and City Street Trees. In addition, Mitigation Measures 4.3-2 requires the proposed project plant at least 147 total replacement ground level trees. (See also the Response to Comment O2-18, Chapter 3 of this FEIR, which identifies revisions to the DEIR, including revisions to Mitigation Measure 4.3-2, and see Master Response 2.3.12.5.) While implementation of Mitigation Measure 4.3-2 would result in 52 fewer on-site trees under the proposed project as compared to existing conditions (not including podium and roof top trees), the City finds that tree impacts, including canopy impacts and ecosystem service impacts, caused by the proposed project are less than significant after implementation of Mitigation Measure 4.3-2.

Protection of Trees During Construction

The Mann letter states that large projects cause disturbance to site and that tree protection guidelines must be set up prior to the initiation of construction activities.

Project-specific tree protection measures have been developed and are provided in Appendix E of the project's Arborist Report (DEIR Appendix M) and include requirements for consistency with ANSI A-300 standards. These tree protection measures were reviewed and determined to be acceptable by the City's Urban Forestry Services staff. Additionally, Mitigation Measure 4.3-2 requires monitoring of retained trees during project construction by an ISA Certified Arborist and requires post-construction monitoring of Heritage Trees, City Street Trees, and Non-Heritage Trees proposed for retention plus newly-planted landscape trees for a minimum of 5 years. It also requires that any retained or newly-planted trees that die within the 5-year monitoring period to be removed and replaced at a 1:1 ratio with a 24-inch box size tree of the same or comparable species.

2.3.2.9 ECOSYSTEM SERVICES AND TREE GROWTH CALCULATIONS

Some commenters state that the tree growth calculations included in the project's Arborist Report that identify the time necessary for the post-development landscape to reach its existing condition should not include City Street Trees as they belong to and are managed by the City and are not part of the project. Commenters also state that tree growth calculations should have evaluated the current tree population's ecosystem services values at 20 to 25 years.

The survey and evaluation of trees associated with the proposed project intentionally included all trees which may be subject to project-related impacts. The surveyed tree population therefore included all on-site trees (Heritage Trees and Non-Heritage Trees) and adjacent City Street Trees. Project-related impacts were then determined from this surveyed tree population. In evaluating the effect of the project on ecosystem services values, the surveyed tree population was also analyzed, so that a consistent comparison could be made between the existing condition and the post-development condition at 5-year intervals (up to 25 years). While City Street Trees were included in the calculations performed to evaluate the length of time necessary to reach the project site's current level of ecosystem services values (existing condition), excluding all but the four City Street Tree to be removed has no effect on the timelines calculated for the post-development landscape to reach its current level of ecosystem services, as stated in the project's Arborist Report and the DEIR (Section 4.3). This is because the ecosystem services values of City Street Trees were included in both the existing condition totals and the projected future totals.

Therefore, if the ecosystem services values of City Street Trees are removed from the future condition (20-25 years), their values must also be removed from the existing condition in order to provide a fair comparative analysis. Additionally, the analysis in the DEIR was conservative as it considered only ground-level tree plantings, excluded the contributions of rooftop trees, and did not project growth for any retained trees. Finally, the comparison of the site's existing ecosystem services values with growth calculations at 5-year intervals (0-25 years) was conducted to determine the temporal loss associated with project-related tree removal. Comparing the growth of the site's existing trees over a 20 to 25-year period with the growth of the proposed landscape over the same time period would not allow for an effective analysis of temporal loss based on the site's existing condition.

Moreover, given the age of the existing canopy, and the number of trees deemed "poor" in the initial inventory, over the next 25 years, it is anticipated that some existing trees will require removal as part of routine landscape maintenance and risk reduction efforts conducted by the site's property owner. Such actions are typically necessary in more populated areas as trees decline in health due to age, pests or disease which negatively affects a tree's structural integrity. Left unaddressed, tree failure can occur, potentially leading to risk of injury to residents, staff, and visitors or damage to structures. Unless the trees qualify as Heritage Trees, the property owner would not be required to plant replacement trees under the City's current ordinance.

Under the proposed project, Mitigation Measure 4.3-2 requires all on-site trees to be monitored for 5 years and, if necessary, removed and replaced at a 1:1 ratio with a 24-inch box size tree of the same or comparable species. In consideration of this mitigation requirement and the likelihood that some existing trees would need to be removed over the next 25 years, 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 (Scott Eckhardt, Arborist, Dudek).

2.3.2.10 LOCATION OF TREES ON ADJACENT PROPERTY

In response to comments questioning inventoried trees that may be located on neighboring Pioneer and Bridgeway Towers' properties, the tree inventory conducted in support of the Arborist Report and DEIR conservatively included any trees that were on or close to property lines so that potential impacts could be evaluated.⁶ Removing these trees from the analysis of impacts to ecosystem services values will not affect the conclusions regarding the lengths of time needed for each tree characteristic or ecosystem services value to reach the value currently calculated for the site (existing condition). As with City Street Trees, the ecosystem services values for potential off-site trees would need to be removed from both the existing condition totals and the post-development totals to provide an equitable comparative analysis.

2.3.2.11 ROOFTOP TREES

Several comments state that rooftop trees should not be considered in the analysis of the benefits associated with the project's landscape plan. The Mann letter also states that rooftop trees are only a site amenity, provide minimal benefits related to ecosystem services values, should be considered insignificant when evaluating ecosystem services values for the post-development landscape and should not be included in the ecosystem services values calculations for the site.

For informational purposes the DEIR includes calculations of ecosystem benefits associated with roof top trees. However, roof-top trees were not included in the calculations used to evaluate the benefits of the project's landscape plan and the lengths of time needed for each tree characteristic or ecosystem services value to reach the levels currently calculated for the site (existing condition), as presented in the project's Arborist Report. The conclusion in the DEIR that tree impacts caused by the proposed project are less than significant after implementation of Mitigation Measure 4.3-2 is based the Arborist Report's analysis relating to ground level tree impacts and proposed ground level tree replanting.

Some commenters discuss the success of rooftop or podium planted trees. Due to the ongoing infill of our urban centers, landscaped roof decks have become common practice, including the capping of freeways to create additional open space. The technologies for supporting elevated landscapes have continued to evolve rapidly, resulting in robust tree canopies established over concrete podiums. Unlike the examples cited in the Mann letter (Comment Letter O6), the emphasis is being placed on creating larger, contiguous root zone, in lieu of smaller raised planter boxes which limit a tree's potential. Examples of such landscape were presented to the Commission April 30th, 2015 (Scott Baker, Scott Baker, Principal Landscape Architect, Melendrez).

2.3.2.12 NON-HERITAGE TREES

The Mann letter accurately re-states the percentage contributions of Non-Heritage Trees to the evaluated tree population and asserts that their minor contribution to the site is overstated. Mann also states that the most recent draft of the City's updated tree ordinance proposes regulation of smaller-sized trees and that Non-Heritage Trees are not considered important in the project's analysis.

The City is in the process of updating its tree ordinance. It is unclear when the draft ordinance will be brought to the City Council for a vote. However, based on the commitment included in Mitigation Measure 4.3-2 to replant 147 trees (see Master Response 2.3.12.5 [discussing revisions to Mitigation Measure 4.3-2]), mitigation for the proposed project exceeds a replacement ratio of 2:1 for regulated "private protected trees," as defined in the most recent version of the draft tree ordinance update. The project's Arborist Report and DEIR considers, evaluates and compares project-related impacts to all on-site trees and their associated ecosystem services values, including Heritage Trees, City Street Trees, and Non-Heritage Trees.

2.3.2.13 ENVIRONMENTAL BENEFITS OF TREES

Several comments stated that the DEIR and Arborist Report did not address other environmental benefits provided by the site's trees, specifically, benefits associated with micro-climate cooling, and pollution reduction.

As identified in Chapter 12.56 of the City Code, the City recognizes various benefits of tree cover that, "enhances the natural scenic beauty, increases life-giving oxygen, promotes ecological balance, provides natural ventilation, air filtration, and temperature, erosion, and acoustical controls, increases property values, improves the lifestyle of residents, and enhances the identity of the city." Based on this statement, the City recognizes other environmental benefits of trees, and specifically those related to micro-climate cooling (temperature control) and pollution reduction (air filtration). The project's mitigation would, therefore, ensure that Heritage Trees and City Street Trees would be replaced consistent with Title 12, Chapters 12.56 and 12.64 of the City Code.

Additionally, for the purposes of CEQA review, tree related air quality benefits are not considered in isolation. Instead, air quality related impacts are evaluated on a project wide basis. The removal of trees required by the proposed project would decrease existing air pollution related benefits associated with trees on the project site; however, as discussed in DEIR (page 4.6-15) the proposed project adds residential units in Sacramento in an area that would result in reduced average VMT and related pollution emissions per resident as compared to the average resident in Sacramento. Therefore, the City finds that tree-related air pollution impacts of the proposed project are offset by the other air quality benefits associated with the proposed project. Furthermore, as the trees required to be planted by Mitigation Measure 4.3-2 mature, on-site tree-related benefits associated with micro-climate cooling and pollution reduction will increase as replacement trees mature and the tree canopies expand.

2.3.3 AESTHETICS

2.3.3.1 AESTHETIC CHANGES IN TRANSIT PRIORITY AREAS ARE NOT SIGNIFICANT IMPACTS ON THE ENVIRONMENT

California Public Resources Code Section 21099(d) provides that aesthetic impacts of a qualifying transit project shall not be considered significant effects on the environment. The proposed project qualifies as a residential project in an infill area that is located in a transit priority area (Public Resources Code Sections 21099[a] and 21099[d]). However, the City has included an assessment of aesthetic changes attributable to the proposed project in the DEIR for informational purposes to provide a more detailed understanding of the proposed project's design. See also Master Response 2.3.9.4.

2.3.3.2 FOCUS OF ANALYSIS

A discussion of visual changes is inherently subjective. For the purposes of an environmental impact report, which is designed to report objectively on potential adverse physical environmental impacts, it is important to frame the aesthetic analysis around defined criteria in order to objectively focus the analysis. One way to frame the analysis is to provide a listing of relevant policies – in this case, the City of Sacramento's relevant aesthetics policies. This is provided in the DEIR (see pages 4.1-8 through 4.1-12, in particular). Another approach to help frame the analysis is use of the CEQA Guidelines Appendix G "checklist." This checklist provides guidance to lead agencies for impact analyses in CEQA documents. For aesthetic impacts, Appendix G includes the following items, which were used to guide the analysis in the DEIR:

- ▶ Have a substantial adverse effect on a scenic vista;
- ▶ Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- ▶ Substantially degrade the existing visual character or quality of the site and its surroundings; or
- ▶ Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The above strategies for framing the impact analysis allows lead agencies to focus on potential areas of concern rather than the range of topics that, while related somehow to aesthetics and visual resources, are not relevant to a discussion of aesthetics changes for the purposes of CEQA disclosure.

2.3.3.3 SCENIC VIEWS

As discussed on DEIR page 4.1-12 (in Section 4.1, "Aesthetics"), the City's policies related to scenic views focus on publicly accessible views. The project site does not contain any scenic vistas, and development of the project would have no effect on any scenic vistas. The City's 2035 General Plan (Policy ER 7.1.1) includes a policy that identifies public views of the Sacramento and American Rivers, greenways adjacent to these Rivers, landmarks, and the State Capitol building as scenic views that

should be protected. The 2030 General Plan included this same policy language. In addition, there are no scenic highways in the vicinity of the project site.

2.3.3.4 PRIVATE VIEWS

Some commenters assert that the proposed project would result in a significant aesthetic impact as viewed from their private residences or from 500 N Street pool area. In the context of aesthetic impacts, it is important to distinguish between public and private views. Private views are those views seen from privately-owned land, including views from private residences, and are typically enjoyed by individuals. Public views are experienced by the collective public, as seen from public viewing spaces, not privately-owned properties. State law does not protect private views from private lands (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 494). For this reason, CEQA case law has established that, where CEQA requires consideration of aesthetic impacts, the focus of the analysis should be on public views, not private views. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal. App. 4th 720, the Court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the [C]ourt in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188: “[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.” In short, “obstruction of a few private views in a project’s immediate vicinity is not generally regarded as a significant environmental impact” (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* [2007] 157 Cal.App.4th 885, 902; *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* [2006] 139 Cal. App. 4th 249, 279; *Bowman v. City of Berkeley* [2004] 122 Cal.App.4th 572, 586-587).

The DEIR explains that some existing private views will be impacted by the proposed project and describes the nature of the visual changes in the vicinity of the project site that could be perceived at private viewing locations. Private views impacted by the proposed project include south-facing condominiums at 500 N Street and north facing units at Pioneer Towers. However, these private view impacts are not potentially significant environmental impacts for the purposes of CEQA.

2.3.3.5 VISUAL CHANGES ATTRIBUTABLE TO THE PROJECT

Section 4.1 of the DEIR describes visual changes associated with the addition of new buildings, the removal of existing buildings and landscaping, new lighting added on-site, and glare attributable to the proposed project. As described in the DEIR, lighting is required during the night in order ensure public safety. Nighttime lighting is also an important aspect of providing an attractive nighttime environment. Nighttime lighting can also be detected from adjacent viewing points – this phenomenon is known as “light trespass.” As noted in the DEIR, light trespass can adversely impact light-sensitive uses, such as residences during the night. However, as noted in the EIR, the proposed project would use modern, energy-efficient fixtures that face downward, such as shielded light fixtures, which are typically less obtrusive than older light fixtures (see DEIR, page 4.1-7).

Glare can come from a number of sources that are a part of the project. For example, glare can occur when light reflects pavement, vehicles, glass, polished surfaces, or metallic architectural features. While the proposed project would involve lighting and could create glare, the potential impact in terms of change from existing conditions, would be tempered by the presence of existing development and existing light that occurs in the vicinity of the project site. The most noticeable nighttime lighting in the vicinity of the project site is associated with the existing buildings on the project site and in the direct vicinity of the project site. This includes nighttime lighting associated with 500 N Street (also known as Bridgeway Towers), Pioneer Towers, and Capitol Towers buildings (see DEIR, page 4.1-7), as well as from buildings that are adjacent to the proposed project site outside the four-block area that houses the project site. There are also existing street lights in the vicinity of the project site and light associated with movements from vehicle headlights traveling on roadways in the vicinity of the project site, such as N, 5th, 7th, and P Streets. There are also surface parking lots on, and in the vicinity of, the project site with security lighting and from which vehicular headlights shine. There is also existing lighting along internal walkways on the project site. Glare currently occurs in the vicinity of the proposed project site when light reflects off building surfaces, such as windows at 500 N Street condominiums, Capitol Towers, and Pioneer Towers (see DEIR, page 4.1-7).

In order to provide additional information for the public, the DEIR also 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 pages 4.1-18 and 4.1-19).

The project site is located in an urban setting in the City of Sacramento's CBD and is currently developed with urban uses. The CBD is Sacramento's most intensely developed area. The CBD includes a mixture of retail, residential, office, governmental, entertainment, and visitor-serving uses. As shown in DEIR Figures 4.1-2 through 4.1-4 (pages 4.1-4 through 4.1-6), the project site includes an existing multi-story building (i.e., Capitol Towers residential housing), and existing multi-story buildings are located immediately adjacent to the north, south, east, and west of the project site. As described in Section 4.1 of the DEIR, the project would add multi-story buildings to an area which already contains other existing multi-story buildings. As multi-story buildings are added to the Central City area to implement the City's General Plan, this will change the portions of buildings that are exposed to sunlight at different times of the year. Multi-story buildings added to the project will create larger shadows in certain locations at certain times of the year compared to the lower-rise buildings that would be replaced as a part of the project. The Capitol Tower building, which will remain as a part of the project, would cast shadows onto certain portions of new buildings during certain times of the year. Existing trees also cast shadows.

As described on pages 4.1-14 and 4.1-15 of the DEIR, development of the project site would change the site's appearance as seen from nearby areas. As demonstrated by Figure 4.1-2 (page 4.1-4), existing high-rise buildings located in the four-block area that include the project site range from 12 stories (Pioneer Towers) to 15 stories tall (500 N Street and Capitol Towers) and buildings surrounding the superblock of the project site range from 1 story to 26 stories tall. The proposed project buildings are within the range of existing building heights surrounding the project site. However, the visual character of the site would change relative to existing conditions, affecting both public and private views

of, and through the site compared to what currently exists. The proposed project would change the appearance of the site, as viewed by people living on or adjacent to the project site, people waiting at the light rail stop and transit stops, motorists on adjacent streets, pedestrians and cyclists using the public rights-of-way adjacent to the site, and pedestrians using the existing walkways that traverse the site. The new buildings could be viewed from nearby and distant locations from certain vantage points. As emphasized in the DEIR, visual changes would be most noticeable from specific available viewpoints for existing residents of Capitol Towers, 500 N Street, and Pioneer Towers.

Although the EIR acknowledges and describes changes in both public and private views of the site, private view impacts are not potentially significant impacts pursuant to CEQA. With development of the proposed project, the private views for existing residents would change, as acknowledged in the DEIR, and would be similar to other private views for existing residents in other portions of the City – particularly the Central City Area, where multi-story residential and non-residential development occurs (consistent with General Plan and Planning & Development Code density and height guidelines). For example, non-residential, mixed-use, and/or residential multi-story development is located adjacent to residential development in the 1800 block of L Street in midtown, the 1800 block of Capitol Avenue, the 1200 block of N Street, between 10th and 12th Streets on N Street, the 600 block of I Street, between 3rd Street and 5th Street on I Street, and the 700 block of G Street.

2.3.3.6 SITE PLAN AND DESIGN REVIEW

In the City of Sacramento, the visual appearance of new developments is reviewed by City staff as part of the site plan and design review process. As discussed on DEIR page 4.1-15, the proposed project requires site plan and design review by the City's Planning and Design Commission (Section 17.808 of the Planning and Development Code) and compliance with applicable design policies included in the Sacramento Central City Urban Design Guidelines. The Guidelines address potential aesthetic effects of the project related to building architecture, scale, and materials by requiring transitions in scale, design, and placement of buildings in a manner that engages the street; inclusion of landscaping and small public open spaces; integration of parking and buildings; interconnected internal circulation for vehicles, pedestrians, and bicycles; and planting of street trees that provide shade and enhance character and identity, among other requirements.

The visual appearance of the proposed project is described in detail and will be guided during implementation 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 PUD Guidelines that establish the development framework and design guidance for the land use, circulation, infrastructure, community design, architecture, landscaping, open space, and other components of the project (see DEIR Appendix N). The PUD Guidelines include objectives that promote high-quality design of Sacramento Commons, while permitting flexibility for innovative design solutions, site-specific standards to ensure contextual compatibility with the surrounding area, and a cohesive development vision.

2.3.3.7 PROJECT REVISIONS TO REDUCE VISUAL CHANGES

As described in the DEIR, the proposed project has been revised (see DEIR pages 2-16 and 2-17 in particular), in part, to address comments related to aesthetic issues. In response to three workshops held for the community by the applicant, numerous meetings with residents, owners, and other stakeholders in the project vicinity, the scoping meeting, and an initial review of the project by the Planning and Design Commission during two meetings, various changes to the design were made. These changes include: increasing the spacing between high-rise and low-rise buildings (above podium level) to a minimum of 40 feet; including landscaping and trees as a buffer between buildings; providing a setback on 5th Street to preserve existing Street Trees; reorganizing building footprints to recognize existing easements; increasing building separation between Pioneer and 500 N Street condominium tower to 74 feet from 40 feet (this increase is for approximately 37 percent of the building face fronting the towers); increasing the width of the O Street walkway between the mid-rise buildings to 44 feet; revising the landscape plan to retain additional healthy trees on site, in addition to Street and Heritage Trees; and revising and refining the landscape plan to provide additional community open space areas and native trees at 7th and P streets (see DEIR Figures 2.3 and 2.4 on pages 2-8 through 2-10).

2.3.4 HISTORIC RESOURCES

2.3.4.1 HISTORIC RESOURCES IMPACTS UNDER CEQA

Historic resources are given special protection under CEQA and lead agencies must take all necessary action to protect, rehabilitate, and enhance the environmental quality of the state including the protection and rehabilitation of objects of historic or aesthetic significance. See Public Resources Code, §§ 21002, 21060.5, 21084.1. CEQA's provisions governing analysis of historical resources are outlined in Public Resources Code, Section 21084.1 and Section 15064.5 of the CEQA Guidelines.

CEQA Guidelines Section 15064.5(b) states that "a project with an effect 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." (See also Public Resources Code, § 21084.1.) For the purposes of CEQA, "historical resources" include:

- ▶ A resource listed in or determined eligible for listing in the California Register of Historic Resources. (CEQA Guidelines, § 15064.5(a)(1).)
- ▶ A resource included in a local register that is presumed to be historically significant. (CEQA Guidelines, § 15064.5(a)(2).)
- ▶ A resource that may not be listed but deemed significant based on Public Resources Code Section 5024.1. (CEQA Guidelines, § 15064.5(a)(3).)
- ▶ A resource that may not qualify under the previous three categories, but that a local agency chooses to consider "historical." (CEQA Guidelines, § 15064.5(a)(4).)

In May of 2014, JRP Historical Consulting issued an Historical Resource Inventory and Evaluation that concluded the property should not be treated as an historical resource under CEQA. Thus, the question

as to whether the project site qualified as a historic resource for the purposes of CEQA was the subject of some disagreement when the Notice of Preparation was circulated. However, prior to release of the DIER, the property was determined eligible for listing in the National Register by the Keeper of the Register and that determination provided for the property's automatic listing in the California Register of Historical Resources. Pursuant to Public Resources Code section 21084.1, a resource listed in the California Register of Historical Resources, like the Capitol Towers property, is an historical resource pursuant to CEQA, meeting CEQA's guideline for the property to be considered a historical resource for the purposes of CEQA. The DEIR clearly stated that the property was considered an historical resource for the purposes of the environmental review of the project.

A lead agency must identify potentially feasible measures or alternatives to mitigate adverse changes to a historical resource's significance (CEQA Guidelines, §§ 15064.5(b)(4), 15126.6(b).) Mitigation of significant impacts must lessen or eliminate the physical impact that the project will have on the historical resource. This may be accomplished through redesign of a project to eliminate objectionable or damaging aspects of the project. A project that has been determined to conform with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* is generally considered to be a project that will not cause a significant impact. (CEQA Guidelines, § 15126.4, subd. (b)(1).)

In some cases, the use of drawings, photographs, and or displays may not fully mitigate the physical impact on the environment caused by demolition or destruction of an historical resource. (CEQA Guidelines, § 15126.4, subd. (b).) CEQA requires all feasible mitigation be undertaken, even if it does not reduce a project's impacts to a less-than-significant level. When feasible, avoidance and preservation in place are preferable forms of mitigation. The lead agency has substantial discretion in identifying and implementing mitigation.

2.3.4.2 SUMMARY OF IMPACTS

The Sacramento Commons project would demolish the existing 206-unit garden apartments and most of the landscape/site design features on the project site, along with an associated pool area, parking structure, parking lots, and landscaped areas. The existing high-rise Capitol Towers building would remain and be renovated. The existing east-west and north-south pedestrian walkways that bisect the property would generally remain, but would be modified by the project and would include new landscaping in the form of soft and hardscape. The Jacques Overhoff sculptural wall would be protected and retained during construction and relocated along the proposed North-South Promenade, adjacent to the tower building. (DEIR, p. 4.4-17.)

Although future improvements to the exterior of the building may occur (and could potentially include re-cladding the high rise tower as suggested by one or more commenters), such improvements are not part of the proposed project and, if pursued, would be subject to additional review. Mitigation Measure 4.4-2(d) provides that any alterations or renovations to the existing Capitol Towers residential tower, not proposed for demolition as a part of the proposed project, would require review by the City Preservation Director to confirm 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 the property was no-longer listed in the California Register nor considered a historical resource by the City. (DEIR, p. 4.2-27.)

2.3.4.3 THE EIR PROPERLY DISCLOSED THE DISAGREEMENT AMONG EXPERTS AS TO WHETHER THE CAPITOL TOWERS AND GARDEN APARTMENTS IS CONSIDERED A HISTORICAL RESOURCE.

Implementation of Mitigation Measure 4.4-2 would reduce the project's impact to the historical resource, though such impacts would remain significant and unavoidable after mitigation. The measures for which the project applicant would be responsible for completion are documentation of the property, dissemination of the documentation, inclusion of historical interpretative displays and information in the project, website publication, incorporation of Capitol Towers' sculptural wall into the project (Jacques Overhoff wall), and retention of the Capitol Towers high-rise. Some commenters expressed concern that the Overhoff sculptural wall might be damaged when moved as part of the project's proposed mitigation package. Pursuant to Mitigation Measure 4.4-2(c), however, the project applicant would be required to consult with the City's Preservation Director and the Director of the Sacramento Metropolitan Arts Commission regarding the salvage and relocation of the Overhoff sculptural wall; although the wall is modular, if moved the panels will stay together in the same placement order and configuration as they exist today. (DEIR, p. 4.4-27.)

The above measures would reduce the impact by relaying information to the public, as well as Sacramento Commons' residents and visitors, regarding the historical, architectural and landscape architectural significance of Capitol Towers and the history of urban renewal and redevelopment in Sacramento and retaining Capitol Towers' sculptural wall and the Capitol Towers high-rise. However, the EIR concluded compliance with Mitigation Measure 4.4-2 would not reduce the project's impact on historical resources to a less-than-significant level. The impact would thus remain significant and unavoidable because demolition of all the garden apartments and alteration of the designed landscape and site design in the Capitol Towers complex would materially impair the historical resource's physical characteristics that convey its significance and justify the property's inclusion in the California Register of Historic Resources (CRHR). (DEIR, p. 4.4-23.) In addition, the EIR concluded that because all significant historical resources are unique and non-renewable members of a finite class of resources, the project would have a cumulatively considerable contribution to the significant cumulative impact to historical resources. (DEIR, p. 4.4-34 [Impact 4.2-6].)

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. (CEQA Guidelines, Section 15126.6(b)). Because the impacts to historical resources could not be avoided or reduced to a less than significant level even with mitigation, the EIR analyzed four alternatives in an effort to avoid and/or lessen this impact. The EIR concluded that while each of the alternatives would reduce impacts on historic resources, none of the alternatives, other than the No Project Alternative, would reduce these impacts to a less-than-significant level. See Master Response 2.3.7 regarding the alternatives analysis.

The EIR satisfies CEQA's analytical requirements for disclosing impacts to historical resources, as well as for identifying mitigation measures and project alternatives designed to reduce or avoid impacts to

the extent feasible pursuant to the Public Resources Code, the CEQA Guidelines, and relevant case law. (Public Resources Code §§ 5020.1, subd. (j), 21002, 21081.5, 21084, 21084.1, 21060.5; CEQA Guidelines §§ 15064.5, 15126.2, 15126.4, 15126.6.)

Some commenters questioned the Draft EIR discussions relating to the disagreement among experts regarding the historic significance of the project site. Courts have acknowledged that determinations of historical significance are based upon “the application of the subjective criteria” in listing statutes and ordinances. (*Valley Advocates, supra*, 160 Cal.App.4th at p. 1066.) Where evidence is sufficient to establish that a determination regarding the significance of an historical resource was rendered by “an expert on the preservation of historic resources [who] is familiar with the buildings in question,” then that “expert opinion on the application of the subjective criteria” constitutes substantial evidence supporting the significance determination.

Here, the City retained JRP Historical Consulting, a firm that has specialized in historical resources and cultural resources management for over 35 years, to prepare a Historical Resource Inventory and Evaluation Report. (DEIR, Appendix D.) JRP inventoried and evaluated the Project site to assess whether the site should be considered a historical resource for the purposes of CEQA; this evaluation was based upon JRP’s site visits in 2014 as well as the inventory and evaluation that JRP prepared in 2008 for a previously proposed development on the Project site. (JRP Report, p. 2.) Evidence in the record establishes that JRP is an expert on the evaluation and preservation of historical resources and is very familiar with the project site and buildings in question. (DEIR, Appendix D.) Contrary to some commenters’ opinions, the opinions and conclusions expressed by other parties including, but not limited to, the City’s Preservation Commission, California State Historical Resources Commission, Keeper of the National Register, Natural Resources Agency, Barry Wasserman FAIA, Wayne Donaldson FAIA, Alan Hess AIA and Page & Turnbull, do not “discredit” JRP’s historical analysis or its conclusions that Capitol Towers and garden apartments do not meet the subjective criteria for listing in the NRHP, the CRHP or the Sacramento Register and that “the Capitol Towers property is not a historical resource for the purpose of CEQA.” (JRP Report, pp. 1-2, 60-66.)

JRP’s conclusions notwithstanding, during the preparation of the DEIR, the Keeper of the Register determined that the Capitol Towers property was eligible for listing in the National Register of Historic Places, and that eligibility determination provided for an automatic listing of the property in the California Register of Historical Resources. Therefore, for the purposes of CEQA the EIR determined the project site constitutes a historical resource as a matter of law, notwithstanding the expert disagreement, based on its current listing in California Register of Historical Resources (CRHR). (DEIR, p. 4.4-17; Public Resources Code, 21084.1.)

However, the EIR’s determination that the project site is a historical resource based upon its listing on the CRHR does not negate the fact that disagreement exists between JRP and other commenters. As acknowledged in the Draft EIR, disagreement exists between these and other historical experts concerning the historical value of the project site. (DEIR, p. 4.4-17, see also Appendix D [Cultural Resources Determination prepared by JRP Historical Consulting and nomination for National Register of Historic Places prepared by Page & Turnbull].) The differing opinions regarding the historical value of the project site are due, in part, to varying opinions regarding the extent and significance of structural

modifications that have occurred on the project site since its initial design and construction. As shown in Illustrations 20 to 24 of the JRP Report, significant changes to the project occurred between the project as designed in 1958, the project as constructed in 1960-1965 and the project as remodeled in 2005-2006. (JRP Report, pp. 46-47; see also Appendix E [JRP chart detailing modifications to the project occurring between 1958 and 2006].) According to JRP, the collective impact of the minor changes made to the property over time have diminished the property's historic integrity. (JRP Report, p. 63.) Conversely, Page & Turnbull opine that the "skillful design" of the project is "clearly evidenced today, in good part due to the high maintenance at the facility." (FEIR, p. 2-286, RTC O8-136.) By disclosing the disagreement regarding the historic value of the Capitol Towers and garden apartments, the Draft EIR complied with the requirements of CEQA. The EIR properly disclosed this disagreement as background information that would be helpful to those less familiar with the project and its history. (See CEQA Guidelines, § 15151 [an "EIR should summarize the main points of disagreement among the experts"].)

2.3.4.4 THE MITIGATION MEASURES IDENTIFIED IN THE DRAFT AND FINAL EIR INCLUDE THE MEASURES SUGGESTED BY THE CITY'S HISTORIC PRESERVATION COMMISSION, TO THE EXTENT FEASIBLE.

Mitigation Measure 4.4-2 is included in the Draft EIR to address the proposed project's significant historical resource impact. The mitigation includes measures suggested by the City's Preservation Commission, to the extent feasible.

- ▶ *Mitigation Measure 4.4-2a.* The Preservation Commission requested that the mitigation measure be revised to require formal level one HABS and HALS documentation. As explained by the National Park Service in Guidelines for Architectural and Engineering Documentation issued in 2003, "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, HABS/HALS Level I is not necessary for the proposed project. The level of effort, content, and possibly format of the documentation should be appropriate to the nature and significance of the subject property. Because the project site was formally determined eligible at the local level of significance and not the national level [Roland-Nawi 2015:3], a HABS/HALS Level II is appropriate. Level II would provide adequate documentation, including copies of the existing architectural plans of the property, for the designated repositories identified, with the help of the City's Preservation Director (Patricia Ambacher, MA, AECOM Architectural Historian). The National Park Service Guidelines for Architectural and Engineering Documentation further explain that Level I measured drawings may be appropriate where existing drawings are unavailable. (Federal Register, Vol. 68, No 139, July 21, 2003.) For the project site, existing drawings are available. (Inventory of William W. Wurster/Wurster, Bernardi & Emmons Collection, 1922-1974 (Collection Number 1976-2) and Inventory of the Vernon DeMars Collection, 1933-2005 (Collection Number 2005-13), University of California, Berkeley Environmental Design Archives.) Therefore, for this additional reason, preparation of new measured drawings, which is required with a Level I HABS/HALS, is unnecessary. The existing conditions of the property can be documented with photography. The Mitigation Measure already requires that the documentation 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.] Consistent with this requirement, a professional photographer with demonstrated experience in photographing properties for HABS/HALS will be used. As noted, Mitigation Measure 4.4-2 has been revised to require the level of documentation to be determined in coordination with the City's Preservation Director, based on the availability of original materials describing development of the project site.

- ▶ *Mitigation Measure 4.4-2b.* The Preservation Commission requested that all interpretive materials be prepared by a “museum professional.” Pursuant to this mitigation measure, all measures to interpret the property’s historic significance for the public and for future residents that will 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.”

- ▶ *Contribution to “preservation fund.”* Commenter requests the applicant contribute to an undefined preservation fee program. The payment of a fee cannot mitigate any project specific loss of historic fabric caused by the proposed project. Such a fee would only potentially lessen the cumulative loss of historic fabric in the Project Area by assisting in the preservation of other historic structures. Even with implementation of a fee, the loss of significant historic resources would remain a significant and unavoidable impact. Additionally, in *Anderson First v. City of Anderson* (2005) 130 Cal.App.4th 1173 (*Anderson First*) the court explained that, 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 traffic impacts at issue.” (*Anderson First, supra*, 130 Cal.App.4th at p. 1188.) A mitigation measure requiring payment of “an unspecified amount of money at an unspecified time in compliance with an as yet unenforced or unspecified transit funding mechanism” is inadequate because it is impossible to evaluate its effectiveness. (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79.) Moreover, for a fee mitigation program to be adequate, that fee program must first undergo CEQA review. (*California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026.) In addition, mitigation must be “roughly proportional” to the impacts actually caused by the project in question. (CEQA Guidelines, § 15126.4(a)(4)(B); *Dolan v. City of Tigard* (1994) 512 U.S. 374.) Because of the requirement that such financial mitigation measures be subject to a nexus study before becoming a city requirement and the fact that there is currently no preservation fund within the City, requiring monetary contributions to fund undefined future mitigation measures would not comply with the requirements of CEQA Guidelines section 15126.4(a)(4).

2.3.4.5 THE PROJECT IS CONSISTENT WITH THE GOALS AND POLICIES OF THE CITY'S 2030 AND 2035 GENERAL PLAN

The project is consistent with the goals and policies of the City's 2030 and 2035 General Plan.

Some commenters questioned whether the project is consistent with the City's preservation General Plan Goals and Policies. Decision makers must weigh various factors in determining general plan consistency.

A general plan must try to accommodate a wide range of competing interests -- including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services -- and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan." (Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 719-720 (Sequoyah Hills).)

A project is consistent with the general plan 'if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.' [Citation.] A given project need not be in perfect conformity with each and every general plan policy. [Citation.]" (Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App.4th 200, 238 (Clover Valley) [a lead agency must consider whether a project is "compatible with' the objectives, policies, general land uses and programs specified in the general plan"].) This need for flexibility is also reflected in the City's 2035 General Plan, which acknowledges it is in the City's "sole discretion" to determine whether a project is consistent with the City's General Plan, and recognizes that "a proposed project may be consistent with the overall objectives of the General Plan, but not with each and every policy thereof." (2035 General Plan, p. 1-1. Emphasis added.)

For the purposes of CEQA, land use inconsistencies generally result from irreconcilable conflicts with unambiguous environmental mandates set forth in applicable land use plans. (See Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors (1998) 62 Cal.App.4th 1332, 1341-1342; see also Clover Valley, supra, 197 Cal.App.4th at pp. 239 [holding strict enforcement of a policy is not required where a deviation would better fulfill a general plan's objectives and requirements].) However, "an inconsistency between a project and other land use controls does not in itself mandate a finding of significance" under CEQA; rather, a planning inconsistency is "merely a factor to be considered in determining" the significance of changes in the physical environment caused by the project. (Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1207.)

The Draft EIR identified applicable goals and policies including policies in the 2030 General Plan (DEIR, pp.2-6 to 3-13, 3-17 to 3-19; Appendix O), the 2035 General Plan (DEIR, p. 3-14; Appendix O), the Sacramento Regional Blueprint (DEIR, pp. 3-3 to 3-5), SACOG's MTP/SCS (DEIR, pp. 3-3 to 3-5; Appendix O), the Central City Community Plan (DEIR, p. 3-15) and the City of Sacramento Infill Strategy (DEIR, p. 3-14). In addition, the Draft EIR identified applicable policies relevant to each environmental topic area and considered those applicable policies in the context of potential impacts

associated with the proposed project. The Draft EIR did not identify any inconsistencies between the proposed project and any applicable mandatory land use planning goals or policies.

The EIR identified the applicable goals and policies from the 2030 and (then draft) 2035 General Plan Historic and Cultural Resources Element as well, including consideration of various relevant general plan policies, such as Goal HCR 2.1, HCR 2.1.1, HCR 2.1.2, HCR 2.1.3, HCR 2.1.5, HCR 2.1.6, HCR 2.1.8, HCR 2.1.10, HCR 2.1.12, HCR 2.1.13, HCR 2.1.14, HCR 2.1.15 and HCR 2.1.6 (DEIR, pp. 4.4-9 to 4.4-12). Project consistency with these provisions was discussed in the Draft EIR. Appendix O, pp. O-35 to O-37. See also Master Response 2.3.10 addressing General Plan consistency in more detail.

2.3.4.6 THE CITY COUNCIL HAS DISCRETION TO ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVE THE PROJECT NOTWITHSTANDING THE SIGNIFICANT IMPACT TO HISTORIC RESOURCES.

Although the project's direct and cumulative significant historic resources impacts (impacts 4.4-2 and 4.2-6) cannot be avoided or substantially lessened, the City Council nevertheless has discretion to approve the project if the Council first adopts a statement of overriding considerations setting forth the specific reasons why the Council found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Public Resources Code, § 21081, subd. (b).) CEQA requires the decision-making agency – here, the City Council – to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." (CEQA Guidelines, 15093, subd. (a).) Thus, after adopting findings pursuant to Public Resources Code section 21081, subd. (a), the City may adopt a "statement of overriding considerations" as a means to approve a project with unmitigated significant environmental impacts. (Public Resources Code 21081, subd. (b).)

The EIR is not required to contain an analysis of the public benefits that agency decision-makers ultimately invoke in adopting a statement of overriding considerations. It is the public agency, not the EIR, that bears responsibility for making findings as to whether there are specific project benefits that outweigh the significant effect on the environment. (Public Resources Code, 21002.1, subds. (b)(c).)

2.3.5 TRAFFIC IMPACTS

2.3.5.1 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." As defined under Section 17.608.030 of the Sacramento City Code, the project site and most of downtown Sacramento is located within a parking district that does not require that land uses provide vehicle parking (the Central Business and Arts & Entertainment District). The proposed parking ratios are described in the PUD Guidelines, as detailed in DEIR Table 2-3.

As discussed on DEIR page 4.11-5 (in Section 4.11, “Transportation/Traffic”), most of the neighborhood streets surrounding the project site provide on-street parking. The on-street parking surrounding the site is generally restricted on weekdays to either no parking, one-hour parking, or two-hour parking, unless the vehicle has a resident parking permit. The project site is located within the existing “H” permit residential parking permit area. DEIR Figure 4.11-2 (page 4.11-9) shows the parking inventory in the project vicinity prepared by the City of Sacramento. As shown in this figure, there are approximately 411 on-street parking spaces located within 1/8 mile of the center of the project site and about 3,356 spaces located within a 1/4 mile of the project site.

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 needs of residents, occupants, and other guests to the community. 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.

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 also similar to existing parking conditions on the project site 0.96 parking spaces per unit.

As demonstrated further below, parking provided by the proposed project is also comparable to other residential and mixed use projects proposed within 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.

2.3.5.2 VEHICULAR TRANSPORTATION IMPACTS

Public Resources Code Section 21159.28 establishes that impacts to the regional transportation network are not required in CEQA documents for qualifying residential or mixed-use residential projects. "Regional transportation network" is defined as all existing and proposed transportation system improvements, including the state transportation system, that were included in the transportation and air quality conformity modeling, including congestion modeling, for the final regional transportation plan adopted by the metropolitan planning organization, but not including local streets and roads.

All the roads surrounding the project site were included in the transportation and air quality conformity modeling prepared by the Sacramento Area Council of Governments (SACOG) for its Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The City's 2035 General Plan (like the 2030 General Plan) includes the following definition of a "local" street: "Local: A two-lane street that provides direct access to abutting land uses. Local streets serve the interior of a neighborhood. These streets carry low vehicular movement, low-to-heavy pedestrian movement, and low-to-moderate bicycle movement" (page 2-154). Figure M4A from the 2035 General Plan (like the 2030 General Plan) identifies the categories for downtown streets. The following are not "local" roads: N Street, P Street, Q Street, 5th Street, 7th Street (from Q to the north), and 8th Street (from Q to the north) (DEIR page 4.11-4). These roads are part of the regional transportation network. Pursuant to Public Resources Code Section 21159.28, the City is not required to analyze project specific or cumulative impacts on the regional transportation network from cars and light-duty truck trips generated by the project. Nevertheless, the DEIR includes an evaluation of potential traffic and transportation impacts associated with roads adjacent to the project site that are part of the regional transportation network.

As demonstrated in the DEIR (shown in Table 4.11-6 on page 4.11-16 of the DEIR), all study intersections would continue to operate at an acceptable levels of service with development of the proposed project. As explained on pages 4.11-62 through 4.11-64, all affected intersections would continue to operate at an acceptable level of service with the project under cumulative (2035) conditions, as well. Please refer also to Table 4.11-16 on page 4.11-51 of the DEIR and Table 4.11-17 on page 4.11-52 of the DEIR.

It should also be noted, however, that the ability of motorized traffic to flow “smoothly” and with minimal delays is generally not a CEQA concern. In particular, Public Resources Code Section 21099 provides that, for transit priority areas, “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment.” The City of Sacramento has already acknowledged these concepts by defining flexible LOS standards in Policy M 1.2.2 of the Sacramento 2035 General Plan, as described on DEIR page 4.11-20, which exempts the Core Area (Central City Community Plan Area) and Priority Investment Areas from Level of Service (LOS) standards. These LOS thresholds reflect community values regarding modal priorities, land use context, economic development, and environmental resources and constraints. Free-flowing traffic and minimization of traffic congestion can conflict with the community values described above, which include, but are not limited to the safety and convenience of pedestrian and bicycle travel; the reliability and attractiveness of transit service; neighborhood vitality and street life; public health and quality of life; and the (environmental) sustainability of land use development and transportation.

2.3.5.3 TRAVEL DEMAND

The estimated travel demand for the project was calculated according to a methodology that blends industry-accepted standards with empirical travel behavior data collected at the existing site and in the Sacramento region and local expertise and engineering judgment. As described in DEIR Section 4.11.5, the estimation methodology incorporates trip generation rates and guidance published by the Institute of Transportation Engineers in *Trip Generation*, an industry-accepted standard for land use-based trip generation rates. Because these rates primarily represent a suburban, auto-oriented data sample, however, the methodology also incorporates locally-collected empirical data from travel behavior surveys conducted at the existing Capitol Towers apartment building and within the greater Sacramento metropolitan region.

While *Trip Generation* represents the most complete database of land use-based trip generation rates for the United States, allowances are typically made in proposed project’s traffic analyses to account for localized conditions that may not be reflected in the collected data. In some cases, the data sample contains sites and metropolitan regions that may not represent appropriate fits for a given project, while in other cases, the nationwide scope of the data samples can result in relatively large variation between survey sites. The ITE trip generation rates also generally reflect land uses in isolation, and are generally considered inadequate when attempting to account for trip internalization, which can be defined as interactions among land uses at a given site or between land uses at a given site and other existing or proposed uses in close proximity. These interactions take place frequently in existing and / or built-out urban neighborhoods, where a given project can function cohesively and symbiotically with

surrounding land uses, but are much less common in suburban areas, which comprise the majority of the ITE's data sample (Handy 2013).

As a result, engineering judgment is typically applied to modify the ITE's trip generation estimates in alignment with the expected travel behavior for residents, employees, guests, and visitors of a project given the local context of the site. The trip generation for the proposed project analyzed in the DEIR is based on information compiled by the Institute of Transportation Engineers (Trip Generation Manual, 9th Edition, 2012 and Trip Generation Manual User's Guide and Handbook, 9th Edition, 2012), the travel mode shares from the travel survey at the existing Capitol Towers apartment building (conducted in February 2008 and March 2008 at the site), and the Pre-census Travel Behavior Report: Analysis of the 2000 SACOG Household Travel Surveys (DKS 2001).

The number transit trips were calculated based on the both surveys that accurately reflect the travel mode share for downtown Sacramento specifically. In addition to transit, walking, biking, and other non-auto travel mode share is expected to be higher downtown – many of the residents may be working within walking distance from their employment/business. Adding residential land use to the proximity of offices and retail, such as downtown setting, locate people closer to their destinations and allow for more walk, bike and transit travel. These factors are considered to the extent applicable in the DEIR. See Section 4.11 and Appendix H of the DEIR for more detail.

2.3.6 CONSTRUCTION AND DEMOLITION PHASING AND TRAFFIC MANAGEMENT

As described in detail 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 demolition and construction phasing may be subject to change due to market conditions. As indicated in the PUD Guidelines (DEIR Appendix N), the following measures will be implemented to ensure public access during construction activities (see PUD Guidelines Section 4.1, "Phasing," in Appendix C to this FEIR):

- ▶ Coordinate with Regional Transit on the light rail line along 7th Street to understand the timing of trains and minimize their interaction with construction traffic.
- ▶ Notify Bridgeway Towers, Pioneer Towers, and Capitol Towers on access provisions during construction.
- ▶ Install wayfinding signs advising residents and pedestrians of construction-related detours.
- ▶ Install construction fencing around the work area perimeter.
- ▶ Install public sidewalk detour/protection, as required by the City of Sacramento.
- ▶ Following completion of construction, fencing and sidewalk protection and detour signs shall be removed.

Residents of Bridgeway Towers, Pioneer Towers, and Capitol Towers will be notified in advance of construction or demolition activities that could affect access through the proposed project site and alternative accessways will be described for the benefit of residents. Additionally, 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.

See conceptual phasing diagram below.

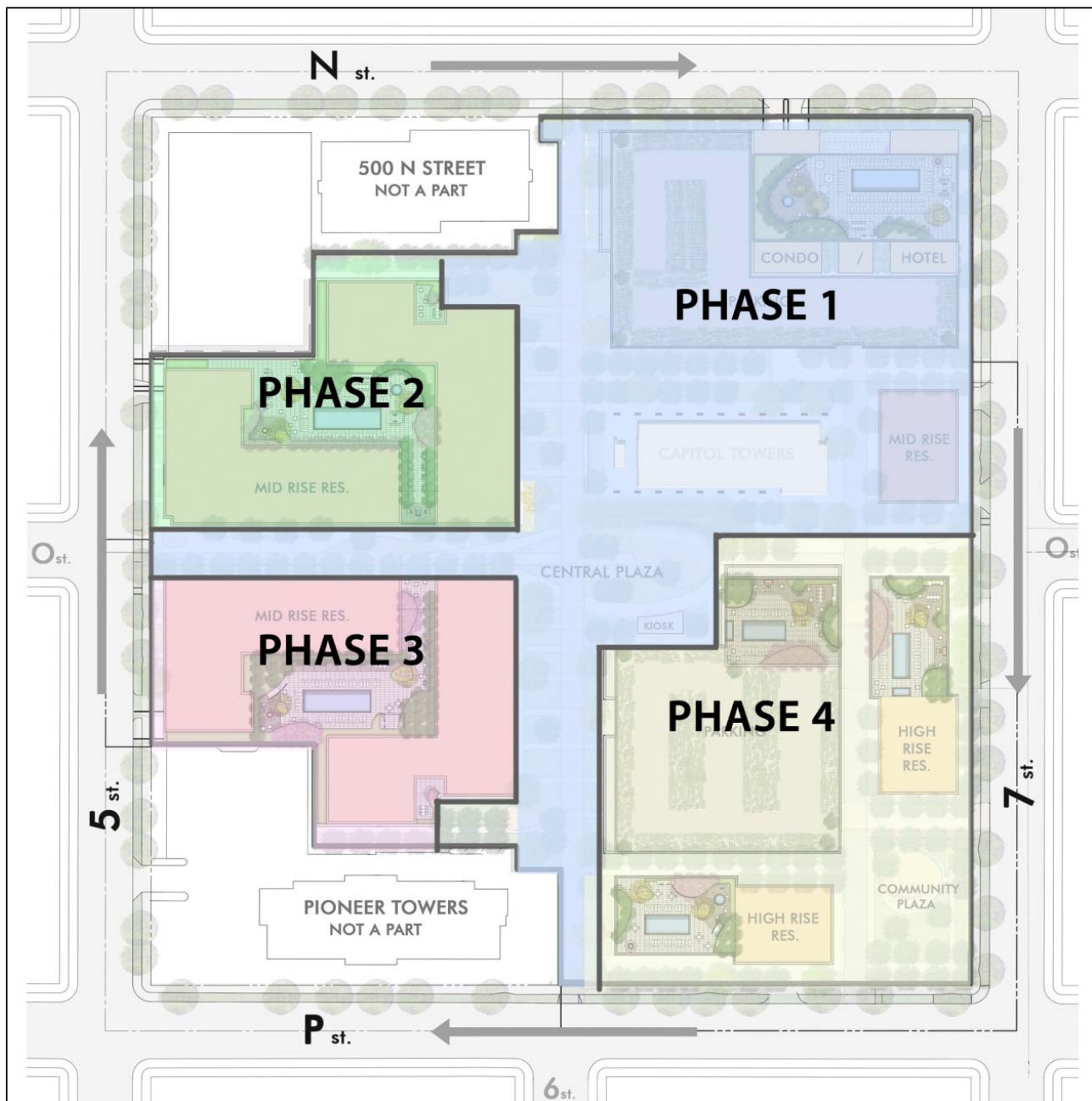


Figure 2-2. Conceptual Phasing Diagram

2.3.6.1 ECONOMIC FEASIBILITY AND ABANDONMENT OF THE PROJECT

Some commenters have expressed concern that the proposed project is not economically feasible and that the proposed project could be abandoned before it is completed. These concerns are not required to be addressed further in the EIR. “[N]othing in CEQA requir[es] an EIR to discuss the economic feasibility of a project....” (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1503 (Sierra Club), citing *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689-690 (San Franciscans); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1462, fn. 13.) “As is self-evident from its name, an EIR is an environmental impact report.... not one that must include ultimate determinations of economic feasibility.” (*The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal. App. 4th 603, 618 (original emphasis) [rejecting petitioner’s argument that an economic feasibility analysis undertaken by the city was required to be included within either the draft or final EIR], quoting *San Franciscans*, supra, 102 Cal.App.4th at p. 689.) Similarly, “nothing in CEQA requir[es]... an agency to receive public input on the question of economic feasibility.” (*Sierra Club*, supra, 121 Cal.App.4th 1490, 1506.)

To the extent commenters believe project abandonment would cause environmental impacts. “No proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful.” (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 600, quoting *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430; see also *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 883, fn. 5.) For this reason, abandonment of the proposed project is not considered reasonably foreseeable.

CEQA does not require an EIR to evaluate every asserted “possibility” as 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 [“Agencies are not required to engage in ‘sheer speculation’ as to future environmental consequences of the project. [Citation.]”].) Therefore, while the City has decided to respond to concerns regarding the possibility of project abandonment through the development of a project condition addressing the issue, CEQA does not require the EIR to address the unlikely scenario in which the developer commences, but does not complete, construction of the project. Nevertheless, should the City Council exercise its discretion to approve the proposed project, City staff will recommend the City Council adopt a term in the development agreement requiring a bond as security to ensure against adverse aesthetic impacts arising from demolition of buildings, uncompleted grading and/or improvements from any phase of development of the proposed project in the unlikely event a phase is not completed.

As detailed in Chapter 3 of the DEIR (starting on page 3-23), the City is planning for substantial development within the Central City Area (which includes the project site). The City anticipates the Central City area’s population will increase by 48 percent from 2008 to 2020 (City of Sacramento, 2013b, page H 3-5). Recent apartment vacancy reports for Sacramento County and the Central City area show growing demand for housing, particularly related to rental housing. Recently, vacancy rates have been falling, as well (see DEIR pages 3-23 through 3-26 for more detail). The City’s previous

General Plan – the 2030 General Plan envisioned and planned for the development of additional housing within the Central City area to keep up with anticipated population growth, including the proposed project, projects developed since 2008 (the previous General Plan was adopted March 2009), and other currently foreseeable projects.

According to the City's 2013 to 2021 Housing Element, in the near term, the Central City area will account for 11 percent of identified citywide additional housing capacity of 11,475 between 2013 and 2021. The City projects that the Central City population in 2035 would be 109,312 (2035 General Plan MEIR, page 4.9-2). The City estimated that the 2010 population in the City outside the Central City was 379,361 (2035 General Plan MEIR, page 4.9-6). The California Department of Finance estimated that the City's total population in 2010 was 466,488, so the Central City population in 2010 would have been approximately 87,127 (California Department of Finance 2014). The City is planning on an increase in Central City population between 2010 and 2035 of approximately 22,185 within the 2035 General Plan. In consideration of current residential demand in the Central City and anticipated future population growth, demand exists for projects like the proposed project.

2.3.6.2 TRAFFIC MANAGEMENT DURING PHASED CONSTRUCTION

Some commenters discuss the potential for impacts to transportation and access during construction. The DEIR provides a comprehensive discussion of the operational changes associated with the project relative to transportation. However, temporary impacts during construction are also evaluated. As described in the DEIR (see pages 4.11-59 and 4.11-60, in particular), during construction, it may be necessary to restrict or redirect vehicular movements around the site to accommodate demolition, material hauling, construction, staging, and modifications to existing infrastructure. This could include lane closures, lane narrowing, and detours, which would be temporary, but could cause an increase in traffic volumes and delays on adjacent roadways. This is typical of downtown infill projects, such as the proposed project. In addition, during different phases of project construction (e.g., building demolition and site clearing) there would be an increase in truck trips and construction equipment accessing local roadways.

In order to substantially reduce and avoid potential traffic flow, access, and use conflicts associated with construction, the City requires that development projects prepare traffic management plans for construction activities, as required by Section 12.20.020 of the Sacramento City Code. 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 demolition or construction can commence. The Plan would be required to 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 ensures maintenance and acceptable operating conditions on local roadways and transit routes. Mitigation Measure 4.11-5 sets forth a list of required provisions, such as temporary traffic control, detour routes and driveway access. The City requires that the Plan illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show the proposed phases of traffic control; and identify the time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a

public right-of-way. The Plan would include provisions to ensure safe and reasonable access to residences adjacent to the project site. The Plan may be modified by the City at any time in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public.

Preparation of a Construction Traffic Management Plan is a standard practice in the City and is required per City Code. Compliance would minimize the possibility of construction impacts to interfere with emergency response. The plan is also an appropriate means of ensuring automobile and pedestrian access and safety during construction activities within the City.

Some commenters requested a mitigation measure require substitute bus stops provided during project construction to provide seating and a covered shelter.

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 proposed sites to determine the need for replacement bus stops meet RT's operational and Americans with Disabilities Act (ADA) standards. RT provides specifications for replacement stops, including concrete pad space and electrical connections and RT's contractor moves and installs any benches or shelters after the pads are in place.

2.3.7 ALTERNATIVES ANALYSIS

Several comments, including a letter from the City of Sacramento Preservation Commission, were received concerning various aspects of the alternatives analysis. This master response addresses comments on the alternatives analysis.

2.3.7.1 PURPOSE OF THE ALTERNATIVES ANALYSIS

CEQA provides “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)).

Identification and evaluation of alternatives proceeds with consideration of all applicable CEQA requirements. With respect to the proposed project, these consideration include infill streamlining provisions that establish limitations on the required scope of the alternatives analysis. For example, pursuant to Public Resources Code Sections 21155.2(c)(2) and 21094.5(b)(1), the EIR is not required to evaluate an offsite alternative. Furthermore, Public Resources Code Section 21094.5(b)(1) provides that the EIR is not required to evaluate reduced density or building intensity alternatives. (See Master Response 2.3.9 [CEQA Streamlining].) Therefore, the CEQA requirement for the alternatives analysis for the proposed project focuses on both on-site alternatives to the proposed project, as well as alternatives that would not reduce its proposed density or building intensity but, to the extent possible, are capable of avoiding or substantially lessening the significant effects of the proposed project (i.e. Impacts 4.4-2 and 4.4-6), even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

There is no ironclad rule regarding the alternatives to be considered other than the rule of reason. The range of alternatives required to be evaluated in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. (CEQA Guidelines section 15126.6[a].) The EIR is required to examine a reasonable range of alternatives that the lead agency determines could feasibly attain most of the basic project objectives, taking into account factors that include site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; control or access to alternative sites; or legal, social or technological factors (CEQA Guidelines Section 15126.6[f]; CEQA Guidelines Section 15021[b]).

Chapter 5 of the DEIR identifies and discusses the project alternatives. This includes a No Project Alternative (Alternative 1). Alternatives 2 through 4, each of which would reduce both the density and building intensity on the project site as compared to the proposed project. (DEIR, pp. 5-7 – 5-34 [alternatives analysis].) The City included these additional alternatives in order for the EIR to provide information to the decision makers and the public notwithstanding the fact that these additional alternatives are not required by CEQA.

2.3.7.2 PROCESS USED BY THE CITY TO DEVELOP THE ALTERNATIVES IN THE DEIR

In an effort to develop alternatives with the potential to avoid or substantially lessen the significant and unavoidable historical resource impact caused by the proposed project, the City and the environmental consultant worked with an historical consultant (Carey & Co.). Some commenters suggested the alternative analysis is inadequate because it was crafted for the purpose of providing the project applicant with the highest and best return on their investment. The amount of potential profit associated with the project was not taken into account in formulating project alternatives. Project alternatives were initially formulated by Carey & Co. to substantially lessen or avoid the proposed project’s significant historical resource impact without requiring changes to the density, intensity, or location of the proposed project. However, Carey & Co. concluded that reducing the density or building intensity of the proposed project was the only way to develop an on-site alternative with the potential to substantially lessen or avoid the proposed project’s significant historical resource impact.

As a result, notwithstanding that SB 375 and SB 226 do not require any analysis of alternative locations, densities, and building intensities (See Master Response 2.3.9 [CEQA Streamlining]), Carey & Co. was then asked to develop project alternatives that would maintain the greatest density and building intensity possible as compared to the proposed project and have the potential to substantially lessen or avoid the significant and unavoidable historical impact caused by the proposed project. Carey & Co. determined the most likely way to reduce the historical resource impact while allowing for increased residential density on the project site would be by permitting some development to occur on the edges of the project site while retaining the central core. Consistent with this approach, an alternative was designed (Alternative 3: 24-Story Core Retention Alternative) that would retain existing low-rise units and most of the landscape features within the interior of the project site while constructing four new 24-story towers and two 7-level garages, two 6-level garages, and a 5-level parking structure along the perimeter of the project site. After the site plan was prepared for the alternative, Carey & Co

concluded that the historical resource impact would still remain significant and unavoidable (see DEIR Section 5.3.5).

The height difference between the proposed 24-story towers in Alternative 3 and the existing 15-story Capitol Towers high-rise was one of the factors resulting in the conclusion that historical resource impacts under Alternative 3 would remain significant and unavoidable. Therefore, Carey & Co also considered whether reducing the height of the high-rise buildings proposed under the 24-Story Core Retention Alternative to 15-stories would be sufficient to avoid or substantially lessen the proposed project's significant and unavoidable historical resource impact (see Alternative 2). As discussed in more detail in the analysis for Alternative 2 in DEIR Section 5.3.5, while the reduction in building height and commensurate reduction in height of structured parking in the 15-Story Core Retention Alternative would lessen impacts over the 24-Story Core Retention Alternative, the historical resource impact would remain significant and unavoidable.

Finally, Carey & Co. considered whether, through a significant reduction in building intensity, in the form of limiting development to only half of the four-square block superblock and preserving the other half, would substantially lessen or avoid the proposed project's significant and unavoidable historical resource impact. As discussed in more detail in the analysis for Alternative 4 in DEIR Section 5.3.5, preserving two of the four quadrants (see DEIR Figure 5-1 [page 5-6]) would result in greater historical resource impacts than either the 24-Story (Alternative 3) or 15-story Core Retention (Alternative 2) alternatives. Thus, Alternative 4 was also determined to have a significant and unavoidable historical resource impact.

2.3.7.3 REJECTION OF ALTERNATIVES

The DEIR does not evaluate the ultimate feasibility of the identified alternatives, nor does it purport to reject any of the four alternatives analyzed in Section 5.3. The ultimate determination of feasibility is left to decision maker, here the City Council.

The DEIR also includes a discussion of additional alternatives that were considered and dismissed from further consideration. (DEIR, p. 5-5.) Additional alternatives, such as retention of the western two quadrants of the project site while developing only the eastern two quadrants, were rejected because they would only minimally reduce effects on the historical resource as compared to the proposed project. Other alternatives were dismissed from further consideration due to the degree to which they would significantly reduce the density and intensity of the proposed project, which exceeds the required scope of the alternatives analysis for the proposed project. (See Master Response 2.3.9 [CEQA Streamlining].)

2.3.7.4 ANALYSIS OF ALTERNATIVES

Some commenters requested the alternatives analysis include additional discussion relating to aesthetic, tree, and construction noise impacts. As discussed in Chapters 4.1 (Aesthetics), 4.3 (Biological Resources), and 4.9 (Noise and Vibration) of the DEIR, after implementation of feasible mitigation the proposed project will have a less than significant impact with respect to aesthetic, tree, and construction noise impacts. For impacts found less than significant "an EIR need only contain a

brief statement addressing the reasons for that conclusion.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 493.) Therefore, with respect to the proposed project’s less than significant impacts, the DEIR properly includes a brief discussion of those impacts for each project alternative. (DEIR, pp. 5-21 – 23, 5-31, 5-35 [Table 5-8].) As the purpose of the alternatives analysis is to attempt to “identify ways to mitigate or avoid the significant effects that a project may have on the environment” (CEQA Guidelines, § 15126.6) and an EIR’s discussion of less than significant impacts should be brief, the DEIR includes an appropriate level of discussion with respect to aesthetic, noise and tree impacts. The focus of the alternatives discussion is reducing impacts on historic resources.

Aesthetic Impacts Associated with Alternatives 2 and 3

As explained in the DEIR, Alternatives 2 and 3 would retain more of the existing structures, open space, landscape, and trees on the project site. Under Alternatives 2 and 3, the addition of parking garage structures and towers along the site perimeter would have similar effects on public views of the project site from adjacent streets and light rail stations as the proposed project as compared to the proposed project because Alternatives 2 and 3 would result in a similar level of development around the perimeter of the project site as the proposed project. (DEIR, p. 5-22.)

Additionally, California landowners do not have a right of access to air, light and view over adjoining property. (*Mira Mar Mobile Community, supra*, 119 Cal.App.4th at p. 493.) Therefore, in the context of evaluating aesthetic impacts for CEQA documents, it is important to distinguish between public and private views. Private views are those views seen from privately-owned land, including views from private residences, and are typically enjoyed by individuals. Public views are experienced by the collective public, as seen from public viewing spaces, not privately-owned properties. State law does not protect private views from private lands. (*Id.* at p. 494.) For this reason, CEQA case law has established that, where CEQA requires consideration of aesthetic impacts, the focus of the analysis should be on public views not private views.

The DEIR explains that some existing private views will be impacted by the proposed project. Private views impacted by the proposed project include south facing condominiums at 500 N Street and north facing units at Pioneer Towers. Private views available under Alternatives 2 and 3 would differ from the proposed project because the central core of the project site would be retained in its existing condition. As a result, private views under Alternatives 2 and 3 would be similar to existing views but with additional towers visible around the periphery of the project site. Therefore, Alternatives 2 and 3 would have reduced private view impacts as compared to the proposed project. In consideration of the project site’s urban setting and the CEQA focus on impacts to public views, aesthetic impacts caused by the proposed project, as well as Alternatives 2 and 3, are found to be less than significant.

Tree Impacts Associated with Alternatives 2 and 3

A conceptual landscape plan has not been prepared for Alternatives 2 and 3 because sufficient information is available to demonstrate that, as with the proposed project, tree related impacts caused by Alternatives 2 and 3 are less than significant after implementation of mitigation. As described in the DEIR, Alternatives 2 and 3 would result in the removal of one more Heritage Tree than the proposed project (five instead of four) and the removal of the same number of City Street Trees as the proposed

project (four). (See DEIR, p. 5-23 [Table 5-3].) However, as with the proposed project, Heritage and City Street Tree impacts caused by Alternatives 2 and 3 can be mitigated to a less than significant level through implementation of Mitigation Measure 4.3-2.

In addition to the impacts of Alternatives 2 and 3 to Heritage and City Street Trees, Alternatives 2 and 3 require the removal of 73 trees that do not meet the definition of Heritage or City Street Trees. (DEIR, p. 5-23 [Table 5-3].) Therefore, Alternatives 2 and 3 require the removal of 118 fewer trees not meeting the definition of Heritage or City Street Trees than the proposed project. Alternatives 2 and 3 are anticipated to include the planting of 100 additional ground level trees. Therefore, Alternatives 2 and 3 include 309 trees, including retention of 35 City Street Trees, 6 Heritage Trees, and 168 non-City Street/Heritage as well as 100 new trees. As a result, Alternatives 2 and 3 would include approximately 73 more ground level trees than the proposed project.

As proposed, Alternatives 2 and 3 do not include podium and roof top trees; whereas the proposed project includes 100 podium and roof top trees. While the DEIR includes information relating to the podium and roof top trees proposed as part of the project (see, e.g., DEIR, p. 4.3-25), the City evaluates tree impacts associated with a proposed project without taking podium and roof top trees into account. Therefore, both the potential impact of proposed project and the potential impact of Alternatives 2 and 3 were determined excluding podium and roof top trees.

Excluding the podium and roof top trees included in the proposed project, the proposed project’s impact on canopy coverage is less than significant because after construction of the proposed project the site would still include approximately 2.5 acres of canopy coverage and would return to a level similar to existing conditions in 20 to 25 years. Similarly, tree impacts associated with Alternatives 2 and 3 are less than significant because after construction of those alternatives 3.7 acres of canopy coverage would remain on the project site and the coverage would return to a level similar to existing conditions in 20 to 25 years. Tree impacts associated with Alternative 4 are also less than significant because after construction of that alternative, 3.6 acres of canopy coverage would remain on the project site and the coverage would return to a level similar to existing conditions in 20 to 25 years. Further details on tree quantity, characteristic, and ecosystem services for Alternatives 2 and 3 are shown in Table 2-4 below.

Table 2-4 Tree Quantity, Characteristic, and Ecosystem Services Comparison Between Existing Trees and Retained Plus Newly-Planted Ground-Level Trees for Project Alternatives							
		Total by Year (Including Retained and Planted Trees)					
Characteristic or Ecosystem Service	Existing Total	0	5	10	15	20	25
Alternatives 2 and 3*							
Quantity of Trees	291	309	309	309	309	309	309
Total Trunk Diameter (in.)	4,865	3,283	3,603	3,913	4,203	4,473	4,733
Canopy Cover (ft²)	247,403	162,138	174,668	194,868	216,778	238,548	260,098

Table 2-4 Tree Quantity, Characteristic, and Ecosystem Services Comparison Between Existing Trees and Retained Plus Newly-Planted Ground-Level Trees for Project Alternatives							
	Total by Year (Including Retained and Planted Trees)						
Leaf Surface Area (ft²)	1,242,394	815,773	872,913	1,009,623	1,149,373	1,238,093	1,353,893
Carbon Storage (lb.)	362,132	229,263	232,733	242,483	258,743	281,203	309,823
Gross Carbon Sequestration (lb./year)	26,329	17,536	19,146	20,736	22,516	24,016	25,816
Avoided Runoff (ft³/year)	7,527	4,930	5,250	6,000	6,770	7,270	7,910
Alternative 4							
Quantity of Trees	291	288	288	288	288	288	288
Total Trunk Diameter (in.)	4,865	3,234	3,554	3,864	4,154	4,424	4,684
Canopy Cover (ft²)	247,403	159,689	172,219	192,419	214,329	236,099	257,649
Leaf Surface Area (ft²)	1,242,394	829,066	886,206	1,022,916	1,162,666	1,251,386	1,367,186
Carbon Storage (lb.)	362,132	238,231	241,701	251,451	267,711	290,171	318,791
Gross Carbon Sequestration (lb./year)	26,329	16,969	18,579	20,169	21,949	23,449	25,249
Avoided Runoff (ft³/year)	7,527	5,002	5,322	6,072	6,842	7,342	7,982
*Note: Alternatives 2 and 3 have the same ground-level footprint and vary only in building height; therefore, tree impacts are expected to be the same. Source: Dudek 2014.							

Some commenters stated that Alternatives 2 and 3 are preferable to the proposed project because they require the removal of fewer trees and, as a result, would include a better blend of age distribution of trees. Those comments are noted and will be considered by the City Council. 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. 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, 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 f~~ Future canopy area would be slightly 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.

Construction Noise Impacts Associated with Alternatives 2 and 3

The proposed project includes six residential buildings (three high-rise towers and three mid-rise buildings) as compared to four residential buildings (all high-rise towers) under Alternatives 2 and 3. Due to the reduced number of residential buildings proposed under Alternatives 2 and 3, the DEIR concludes that the duration of construction activities would be reduced under Alternatives 2 and 3. (DEIR, 5-31.) However, the construction activity with the potential to generate the greatest amount of noise is pile driving. Pile driving is required for high-rise towers, but not mid-rise buildings included in the proposed project. Alternatives 2 and 3 include four high-rise towers as compared to three high-rise towers under the proposed project. Thus, Alternatives 2 and 3 have the potential to result in four periods of construction noise from pile driving as compared to three under the proposed project.

As explained in the DEIR, City's Noise Ordinance exempts certain construction noise. (DEIR, p. 4.9-27.) Mitigation Measure 4.9-3a requires that project construction comply with City's Noise Ordinance conditions relating to exempt construction noise including daily time limits set forth in the City Code. Additionally, Mitigation Measure 4.9-3b sets a maximum noise limit of 75 dB L_{eq} for construction noise and sets forth methods that are available to ensure pile driving activities do not exceed this maximum level. As with the proposed project, Mitigation Measures 4.9-3a and 4.9-3b ensure that construction noise generated by Alternatives 2 and 3 do not exceed the City's threshold. Therefore, as with the proposed project, the DEIR concludes construction noise impacts associated with Alternatives 2 and 3 are less than significant.

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.

2.3.7.5 OFF-SITE ALTERNATIVE

Several commenters identified various sites within the City, some of which are located outside the General Plan's Central Business District (CBD), and suggest the proposed project should be developed on one of those alternative sites. Pursuant to both SB 375 [Public Resources Code section 21155.2(c)(2)] and SB 226 [Public Resources Code section 21094.5(b)(1)] this EIR is not required to evaluate an offsite alternative to comply with CEQA. (See Master Response 2.3.9 [CEQA Streamlining].) Additionally, as explained in the DEIR, the City has not identified any offsite locations of similar size and zoning within the CBD that are available for the project proponent to obtain and are sufficient in size to accommodate the project. (DEIR, p. 5-1.) Therefore, even if this EIR was required to consider a feasible offsite alternative, no feasible offsite location has been identified.

Similarly, other commenters noted that there are a large number of residential infill projects within the City, some of which are located in the CBD, that are in the permitting pipeline. Commenters suggest that development of those offsite locations should be considered as an alternative to the proposed project and that it would be consistent with the City's Housing Element, 2013-2021, because it concludes that there is enough vacant land and pipeline project in the City to accommodate housing needs through 2021. Because no single parcel, or even a combination of offsite parcels, have been identified that are available for the project applicant to acquire to achieve a similar level of mixed-use and residential intensity as the proposed project within the CBD, comments urging the development of

these other “pipeline projects” is akin to the no project alternative. In other words, the project site would remain as is, and the project would not be developed, no similar project would be developed offsite by the project applicant, and the City would rely on other developers to complete different projects to increase the residential density and intensity within the CBD. Therefore, this “offsite alternative” is encompassed by the No Project Alternative, which, as required by CEQA, is analyzed in the DEIR.

Other commenters requested the EIR consider the potential to grant a transfer of development rights to allow the development to occur at another location where it would not impact an historical resource. Where permitted, transferring development rights is typically a method used to move development rights from a parcel that a city or county has determined should not be developed to another parcel that, without the transferred rights, could not be used to develop the project contemplated on the original parcel. Neither the City’s 2030 or 2035 General Plan nor City Code permit or provide a mechanism for the transfer of development rights. Therefore, based on the City’s existing policies, this is not a feasible alternative. Additionally, as discussed above, no other similar sized sites or combination of sites, either publically or privately owned, are available for development of the proposed project within downtown Sacramento. Furthermore, transferring development rights to an area of the City outside of downtown Sacramento would be inconsistent with the fundamental project objective to develop a dense residential project within downtown Sacramento. (DEIR, p. 2-6.) A transfer to an area outside of downtown Sacramento would also conflict with goals of the 2035 General Plan, as well as 2030 General Plan, to focus the type of dense residential development contemplated by the proposed project within the CBD, “Sacramento’s most intensely developed area” in order to “add vitality to the CBD by extending the hours of activity and the built-in market for retail, services, and entertainment.” (See, e.g., 2035 General Plan, p. 2-68.)

Additionally, as discussed in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 (*Goleta II*), where a project is consistent with an approved general plan, no offsite alternative need be analyzed in the EIR. The EIR “is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy.” (*Goleta II, supra*, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. “Informed and enlightened regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning.” (*Goleta II, supra*, 52 Cal.3d at pp. 572-573.) The project is consistent with the goals and policies in both the 2035 General Plan and 2030 General Plan (DEIR, pp. 3-15 – 3-26; DEIR, App. O; Master Responses 2.3.4.5 and 2.3.10 [General Plan Consistency]), thus the City, for CEQA purposes, need not consider an offsite alternative for this additional reason.

Moreover, during the process of adopting the 2030 General Plan, some residents of 500 N Street requested the project site’s land use designation not be changed so as to preserve the site in its current state. Residents also advocated for alternative sites to be developed. (See, e.g., 2030 General Plan Planning Commission Comment Matrix (Oct. 30, 2008), p. 8 [comment from resident stating the City should “focus the expansion of the Downtown/CBD onto the Railyards or the River District”].) However, in adopting the 2030 General Plan and certifying the Master EIR evaluating impacts of its

implementation the City Council changed the land use designation for the project site to CBD. The focus on onsite alternatives is particularly appropriate for the project site due to the fact that the 2030 General Plan designated the site as within the CBD and the recently adopted 2035 General Plan retains the designation. Within the CBD both the 2030 and 2035 General Plans call for a density of between 61.0 units/acre and 450.0 units/acre. (DEIR, p. 3-10; 2035 General Plan, Figure LU1 [Land Use & Urban Form Diagram].)

While the designation of the site as CBD does not require an increase in onsite density, existing density as compared to the CBD designation density is a relevant policy consideration. Existing conditions on the project site include 409 units in the Capitol Towers high-rise and Capitol Villa garden apartments on 10.13 net acres, for a density of 40.4 units/acre. As a result, existing density on the project site falls substantially below the minimum density of 61.0 units/acre envisioned for the site's land use designation in the 2030 and 2035 General Plans. Only an onsite alternative is capable of increasing density on the project site to bring it within the density range contemplated in the 2030 and 2035 General Plans.

2.3.7.6 ADDITIONAL ON-SITE ALTERNATIVES

All on-site alternatives proposed by commenters reduce the density and intensity as compared to the proposed project and, therefore, are not alternatives required pursuant to CEQA. (See Master Response 2.3.9 [CEQA Streamlining].) Nevertheless, the City has considered the alternatives raised by commenters and, as discussed further below, determines that the alternatives fail to achieve basic project objectives, are inconsistent with City policies, or constitute variations of the alternatives included in the DEIR that, like the alternatives analyzed in the DEIR, are not capable of reducing the proposed project's significant and unavoidable historical resource impacts to a less than significant level.

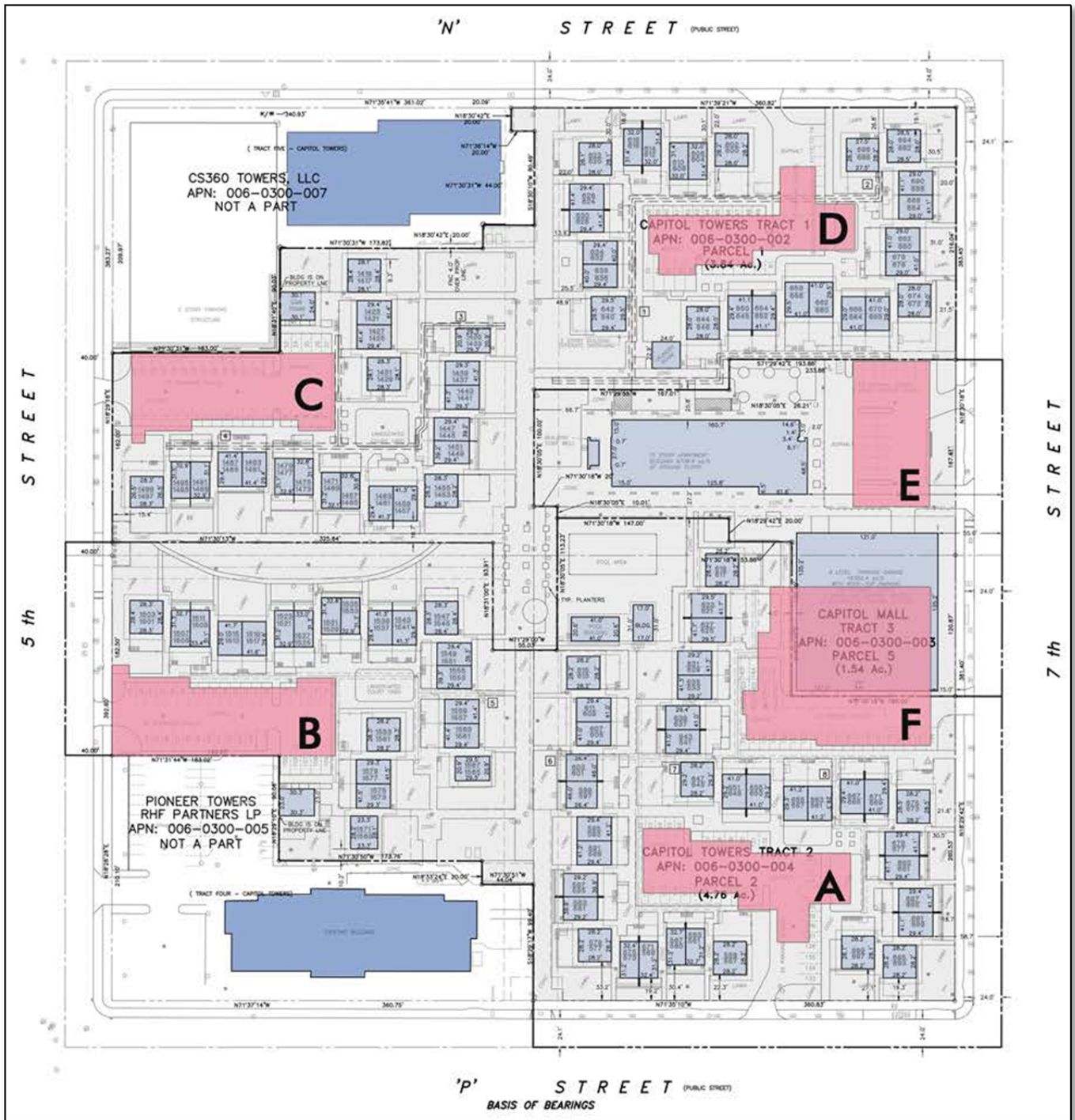
New Development Only in Parking Areas

Pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Standards for Rehabilitation may include related new construction that will not destroy historic materials, features, and spatial relationships that characterize the property. Some commenters identified a "New Development Only in Parking Areas" alternative as a potential rehabilitation alternative. Specifically, in order to permit new infill construction alongside the historic buildings and landscaping onsite, some commenters proposed an alternative in which new development would only occur within the existing parking lots on the project site and within the footprint of the existing parking structure. As explained further below this alternative poses policy issues from a City policy perspective and would not be able to accommodate the density included in the proposed project.

The existing parking lots and structure are located within close proximity to Capitol Towers and the Capitol Villas garden apartments. In its existing condition, Capitol Villas garden apartments are located no closer than approximately 40 feet from Capitol Towers. However, adjacent to 500 N Street the distance between the closest Capitol Villas garden apartment to the 500 N Street building is approximately 28 feet.

The proposed project proposes a setback of no less than 40 feet between any building which is consistent with the City Code section 17.208.740(D)(3) requirement of a 40 foot interior side yard setback and ensures adequate setback is provided for fire access. Nevertheless, in an effort to allow for increased density as compared to a 40 foot setback variation of the “new development only in parking areas” alternative, the City has considered potential development opportunities with a 28 foot setback (consistent with the smallest setback between 500 N Street and a Capitol Villas garden apartment). The California Fire Code requires all fire access roads include an unobstructed width of 20 feet and sufficient turning radii for fire vehicles. With 28 foot setbacks the “new development only in parking areas” alternative would require demolition of some historical landscaping and removal of some existing Capitol Villas garden apartment patio areas. However, it is not anticipated that any Capitol Villas garden apartments would need to be demolished to provide necessary fire access roadways. In addition to the general 28 foot setback, an 80 foot setback is assumed between high-rise towers as required by City Code section 17.208.740(D)(4).

The “new development only in parking areas” alternative allows for development within the areas shown in Figure 2-3.



Source: 2.3.14.5 Van Tilburg Banvard Soderbergh 2015

Notes: Red Indicates Building Areas with 28' Setback; High-Rise Buildings are B, C, and F; Mid-Rise Buildings include A, D, and E.

Figure 2-3. New Development in Parking Areas Only

Due to the small size of the developable area and Central Core Design Guidelines supporting development of high rise towers along street frontages, high-rise towers are not proposed in the internal parking lots located within the northeast and southeast quadrants of the project site. For the purposes of this evaluation, five-story mid-rise apartment buildings are assumed to be developed in those areas.

Additionally, a high-rise tower cannot be developed in the parking area between Capitol Towers and 7th Street without violating the 80-foot setback requirement between towers. Therefore, a five-story mid-rise building is also proposed in this parking lot. The existing parking structure area south of Capitol Towers could include a 24-story residential high-rise tower. Consistent with the 28 foot setback from adjacent Capitol Villas garden apartments and 80-foot setback from Capitol Towers, the floor plate of this high-rise tower could be as large as 19,784 square feet, which is about 15% larger than the largest floor plate proposed as part of the proposed project.

The unit estimate for this alternative assumes the City would authorize a tower with a footprint this large notwithstanding that the Central Core Design Guidelines encourage more slender towers to be developed; reducing the footprint of this tower to 17,000 square feet consistent with the maximum proposed footprint in the proposed project would result in a reduction of approximately 44 units. Finally, the remaining two developable parking lot areas along 5th Street are each assumed to include 24-story residential high-rise towers as shown in Figure 2-3.

If the “new development only in parking areas” alternative is developed consistent with the above parameters, and the average size of each residential unit included in the alternative is between 850 to 950 square feet, then 625 residential units could be developed under the “new development only in parking areas” alternative including both the three new mid-rise buildings and three high-rise towers. Therefore, including the existing the 409 existing residential units on the project site, this alternative would include 1,034 units. As a result, this alternative would result in approximately a 25 to 30 percent reduction in residential units as compared to the proposed project.

The above unit calculations assume the “new development only in parking areas” alternative includes 1:1 parking for each residential unit. While SB 226 does not require a reduced intensity alternative to be considered in this EIR (See Master Response 2.3.9.4 [CEQA Streamlining]), even if the “new development only in parking areas” alternative was developed at a reduced intensity that excluded all parking to avoid parking-related impacts, the alternative would include no more than 1,262 units including the existing 409 units. As a result, even if a variation of this alternative was proposed without any parking, the alternative would still result in approximately an eight to fourteen percent reduction in residential units as compared to the proposed project.

Under all variations of the “new development only in parking areas” alternative, the alternative would allow approximately 100 to 400 fewer units than the proposed project. Therefore, all variations of this alternative would reduce residential density as compared to the proposed project and, pursuant to SB 226, the alternative is not required to be considered in the EIR. (See Master Response 2.3.9.4 [CEQA Streamlining].)

Additionally, the design of the “new development only in parking areas” alternative is inconsistent with the City’s policy to create an active street front within the CBD. Specifically, 2035 General Plan Policy LU 2.7.7 provides that the City “shall require buildings to be oriented to and actively engage and complete the public realm through such features as building orientation....” The City’s Central Core Design Guidelines reiterate the “importance of maintaining and creating active streetscapes” which requires “retail, commercial, community or other active uses... [to be] visible from the street to both pedestrians and motorists.” (See, e.g., Central Core Design Guidelines, pp. 2-18, 4-40.) The towers

proposed along 5th Street in the “new development only in parking areas” alternative would face away from 5th Street and would also be separated from the O Street pedestrian walkway by a row of Capitol Villas garden apartments. Additionally, opportunities provided by the proposed project to further activate the street front near the corner of N Street and 7th Street by developing a new building with ground floor retail and constructing a plaza on the corner P Street and 7th Street would not be provided by the “new development only in parking areas” alternative. Therefore, the “new development only in parking areas” alternative would result in feasibility concerns from a City policy perspective. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (CNPS) [“an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible”].)

2.3.7.7 NO NEW DEVELOPMENT REHABILITATION ALTERNATIVE

In addition to the “New Development Only in Parking Areas” rehabilitation alternative, some commenters requested the EIR include a rehabilitation alternative that does not include new development on the project site. Here, the proposed project’s basic objectives include intensifying an existing urban downtown residential community and developing additional high-density residential uses. A “No New Development” rehabilitation alternative would not meet these fundamental project objectives because it would not increase the density or residential population on the project site. CEQA only requires reasonable alternatives which could feasibly obtain the basic objectives of the project and no further response is necessary under CEQA.

A commenter states that 2030 General Plan Policy 2.1.14 (now Policy 2.1.15 in the current 2035 General Plan) requires that the City consider a rehabilitation alternative. This policy provides in full:

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.)

The policy establishes three separate reasons as to why the City may authorize demolition of an historic structure. The policy does not require that an EIR consider a rehabilitation alternative. In evaluating the merits of the proposed project, the City Council will consider whether one or more of the three justifications listed in the policy support approval of the proposed project and demolition of the Capitol Villas garden apartments.

2.3.7.8 PUBLIC BENEFIT ZONING ALTERNATIVE

A commenter requested the City consider a “Public Benefit Zoning” Alternative. Public Benefit Zoning is the process by which a City or County agrees to “up-zone” a property to allow for increased development on a parcel that has become more desirable to develop do to access to public transit and other desirable resources in exchange for the landowner providing additional public benefits. As explained in the “White Paper on the Theory, Economics, and Practice of Public Benefit Zoning” prepared by the East Bay Housing Organizations, Association of Bay Area Governments, and

Metropolitan Transportation Commission (November 2014)⁷, a “necessary condition [of Public Benefit Zoning] is that properties have not yet been up-zoned” because the benefits should be negotiated as part of the up-zoning process in conjunction with required nexus studies. (*Id.* at pp. II-III.)

Here, the proposed project does not require an up-zone as the City Code already permits density of up to 175 units per acre. Moreover, allowing the project site to be developed at an increased density in exchange for additional community benefits would not address the proposed project’s significant and unavoidable historical resource impacts. Therefore, this alternative is neither feasible nor capable of substantially reducing or avoiding the proposed project’s significant and unavoidable impacts.

2.3.7.9 ALTERNATIVES ADDRESSING LESS THAN SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT

Several commenters requested that additional alternatives be analyzed to further reduce one or more of the proposed project’s less than significant impacts, such as aesthetic impacts or impacts to trees. As explained in the DEIR, the proposed project will not have significant aesthetic or tree-related impacts. CEQA does not require alternatives to be analyzed that further reduce these or other less than significant impacts of the proposed. Therefore, consistent with the requirements of CEQA, the focus of the alternatives analysis is on alternatives with the potential to reduce the proposed project’s significant and unavoidable historical resource impacts.

Variations of Alternatives 2 and 3

(1) Reorient Tower B

A few commenters suggested a variation of Alternatives 2 and 3, which would reorient Tower B from its proposed north/south orientation to an east/west orientation. Changing the orientation of Tower B would have the potential to preserve an additional three Capitol Villas garden apartments. Turning Tower B to an east/west orientation would also turn the widest face of the building away from the street frontage along 5th Street. As a result, like the “new development only in parking areas” alternative, this variation of Alternatives 2 and 3 would be inconsistent with the City’s policy to create an active street front within the CBD. Additionally, the three additional Capitol Villas garden apartments that would be preserved under the “Reorient Tower B” variations of Alternatives 2 and 3 would separate the reoriented Tower B from the O Street pedestrian walkway. As a result, this variation of Alternatives 2 and 3 would substantially reduce the ability to create an active streetscape along either 5th Street or the O Street pedestrian walkway would result in feasibility issues from a City policy perspective.

Furthermore, even if preserving the three additional buildings did not conflict with the City’s active streetscape goals and policies, the “Reorient Tower B” variation, like Alternatives 2 and 3, would still significantly affect the historical resource by developing new high-rise towers surrounding the central core of the project site, demolishing a substantial number of the Capitol Villas garden apartments, and impacting three of the seven aspects of integrity (i.e. design, setting and feeling), and, as a result,

⁷ / See White Paper on the Theory, Economics, and Practice of Public Benefit Zoning (Nov. 2014), http://ebho.org/images/Research_and_Reports/LVR-White-Paper-Full_141113.pdf.

would not be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards). (See *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1066 ["The Secretary's Standards are the benchmark that CEQA uses to establish whether a project will have a significant adverse impact to a historic property."].) Therefore, like Alternatives 2 and 3, preserving these additional buildings would not be sufficient to reduce the historical resource impacts under Alternatives 2 and 3 to a less-than-significant level since there would be demolition of a significant number of contributing buildings and the new construction of towers will impact the landscape, which also contributes to the Capitol Towers Historical District's eligibility. In addition, more than three aspects of integrity would be impacted. In addition to design, setting, and feeling there would still be an impact to the property's integrity of materials and workmanship because there would be demolish of contributing buildings (Ambacher, Patricia, pers. comm. 2015a).

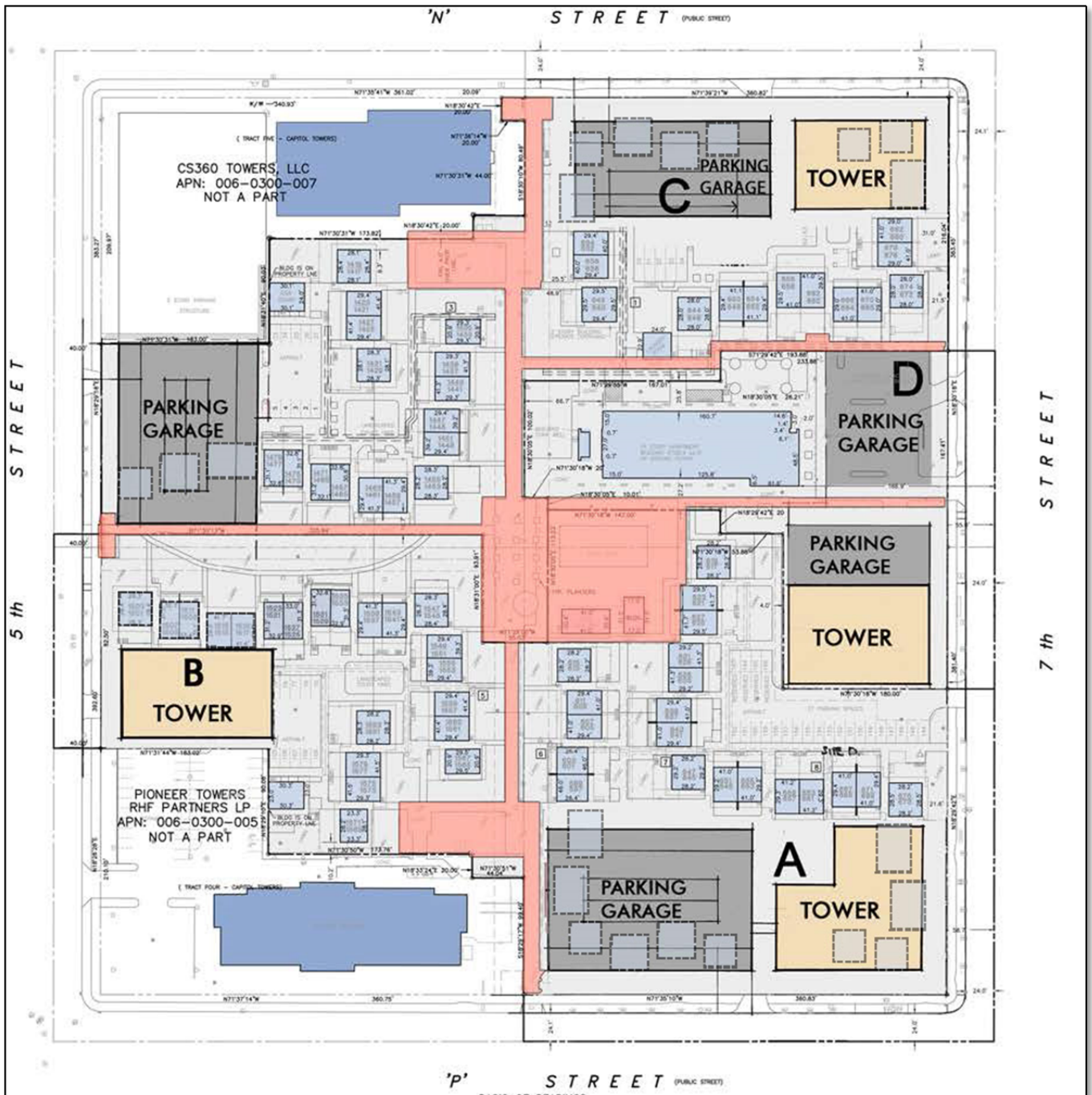


Figure 2-4. Re-Orient Tower B

(2) Consolidate Parking Structures and Residential Towers

Some commenters suggested consolidating the residential towers proposed as part of Alternatives 2 and 3 with parking garages included in the alternatives. Like the “new development only in parking areas” alternative, this variation of Alternatives 2 and 3 would reduce the density and intensity of the proposed project and, therefore, CEQA does not require this variation to be considered. (See Master

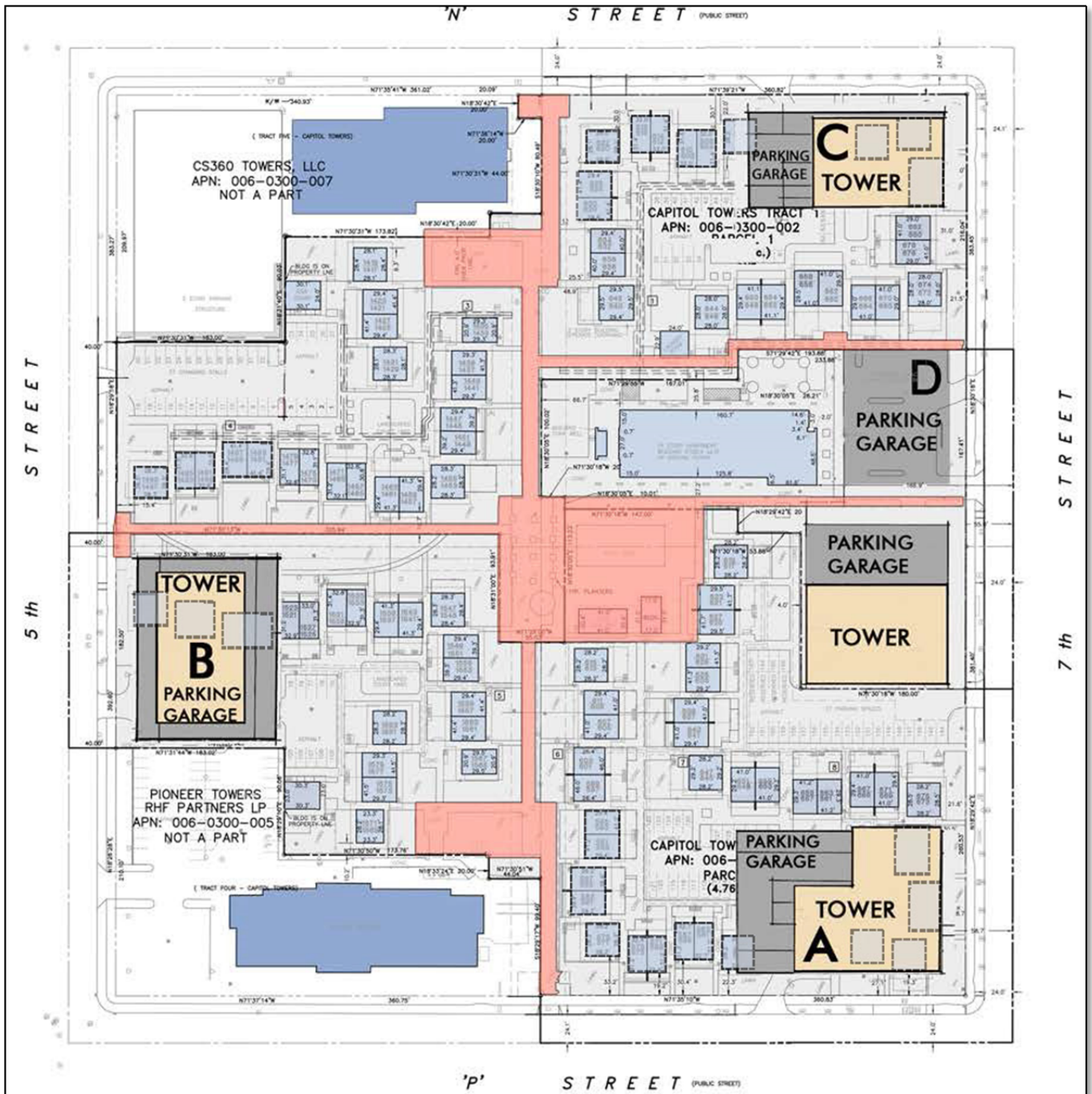
Response 2.3.9 [CEQA Streamlining].) Nevertheless, these variations of Alternative 2 and 3 are discussed further below.

As shown in Figure 2-5, if a podium level of parking was included below each residential tower and Alternative 2's 15-story maximum height was retained, then this variation of Alternative 2 would allow for 352 new units and provide for a total of 727 units on the project site; approximately half of the total units included in the proposed project. As shown in Figure 2-5, if a podium level of parking was included below each residential tower and the City's Planning and Development Code-allowed maximum height of 24-stories was maintained as in Alternative 3, then this variation of Alternative 3 would allow for 692 new units and provide for a total of 1,067 units on the project site; approximately a 20 to 30 percent reduction in units as compared to the proposed project.

Additionally, while the "Consolidate Parking Structures and Residential Towers" variation of Alternatives 2 and 3 would avoid demolition of an additional 12 Capitol Villas garden apartment buildings as compared to Alternatives 2 and 3, the variation would still require demolition of approximately 20 percent of the existing Capitol Villas garden apartment buildings (i.e. demolition of 12 of the 67 buildings and a total of 34 units). Therefore, while the variation would further reduce historical impacts as compared to Alternatives 2 and 3, the variation would still significantly affect the historical resource by developing new high-rise towers surrounding the central core of the project site, demolishing a substantial number of the Capitol Villas garden apartments, and impacting three of the seven aspects of integrity (i.e. design, setting and feeling), and, as a result, would not be consistent with the Secretary's Standards. (See *Citizens for a Sustainable Treasure Island*, supra, 227 Cal.App.4th at p. 1066 ["The Secretary's Standards are the benchmark that CEQA uses to establish whether a project will have a significant adverse impact to a historic property."].)

Like Alternatives 2 and 3, consolidating the parking garages with the high-rise towers would not be sufficient to reduce the historical resource impacts under Alternatives 2 and 3 to a less than significant level since there would be demolition of a significant number of contributing buildings and the new construction of towers will impact the landscape, which also contributes to the district's eligibility. In addition, more than three aspects of integrity would be impacted. In addition to design, setting, and feeling there would still be an impact to the property's integrity of materials and workmanship because there would be demolish of contributing buildings (Ambacher 2015).

Additionally, the City's Housing Element includes a policy to promote a range of housing opportunities. (See City of Sacramento Housing Element, Policy H-1.3.4.) The "Consolidate Parking Structures and Residential Towers" variation of Alternatives 2 and 3 provide a reduced range of housing opportunities as compared to the proposed project. Under the "Consolidate Parking Structures and Residential Towers" variation all units on the project site, with the exception of the 172 Capitol Villas garden apartments, would be high-rise residential units. Under the proposed project, 442 mid-rise residential units would be developed. Due in part to the cost of developing high-rise residential units (as compared to mid-rise building), high-rise residential units are typically leased at a premium over low-rise and mid-rise units. Because the proposed project would include 442 non-high-rise units, as compared to 172 non-high-rise units under the "Consolidate Parking Structures and Residential Towers" variation, the variation would provide a reduced range of housing opportunities as compared to the proposed project.



Source: Van Tilburg Banvard Soderbergh

Figure 2-5. Consolidate Parking Structures and Residential Towers

(3) Substantial Reduction in Parking

Some commenters suggested an alternative be considered in which Alternatives 2 and 3 include substantially less parking. A reduced parking alternative is not required for the proposed project because it would reduce the development intensity of the proposed project. Similarly, the EIR is not

required to include analysis to address impacts of parking. (See Master Response 2.3.9 [CEQA Streamlining].)

Additionally, CEQA requires an EIR consider alternatives that would feasibly accomplish most of the basic objectives of the project and would avoid or substantially lessen one or more of the significant effects of the project where feasible (CEQA Guidelines, Section 15126.6, subd. (c)). To the extent commenters requests a reduced parking alternative be considered to address concerns other than the proposed project's significant an unavoidable historical resource impacts, CEQA does not require alternatives to be considered for the purposes of reducing a project's already less than significant impacts.

Finally, to the extent commenters requested consideration of a substantial reduction in parking in an effort to reduce historical resource impacts, a reduction in parking could permit a reduction in the number or height of parking garages included in Alternatives 2 and 3. However, even assuming no parking was provided, like the "Consolidate Parking Structures and Residential Towers" variation of Alternatives 2 and 3, this variation would still significantly affect the historical resource by requiring the demolition of at least 10 Capitol Villas garden apartment buildings (including a total of 30 garden apartment units), developing new high-rise towers surrounding the central core of the project site, and impacting three of the seven aspects of integrity (i.e. design, setting and feeling), and, as a result, would not be consistent with the Secretary's Standards. (See *Citizens for a Sustainable Treasure Island, supra*, 227 Cal.App.4th at p. 1066 ["The Secretary's Standards are the benchmark that CEQA uses to establish whether a project will have a significant adverse impact to a historic property."].) Therefore, this variation of Alternatives 2 and 3 would not reduce the historical resource impacts under Alternatives 2 and 3 to a less than significant level since there would be demolition of a significant number of contributing buildings and the new construction of towers will impact the landscape, which also contributes to the district's eligibility. In addition, more than three aspects of integrity would be impacted. In addition to design, setting, and feeling there would still be an impact to the property's integrity of materials and workmanship because there would be demolish of contributing buildings (Ambacher 2015).

2.3.7.10 CONCLUSION

Carey & Co., in consultation with the City, determined that historical impacts could be reduced through development that occurred only along the edges of the project site as compared to development that impacted the central core area of the project site. Carey & Co., therefore, proposed two alternatives (in addition to the No Project alternative) that avoided development in the central core area of the project site. Although it is possible to craft many different variations of alternatives analyzed in the DEIR, the conclusion underlying Carey & Co.'s findings is that, without a substantial reduction in the density and intensity of the proposed project, it is not possible to further develop the project site around its edges or otherwise without causing a significant and unavoidable impact to the historical resource. As CEQA does not require the reasonable range of alternatives for the proposed project to include alternatives that reduce the density or intensity of the proposed project, no additional alternatives have been identified that are required to be considered pursuant to CEQA. (Master Response 2.3.9 [CEQA Streamlining].)

No additional alternatives have been identified that, in consideration of applicable streamlining provisions (Master Response 2.3.9 [CEQA Streamlining]), are required to be evaluated in this EIR. While the alternatives raised by commenters and discussed in this Master Response are not required to be analyzed in the EIR, the City Council will consider all comments submitted on the project, including comments relating to alternatives in addition to those required by CEQA, in evaluating the merits of the proposed project. (See Public Resources Code, § 21174 [CEQA does not constitute “a limitation or restriction on the power or authority of any public agency”].)

2.3.8 EASEMENTS

Some commenters identify the presence of on-site easements and ask about their continued use following development of the proposed project. Some private community easements remain on the project site, as identified in the attached figure (Figure 2-6). The private community easements grant the Pioneer Towers property and the 500 N Street (also known as Bridgeway Towers) property use of the easement areas identified in the exhibit below for right-of-way and recreational purposes. As shown, 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.

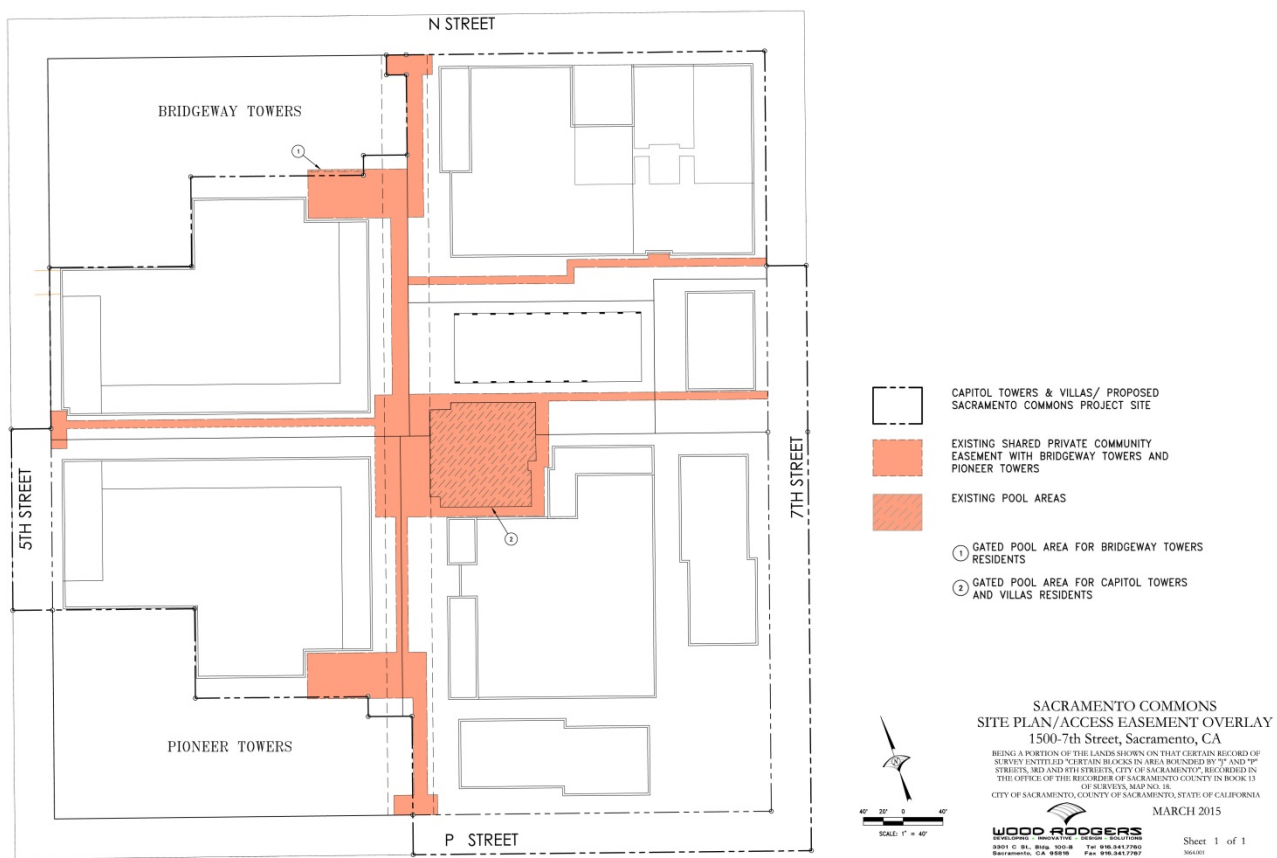


Figure 2-6. On-Site Easements

The existence of private community easements does not have any bearing on the evaluation of the potential significance of park and recreation impacts caused by the proposed project. The grant

establishing the private community easements expressly provides that the easements are “non-exclusive.” Therefore, consistent with the terms of the private community easement grant, the East-West Promenade, North-South Promenade, and other pedestrian pathways, including the portions covered by existing private community easements, may be developed and managed by the project applicant as private recreational facilities and the areas may be made available to project residents and visitors, including Pioneer Towers and 500 N Street (also known as Bridgeway Towers) residents. As analyzed in Chapter 4.10 of the DEIR, in consideration of the substantial private recreational space and facilities included as a part of the proposed project and because the proposed project will comply with the City’s Parkland Dedication and Park Development Impact Fee requirements, the proposed project will result in less-than-significant parks and recreation impacts.

2.3.9 STREAMLINED APPROACH TO ENVIRONMENTAL ANALYSIS

Several commenters questioned whether the proposed project qualifies for the CEQA Streamlining benefits identified in Section 4.0.3 of the DEIR (DEIR, pages 4-4 to 4-16).

As explained in the DEIR, the Legislature, recognizing that the state’s greenhouse gas (GHG) emissions reductions goals cannot be met without improved land use and transportation policy, enacted a number of bills designed to promote development patterns that would encourage “land use and transportation planning decisions and investments that reduce vehicle miles traveled and contribute to the reductions in greenhouse gas emissions” (DEIR, pages 4-4 and 4-5.) Senate Bill (SB) 375, SB 226 and SB 743, include CEQA streamlining provisions that apply to infill projects, such as the proposed Project, based on density and proximity to public transit. As demonstrated in the DEIR and summarized below, the proposed project satisfies the criteria associated with SB 375, SB 226 and SB 743 and thus qualifies for a number of CEQA Streamlining benefits.

2.3.9.1 SB 375

As demonstrated in the DEIR, the proposed project qualifies as a transit priority project (TPP) because it satisfies the following criteria (see DEIR, page 4-5; see also Public Resources Code, §§ 21155, subs. [a]-[b]). Notably, criteria one has been clarified here as a part of the Final EIR, as shown below.

1. Criterion One: Contains at least 50 percent residential use, based on total building square footage (and has a floor area ratio of 0.75 ~~and at least 25~~ if between 26 and 50 percent of total building square footage is dedicated to non-residential uses);
2. Criterion Two: Includes a minimum density of at least 20 units per acre;
3. Criterion Three: Is located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and
4. Criterion Four: Is consistent with the use, designation, density, building intensity and applicable policies specified for the project in a sustainable communities strategy for which the Air Resources Board (ARB) has accepted the metropolitan planning organization’s determination

that the sustainable communities strategy would, if implemented, achieve the greenhouse gas emission reduction targets established by the California Air Resources Board (ARB).

Specifically, as discussed in the DEIR, both the Hotel/Condo Retail Scenario and the Condo/Retail Scenario include over 50 percent residential uses (DEIR, page 4-6). Comparing the new residential uses to total building square footage for new construction, the Hotel/Condo/Retail Scenario includes approximately 84 percent residential uses (1,059,490 square feet [residential] ÷ 1,260,740 square feet [total]) (see Draft EIR, pages 2-12 to 2-13). The Condo/Retail Scenario includes approximately 96 percent residential uses (1,197,730 square feet [residential] ÷ 1,249,730 square feet [total])⁸ (*Ibid*). The project would include approximately 1,424,852-1,435,862 square feet of total floor area (including the existing Capitol Towers) on the 10.13 net acre project site, for an overall floor area ratio (FAR) of 3.2-3.3, exceeding Criterion One's required FAR of 0.75 (DEIR, page 2-12). Accordingly, the Hotel/Condo/Retail Scenario and Condo/Retail Scenario both satisfy Criterion One.

With regard to Criterion Two, the Hotel/Condo/Retail Scenario and Retail/Scenario both exceed the Criterion's minimum density of at least 20 units per acre (DEIR, page 4-6). As demonstrated by the Draft EIR, the total residential density of the project site under the Hotel/Condo/Retail Scenario is 135.6 units per acre and the total residential density of the project site under the Condo/Retail Scenario is 145.1 units per acre, well above Criterion Two's required TPP minimum density of 20 units per acre (DEIR, pages 2-6, 2-7, 4-6).

Moreover, the proposed project satisfies Criterion Three because it is located within one-half mile of a "major transit stop or high-quality transit corridor" (DEIR, page 4-7; Public Resources Code Section 21155, subd. [b][3]; see also Figure 4.11-3 and Table 4.11-3 of the Draft EIR, pages 4-7, 4.11-10, 4.11-11.) Significantly, there are 26 Sacramento Regional Transit bus stops and 4 Sacramento Regional Transit Light Rail stops within a quarter-mile of the project's center (DEIR, page 4.11-10). The closest major transit stop to the proposed project site is a Light Rail Station located approximately 1 block away, at the intersection of 8th and O Streets – a split Light Rail Station serving the Sacramento Regional Transit District's Blue, Gold, and Green Lines (DEIR, pages 4-7 and 4.11-10). There are also high-quality transit corridors located within one-half mile of the proposed project site, with several Sacramento Regional Transit bus routes that have service intervals no longer than 15 minutes during peak commute hours stopping within one-half mile of the project site (e.g., routes 3, 30, 51, 86, and 88) (DEIR, pages 4-7 and 4.11-11).

Finally, the proposed project satisfies Criterion Four because it is consistent with the use designation, density, building intensity, and applicable policies specified for the project area within SACOG's Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS) (DEIR, page 4-7, Public Resources Code Section 21155, subd. [a]). The proposed project is located within a Center and Corridor Community and a Sacramento Transit Priority Area (TPA), as identified in SACOG's MTP/SCS (DEIR, pages 3-5 and 4-8.) SACOG has concurred with the City's conclusion that the project is consistent with SACOG's MTP/SCS, including all applicable land use designations, densities, building

intensities, and policies applicable to the proposed project site (see December 8, 2014 SACOG Letter in Appendix A; see also DEIR, page 4-8).

Some commenters suggest the project should not be considered consistent with SACOG's MTP/SCS because the project site was determined eligible for the National Register of Historic Places (National Register) and, as a result, automatically listed on the California Register of Historical Resources. Some commenters note further that SACOG's MTP/SCS consistency concurrence letter was issued after the California State Historical Resources Commission determined the project site eligible to be listed on the National Register but before the Keeper of the National Register formally made its determination of eligibility. The historical status of a project site is not one of the criteria used to determine consistency with SACOG's MTP/SCS. As explained in SACOG's original, June 4, 2014, consistency letter and the updated, December 8, 2014, consistency letter, the proposed project qualifies as a transit priority project and the proposed project's land uses fall within the range of uses and densities forecasted by SACOG within the Central City Center / Corridor Community area in which the proposed project is located. For these reasons, SACOG concurred that the proposed project is consistent with its MTP/SCS. Moreover, 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

The DEIR properly concluded that the proposed project qualifies as a TPP because all SB 375 criteria are satisfied. The proposed project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the applicable environmental impact reports; Appendix O of the Draft EIR identifies a complete cataloguing of relevant mitigation measures, performance standards, and criteria, as relevant to the proposed project (see DEIR, Appendix O; see also DEIR, pages 4-8 to 4-9). Accordingly, the proposed project may avail itself to the streamlining benefits available under SB 375 (DEIR, pages 4-8 to 4-9).

Some commenters assert that the proposed project does not qualify for CEQA streamlining pursuant to Public Resources Code section 21155.2 because the commenters do not believe the proposed project qualifies as infill. As described above, 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. However, 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 qualifies 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].) Therefore, for the purposes of CEQA, the

Legislature has determined that an “infill project” and “infill site” includes an area, like the proposed project site, that has been previously developed.

Similarly, other commenters state the existing site and uses meet the definition of a transit priority project and public policy should not reward replacing one transit priority project with another. In enacting SB 375, the Legislature defined transit priority project; the definition does not take existing uses on a site into consideration. (Public Resources Code, § 21155, subd. (b) [defining a transit priority project].) Whether a commenter disagrees with the public policy rationale behind SB 375 as adopted by the Legislature exceeds the scope and purpose of this EIR.

Finally, some commenters conclude the proposed project is not exempt from CEQA pursuant to Public Resources Code section 21155.1, which applies to sustainable communities projects. The City agrees that the proposed project does not qualify as a sustainable communities projects pursuant to section 21155.1. SB 375, however, provides streamlining benefits to projects that are not exempt from CEQA review as set forth in Public Resources Code section 21155.2. As discussed above, and in the Draft EIR, the project is eligible for streamlining benefits pursuant to Public Resources Code section 21155.2, subdivision (c).

2.3.9.2 SB 226

As demonstrated in the Draft EIR and summarized below, the proposed project qualifies for SB 226 streamlining because it:

1. Criterion One: Is an infill project;
2. Criterion Two: Is included in a region in which an environmental impact report was certified for a planning level decision;
3. Criterion Three: Is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in a qualifying sustainable communities strategy; and
4. Criterion Four: Satisfies all applicable statewide performance standards set forth in Appendix M of the CEQA Guidelines.

(See DEIR, pages 4-10 to 4-11; see also Public Resources Code, §§ 21094, subd. [c]).

Specifically, the proposed project is an “infill project” as defined by SB 226, thereby satisfying Criterion One (see Public Resources Code Section 21094.5, subd. [c].) SB 226 defines an “infill project” as a project that includes one or a combination of uses (where less than half the project area is used for parking), that is proposed on a previously developed site within an urban area or on a vacant site where at least 75 percent of the perimeter is adjoined or separated by only an improved public right-of-way from parcels that are developed with qualified urban uses (Public Resources Code Section 21094.5, subd. [e][1][A]-[B]). The proposed project is currently developed with low-rise and high-rise residential units and all (100 percent) adjacent parcels surrounding the proposed project site are developed with urban uses including residential, office, and commercial uses (DEIR, pages 2-5 and 4-11). Additionally,

less than 34 percent of the project site is proposed to be used for parking (147,817 square feet [parking footprint] ÷ 441,263 square feet [project site total footprint]) (DEIR, page 4-11).

Consistent with Criterion Two, a planning level decision (both the City's previous 2030 General Plan and the current 2035 General Plan, and corresponding Master EIRs) has been certified and covers the proposed project site (Public Resources Code Section 21094.5, subd. [e][2]; DEIR, pages 4-9 to 4-11).

With regard to Criterion Three, the proposed project, as described above under the heading "SB 375," is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in SACOG's MTP/SCS (Public Resources Code Section 21094.5, subd. [c][1][A]; see also DEIR, pages 4-8 and 4-11). Therefore, the proposed project satisfies Criterion Three.

Finally, as required by Criterion Four, the proposed project satisfies all applicable statewide performance standards set forth in CEQA Guidelines Appendix M (Public Resources Code Section 21094.5, subd. [c][2]; see also DEIR, pages 4-12 to 4-13). The predominant uses contemplated by the proposed project under both the Hotel/Condo/Retail Scenario and the Condo/Retail Scenario are residential uses. Therefore, the proposed project must comply with the universal performance standards (CEQA Guidelines, Appendix M.III) and the residential standards (CEQA Guidelines, Appendix M.IV.A).

The universal performance standards included in Appendix M require the lead agency to consider whether the infill project is located on a site included on the Cortese List (Government Code Section 65962.5) or is located within 500 feet of a high volume roadway or other significant source of air pollution (CEQA Guidelines, Appendix M.III; see also DEIR, page 4-12). The proposed project site is not included on the Cortese list (see Section 4.7 of the DEIR, "Hazards and Hazardous Materials"), nor is it within 500 feet of a high volume roadway or other significant source of air pollution (see Section 4.2 of the DEIR, "Air Quality"). Moreover, the proposed project satisfies the residential performance standards because, as described above, it is located within one-half mile of several existing major transit stop or stop along a high-quality transit corridor (CEQA Guidelines, Appendix M.IV.A; see also see also Figure 4.11-3 and Table 4.11-3 of the DEIR, pages 4-7, 4.11-10, 4.11-11). Accordingly, the proposed project meets all applicable universal and residential performance standards established by CEQA Guidelines Appendix M and satisfies Criterion Four (Draft EIR, pages 4-12 to 4-13).

As summarized above and demonstrated in the DEIR, the proposed project is a qualifying infill project that may avail itself of the streamlining benefits available under SB 226. As identified below in the summary of applicable streamlining benefits, SB 226 provide that alternative locations, densities, and building intensities are not required to be analyzed. (Public Resources Code, § Section 21094.5, subd. (b)(1).) Pursuant to SB 226, these streamline benefits apply to a project that meets the above discussed criteria and for which "a mitigated negative declaration or a sustainable communities environmental assessment could not be otherwise adopted..." (Public Resources Code, § 21094.5, subd. (b).) These benefits relating to the alternatives analysis do not apply to projects that are reviewed pursuant to a negative declaration or sustainable communities environmental assessment because those documents, unlike an EIR, do not require any alternatives analysis to be considered in order to comply with CEQA. Because the proposed project qualifies for SB 226 streamlining benefits and an EIR was prepared, SB 226's limitation on the requirement to analyze "[a]lternative locations, densities,

and building intensities...” is applicable to the proposed project. (Public Resources Code, § Section 21094.5, subd. (b)(1).)

2.3.9.3 SB 743

As summarized below and demonstrated in the DEIR, the proposed project qualifies for SB 743 CEQA streamlining because the project:

1. Criterion One: Is a residential, mixed-use residential, or employment center project;
2. Criterion Two: Is on an infill site; and
3. Criterion Three: Is located within a transit priority area.

(See DEIR, pages 4-13 to 4-15; Public Resources Code Section 21099, subd. [d]).

The proposed project satisfies Criterion One because it is a residential, mixed-use residential, or employment center project as defined in Public Resources Code Section 21099, subd. (d). SB 375 defines a residential or mixed-use residential project to include both a TPP and a “project where at least 75 percent of the total building square footage of the project consists of residential use” (Public Resources Code Section 21159.28, subd, [d]). As summarized above in the SB 375 discussion and in the DEIR (pages 4-6 and 4-14), the proposed project qualifies as a TPP. Moreover, the Hotel/Condo/Retail Scenario and Condo/Retail Scenario both include over 75 percent residential uses (*Ibid*). Therefore, the proposed project qualifies as a “residential” or “mixed-use residential” project.

The proposed project is located on an “infill site” as defined by SB 743, thereby satisfying Criterion Two (Public Resources Code Section 21099, subd. [d]). Specifically, SB 743 defines “infill site” as “a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated by only an improved public right-of-way from, parcels that are developed with qualified urban uses” (Public Resources Code Section 21099, subd. [a][4]). As summarized in SB 226 above and described in the DEIR (pages 4-11 and 4-14), the proposed project site is currently developed with low-rise and high-rise residential units and all (100 percent) adjacent parcels surrounding the project site are developed with urban uses, including residential, office, and commercial uses.

Finally, the proposed project satisfies Criterion Three because the proposed project site is located within a transit priority area, as defined by SB 743 (Public Resources Code Section 21099, subd. [d]). A “transit priority area” under SB 743 is defined as an area within one-half mile of an existing or planned major transit stop that, if a planned transit stop, is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations (Public Resources Code Section 21099, subd. [a][7]). As summarized above in SB 375 and elaborated on in the DEIR (page 4-7), the proposed project site is located within one-half mile of several existing major transit stops (DEIR, pages 4-7, 4.11-10, and 4-14).

2.3.9.4 SUMMARY OF APPLICABLE STREAMLINING BENEFITS

As discussed in the DEIR (see Draft EIR, pages 4-4 to 4-16), because the proposed project meets the above-described criteria relating to SB 375, SB 226, and SB 743, the proposed project qualifies for several CEQA streamlining benefits including (See DEIR, pages 4-15 to 4-16):

1. Cumulative effects that have been adequately addressed and mitigated in prior applicable certified environmental impact reports shall not be treated as cumulatively considerable for the proposed project (Public Resources Code Section 21155.2, subd. [c][1] [SB 375]);
2. Growth-inducing impacts are not required to be referenced, described, or discussed (Public Resources Code Sections 21159.28, subd. [a][1] [SB 375], 21094.5, subd. [b](2) [SB 226]);
3. Project-specific or cumulative impacts from cars and light-duty truck trips generated by the proposed project on global warming are not required to be referenced, described, or discussed (Public Resources Code Section 21159.28, subd. [a][2] [SB 375]);
4. Project-specific or cumulative impacts from cars and light-duty truck trips generated by the proposed project on the regional transportation network are not required to be referenced, described, or discussed (Public Resources Code Section 21159.28, subd. [a][2] [SB 375]);
5. The EIR is only required to analyze those significant effects that uniformly applicable development policies or standards do not substantially mitigate, and that are either new specific effects or are more significant than a prior EIR analyzed (CEQA Guidelines Section 15183.3, subd. [e]; Public Resources Code Section 21094.5, subd. [a][2] [SB 226]);
6. Off-site alternatives are not required to be analyzed (Public Resources Code Section 21155.2, subd. [c][2] [SB 375]);
7. Alternative locations, densities, and building intensities to the project are not required to be analyzed (Public Resources Code Section 21094.5, subd. [b][1] [SB 226]; see also Public Resources Code Section 21159.28, subd. [b] [stating “reduced density alternatives are not required to be referenced, described, or discussed to address the effects of car and light-duty truck trips generated by the proposed project”] [SB 375]);
8. Aesthetic impacts shall not be considered significant impacts on the environment (Public Resources Code Section 21099, subd. [d][1] [SB 743]); and
9. Parking impacts shall not be considered significant impacts on the environment (*Ibid.* [SB 743]).

2.3.9.5 IMPLEMENTING CEQA STREAMLINING IN CONTEXT OF CEQA’S GENERAL REQUIREMENTS

CEQA generally requires an EIR to include alternatives that would avoid or substantially lessen significant effects of the project. (CEQA Guidelines, § 15126.6, subd. (a)). The Draft EIR finds that the proposed project would result in a significant and unavoidable impact to an historical resource because

it would result in a substantial adverse change in the significance of Capitol Towers and garden apartments site. (Public Resources Code, § 21084.1; CEQA Guidelines, § 15064.5, subd. (b)). No other significant and unavoidable impact is identified in the Draft EIR. Therefore, the purpose of the alternatives analysis included in the Draft EIR is to identify alternatives “that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen” the proposed project’s historical resource impact. (CEQA Guidelines, § 15126.6, subd. (c).) However, SB 375 and SB 226 further limit this requirement in that SB 375 provides that a transit priority project “is not required to analyze off-site alternatives” (Public Resources Code, § 21155.2, subd. (c)(2)) and SB 226 provides “[a]lternative locations, densities, and building intensities to the project need not be considered” (Public Resources Code, § 21094.5, subd. (b)(1)).

Some commenters stated that, even though the proposed project qualifies for streamlining under SB 375 and SB 226, CEQA requires the EIR include an off-site and/or reduced density alternative. This position is inconsistent with SB 375 and SB 226. SB 375 expressly states the off-site alternative exclusion is an exception to the normal requirements and the Draft EIR shall “otherwise comply with the requirements of [CEQA].” (Public Resources Code, § 21155.2, subd. (c)(2).) Similarly, SB 226 provides that where “an infill project would result in significant effects that are specific to the project or the project site... [in] analyzing those effects... [a]lternative locations, densities, and building intensities to the project need not be considered.” (Public Resources Code, § 21094.5, subd. (b)(1).) The plain language of the statutes is clear; an EIR is not required to consider off-site, reduced density, or reduced intensity alternatives notwithstanding the significant impacts of an eligible project. Even if there were some ambiguity, a general rule of statutory interpretation is “that, in the event of statutory conflict, a specific provision will control over a general provision.” (*Arbuckle-College City Fire Protection Dist. v. County of Colusa* (2003) 105 Cal.App.4th 1155, 1166.) Therefore, consistent with the plain language of SB 375 and SB 226, the EIR for the proposed project is not required to consider off-site, reduced density, and reduced building intensity alternatives.

2.3.9.6 OTHER CEQA STREAMLINING PROVISIONS

CEQA includes many different streamlining provisions that are applicable to various projects. As explained in the DEIR, and discussed above, certain provisions of SB 375, SB 226, and SB 743 apply to the proposed project. Many other CEQA streamlining provisions are not applicable to the proposed project. For example, Public Resources Code section 21159.24 applies to small infill housing projects that meet a number of criteria, including that the infill projects contain no more than 100 residential units. The proposed project includes substantially more than 100 residential units. For this and other reasons, Public Resources Code section 21159.24 is not applicable to the proposed project and the Draft EIR does not rely on it.

2.3.10 CONSISTENCY OF THE PROJECT WITH APPLICABLE GENERAL PLAN GOALS AND POLICIES

Comments were received that questioned whether the proposed project is consistent with the City’s 2030 General Plan goals and policies, as well as some policies included in the City’s recently adopted 2035 General Plan (March 3, 2015). The Draft EIR (Chapter 3, Land Use, Planning, Population, and Housing and Appendix O) identifies applicable goals and policies including policies in the 2030 General

Plan, Central City Community Plan, 2013-2021 Housing Element (2013), City of Sacramento Infill Strategy, Sacramento Area Council of Governments (SACOG) Regional Housing Needs Plan (2012), and 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) (2012). Chapter 3 of the Draft EIR provides a review of applicable goals from the documents listed above to determine if the project is inherently inconsistent with the intent of these applicable goals. In addition, the technical sections contained in Chapter 4 of the Draft EIR include a summary of relevant goals and policies in the Regulatory Setting and address any potential inconsistency in the impact analysis. Since the draft Sacramento 2035 General Plan was in process at the time of the writing of the EIR, additional context is provided in the Draft EIR, where relevant, to highlight proposed policy changes applicable to the project.

As noted in Chapter 3 on page 3-17 of the Draft EIR:

As the lead agency under CEQA, it is within the City's purview to decide if the proposed project is consistent or inconsistent with any applicable City goals or policies. Therefore, this section informs the City Council and the public as to whether the proposed project meets the intent of the City's General Plan and identifies whether the project would be consistent with identified goals and policies related to land use and planning.

The courts have confronted the issue of the role of the local agency with regard to interpretation of the general plan, and based on court decisions the following guidance is provided:

- ▶ “A general plan must try to accommodate a wide range of competing interests -- including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services -- and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be ‘in harmony’ with the policies stated in the plan.” (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719-720 (*Sequoyah Hills*).
- ▶ “A project is consistent with the general plan ‘if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.’ [Citation.] A given project need not be in perfect conformity with each and every general plan policy. [Citation.]” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238 (*Clover Valley*) [a lead agency must consider whether a project is “‘compatible with’ the objectives, policies, general land uses and programs specified in the general plan”].)
- ▶ For the purposes of CEQA, land use inconsistencies generally result from irreconcilable conflicts with unambiguous environmental mandates set forth in applicable land use plans. (See *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-1342; see also *Clover Valley, supra*, 197 Cal.App.4th at pp. 239 [holding strict enforcement of a policy is not required where a deviation would better fulfill a general plan's objectives and requirements].) However, “an inconsistency between a project

and other land use controls does not in itself mandate a finding of significance” under CEQA; rather, a planning inconsistency is “merely a factor to be considered in determining” the significance of changes in the physical environment caused by the project. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.)

This need for flexibility is also reflected in the City’s 2035 General Plan, which acknowledges it is in the City’s “sole discretion” to determine whether a project is consistent with the City’s General Plan, and recognizes that “*a proposed project may be consistent with the overall objectives of the General Plan, but not with each and every policy thereof.*” (2035 General Plan, p. 1-1. Emphasis added.) The goal of a general plan is to balance a range of competing interests; therefore, many projects are not in complete conformity with every goal or policy. The City’s decision makers are tasked with reviewing a project, in light of the general plan, to determine whether the project, as a whole, is consistent and compatible with the overarching policies of the general plan. In other words, a project is consistent with a general plan if it will further the goals and policies of the plan and not obstruct their attainment.

On April 2, 2015, the City’s 2035 General Plan took effect. A petition for Writ of Mandate and Injunctive Relief or Other Appropriate Relief and Complaint for Declaratory Relief (Sacramento Superior Court Case No. 34-2015-80002058) was filed challenging the City’s 2035 General Plan (2035 General Plan Litigation). Notwithstanding the pending 2035 General Plan Litigation, the 2035 General Plan is currently the general plan in effect in the City. However, because the 2030 General Plan was in effect at the time the Sacramento Commons DEIR was released and due to the pending 2035 General Plan litigation, the City has considered project consistency with both the 2030 General Plan and 2035 General Plan, as well as their respective Master EIRs.

An overview of the project’s consistency with the specific goals and policies raised in the comment letters is included below followed by new and revised goals and policies from the 2035 General Plan. To the extent that the City has adopted revisions to the 2030 General Plan Policies with the 2035 General Plan Update, such revisions are noted in the policies below.

2.3.10.1 LAND USE

The Draft EIR evaluates the project’s overall consistency with Land Use goals LU 1.1, LU 2.1, LU 2.4, LU 2.6, LU 2.7, LU 2.8, LU 5.6, and CC H 1.1 in Chapter 3, Land Use, Planning, Population, and Housing (DEIR pp. 3-17 – 3-19). The conclusion of this evaluation is the proposed project would not result in any inconsistency with the applicable land use goals. The goals in the 2035 General Plan have not changed with the exception of goal LU 2.6 that was slightly revised to clarify that sustainable development will be promoted in new development, reuse and reinvestment. This new language does not change the intent of the goal. The 2035 General Plan does include a few new policies and revisions to existing policies. A summary of relevant new and revised goals and policies contained in the 2035 General Plan is included at the end of this section.

Several commenters identified specific land use goals and policies and questioned if the project was consistent. To address these concerns, the goals and policies identified are listed below followed by an evaluation of consistency.

2030 General Plan Land Use and Urban Design Element

- ▶ **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. (The 2035 General Plan revises this policy to delete the reference to “mining”. This minor change does not change the intent of this policy.)

The City’s 2030 and 2035 General Plans both explain that the General Plans favor “developing inward over expanding outward into “greenfields” on the edge of the city.” Infill development includes “reuse of underutilized properties, intensify development near transit and mixed-use activity centers, and locate jobs closer to housing, which will lead to increased walking and reduced automobile use.” (2030 General Plan, p. 1-4; 2035 General Plan, p. 1-4.) The General Plans explain that the City’s preference for infill over greenfield development includes evidence that “[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 is consistent with City’s desire to promote infill development. The proposed project constitutes an infill project because it is located within the CBD in close proximity to the City’s largest employment center and directly adjacent to an existing light rail station. As discussed in the DEIR, the proposed project is anticipated to incentivize walking and reduced automobile use as compared to citywide averages (DEIR, page 4.6-15).

- ▶ **Goal LU 2.1 City of Neighborhoods.** Maintain a city of diverse, distinct, and well-structured neighborhoods that meet the community’s needs for complete, sustainable, and high-quality living environments, from the historic downtown core to well-integrated new growth areas. (The 2035 General Plan includes the same policy.)

As noted in the policy, the City’s intent is to meet residential needs in the Central City area, as well as other parts of the City’s Planning Area. The land use designation for the proposed project, according to the Sacramento 2030 General Plan and draft 2035 General Plan, is “Central Business District” (CBD). This designation provides for mixed-use, high-rise development and single-use or mixed-use development within easy access to transit (e.g., ground-floor office/retail with residential apartments and condominiums above). Allowable uses within this designation include office, retail, and service uses; condominiums and apartments; gathering places (such as a plaza, courtyard, or park); and compatible public, quasi-public, and special uses. The project is consistent with this goal as indicated by supporting land use policies.

In addition, 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 as follows: “These areas are expected to experience significant change through infill, reuse, and redevelopment...” The 2035 General Plan (like the 2030 General Plan)

includes several policies intended to promote urban infill development and redevelopment, such as the proposed project.

- ▶ **Policy LU 2.1.1 Neighborhoods as a Basic Unit.** 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. (This policy is the same in the 2035 General Plan.)

The project includes a mix of residential and retail uses, landscape elements, pedestrian pathways, and other community amenities designed to integrate within the existing community and to provide a distinct identity and a livable space for a new residential community within the larger Central City Community Plan Area, consistent with this policy.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

Protecting an established neighborhood does not imply a prohibition on demolishing existing homes to replace them with new homes. It is common throughout the City for a homeowner or developer to propose replacing one or more existing homes with new residential development. However, in considering such projects the City considers whether the project being proposed is consistent with the existing neighborhood characteristics so as to preserve, protect, and enhance the established neighborhood.

The project site is located in a developed area of downtown within an established neighborhood adjacent to existing residential and office uses. The project has been designed to preserve the existing neighborhood quality of the area and to provide a sensitive transition to adjacent uses through landscaping, building design, and shared open space areas, consistent with the intent of this policy, that contribute to the overall character and livability of the neighborhood.

- ▶ **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. (This goal is the same in the 2035 General Plan.)

The project includes a Conceptual Landscape Plan designed to restore and, over time, enhance the tree canopy on-site by planting a total of 147 new ground-level trees and 100 new podium and rooftop trees. The trees and other landscape elements including small gathering areas, with opportunities for seating, gathering, or other outdoor activities; the central plaza at the confluence of the two

promenades; and open lawn areas fronting onto the residences are designed to provide visitors and residents with access to open space and recreation areas, consistent with the intent of this policy.

- ▶ **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. (This goal is the same in the 2035 General Plan.)

The architectural design for Sacramento Commons is described in further detail within the PUD Guidelines for the project (see Appendix N). The (project's) architectural design would introduce modern, efficient residential buildings to an area within the central business district. The goal of the building architecture is to relate to the scale of the existing buildings both on-site, as well as surrounding the site and incorporate architectural elements that would relate to one another allowing the site composition to tie together in a cohesive manner in keeping with the intent of this goal and other City design policies (DEIR p. 3-18).

- ▶ **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. (This policy is the same in the 2035 General Plan.)

The project is designed with a distinctive, wide, tree-lined multi-use North-South Promenade and East-West Promenade with smaller sidewalks connecting the site to adjacent streets and residences. The landscape plan includes a central community plaza, with retail kiosk, community lawn area, water features, over 200 new trees and other landscaping, and a shade structure with opportunities for seating, gathering, or other outdoor activities. The buildings are also designed with varying heights and architectural styles to create a unique sense of space for this new community, consistent with the intent of this policy.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

The project proposes changes to the project site that would alter the building composition, landscape, and certain views of and through the project site compared to existing conditions. The architectural design style has not been determined, but would introduce modern buildings to the site with potential materials consisting of steel, metal, glass and precast concrete panels. The massing would be broken down in size through the use of vertical and horizontal banding that would relate to scale of the existing high-rise buildings within the superblock (500 N Street, Pioneer Tower, and Capitol Towers). The intent of the tower design is to "ensure buildings are designed to Sacramento's climate and respond to the surrounding cityscape" (DEIR Appendix N, p. 59). The existing walkways on-site would be improved as

East-West and North-South Promenades with a variety of climate appropriate and water efficient landscaping, as described in detail in Chapter 2 of this EIR (Project Description) and Appendix N of this EIR (PUD Guidelines, p. 14).

The project site is developed and is surrounded by existing urban development, including high-rise development in downtown Sacramento. The project site would be redeveloped with higher-density urban uses, including multi-family residential uses, commercial/retail space, parking garages, and 24-story multi-family residential towers (with a hotel included under one scenario). Development of the project site would change the site's appearance as seen from nearby areas. The existing high-rise buildings located in the superblock range from 12 stories (Pioneer Towers) to 15 stories (500 N Street and Capitol Towers) and buildings surrounding the superblock range from 1 story to 26 stories. Therefore, the proposed project, including the proposed high-rise towers (24 stories) and mid-rise buildings (seven stories including podium parking) are within the range of existing building heights surrounding the project site.

Consistent with the intent of this policy, the proposed project requires site plan and design review by the City's Planning and Design Commission (Section 17.808 of the Planning and Development Code) and compliance with applicable design policies included in the Sacramento Central City Urban Design Guidelines. The Guidelines address potential aesthetic effects of the project related to building architecture, scale, and materials by requiring transitions in scale, design, and placement of buildings in a manner that engages the street; inclusion of landscaping and small public open spaces; integration of parking and buildings; interconnected internal circulation for vehicles, pedestrians, and bicycles; and planting of street trees that provide shade and enhance character and identity, among other requirements. As discussed in more detail in the Project Description (Chapter 2 of the DEIR), the proposed project includes PUD Guidelines that establish the development framework and design guidance for the land use, circulation, infrastructure, community design, architecture, landscaping, open space, and other components of the project (see Appendix N of the DEIR).

- ▶ **Policy LU 4.3.1 Traditional Neighborhood Protection.** The City shall protect the pattern and character of Sacramento's unique traditional neighborhoods, including the street grid pattern, architectural styles, tree canopy, and access to public transit, neighborhood services and amenities. (This policy is the same in the 2035 General Plan.)

The project site is located in an area designated as Central Business District and is not within an area designated as a Traditional Neighborhood. Therefore, this policy is not applicable to this project.

The project site is located in a developed area of the Central City and proposes to maintain the grid pattern for the primary pedestrian connections through the project site (North-South and East-West Promenades). The proposed project is designed to protect the existing grid pattern downtown, and includes a landscape plan that proposes planting approximately 147 new ground-level trees and 100 new podium and rooftop trees to maintain the tree canopy that defines this area of the City. In addition, the project is located near existing neighborhood services and amenities, public transit, and proposes to include a variety of services on-site, consistent with this policy.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

This policy is not directed at any individual development project, but rather is the City's policy for the entire of the Central Business District. The project is designed to provide a variety of housing options, services, and pedestrian amenities to accommodate all types of families. The project would provide approximately 965 to 1,061 for-sale condominiums and rental housing units in high-rise towers, mid-rise buildings, and live/work units. Units will vary from studio apartments to three-bedroom units. As a result, the proposed project will provide a variety of housing options in the CBD capable of meeting the needs of future residents in downtown Sacramento of various age ranges and family sizes. The project, in combination with other developments in the Central Business District, will collectively implement this policy.

2030 General Plan - Central City Community 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant for new development. However, the proposed project is required to comply with all City Code requirements relating to historical resources. An analysis of consistency with General Plan historic policies is also provided below.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

The proposed project adds housing in a jobs-rich area near many state offices as well as private companies located along Capitol Mall and in the central business district. The proposed project also includes a mix of potential uses including for-sale residential units, rental residential units, live/work units, retail space, a specialty market, and a hotel. The project also increases the density of this area further capitalizing on providing housing opportunities for people to live and work downtown, consistent with the intent of this policy.

2.3.10.2 CULTURAL RESOURCES

The Draft EIR identifies the applicable goals and policies from the 2030 and (then draft) 2035 General Plan Historic and Cultural Resources Element, in Section 4.4, Cultural Resources and Appendix O.

Several commenters identified goals and policies from the City's Historic and Cultural Resources Element of the General Plan and questioned if the project was consistent. To address these concerns,

all of the goals and policies included in the General Plan are listed below followed by an evaluation of consistency.

In response to comments questioning whether density considerations would be appropriate for approving demolition of an historic resource pursuant to General Plan Policy HCR 2.1.14 (which provides that demolition is permitted only if rehabilitation is not feasible or the public benefits outweigh the loss of the historic resource), the City Council will be charged with balancing the project's environmental impacts against the project's benefits, including the benefit of increasing density on the project site. (See, DEIR pp. 3-9 – 3-10 regarding the City's goal of increasing the supply of Central City housing in a higher-density environment.)

2030 General Plan Historic and Cultural Resources Element

- ▶ **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. (This goal is the same in the 2035 General Plan.)

This goal is directed to the City, and is not relevant to new development. The City has adopted a comprehensive, citywide preservation program. The program ensures the City carefully considers potential historic resource impacts of proposed projects. The City, however, retains the discretion, subject to compliance with CEQA and City Code requirements, to approve development projects that require demolition of historic resources.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The City is a CLG. City Code provisions relating to historic resources have been adopted consistent with its status as a CLG.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The City has a Preservation Office, Commission, and program. Consistent with the City's program, the City's Preservation Office and Preservation Commission have participated in the application process for the proposed project.

- ▶ **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. (This goal is the same in the 2035 General Plan.)

The Keeper determined the Capitol Towers Historic District is eligible for listing on the National Register of Historic Places, and the State Historic Preservation Officer subsequently listed the District 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 listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Register. The City Council has not yet taken any formal action to list the site on the City's register. This policy does not prohibit demolition of historic resources. (See HCR 2.1.14 [permitting demolition of historic resources under specified circumstances].) The project meets the intent of this policy.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

To assess potential impacts to historic and cultural resources and in compliance with this policy, a records search was conducted for the project site to identify any previous cultural investigations completed within ¼ mile of the site; a search of the Native American Heritage Commission sacred lands file was conducted; and a *Historical Resource Inventory and Evaluation Report, Capitol Towers Apartments, 1500 7th Street, Sacramento, California 95814*, JRP Historical Consulting, LLC (May 2014 – see Appendix D) was prepared. In addition, the registration form/nomination for the Capitol Towers' Historic District to the NRHP was reviewed. This information is summarized in Section 4.4 of the Draft EIR. Mitigation is provided to ensure protection of any unknown pre-historic or historic resources. The project meets the intent of this policy.

- ▶ **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. (This policy has been revised in the 2035 General Plan.)

The Draft EIR, Section 4.4, includes all the existing applicable City, state and federal laws, regulations and codes in the regulatory framework, in compliance with this policy. The regulatory framework helped guide the analysis of impacts and development of mitigation to protect resources, where feasible. The project meets the intent of this policy.

- ▶ **Policy 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. (The language of this policy has been revised in the 2035 General Plan to be more specific. The changes do not alter the intent of the policy.)

The appropriate organizations and individuals have been consulted to minimize potential impacts to historic and cultural resources. Section 4.4, Cultural Resources, of the Draft EIR describes the process of gathering and analyzing data collected from the North Central Information Center, communications with the Native American Heritage Commissions, and Native American consultation, in compliance with this policy.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The City Code includes provisions that address incentives and enforcement to promote the maintenance, rehabilitation, preservation, and interpretation of the city’s historic and cultural resources.

- ▶ **Policy 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). (The language of this policy has been revised in the 2035 General Plan to be more specific. The changes do not alter the intent of the policy.)

This policy is directed to the City, not to new development. However, consistent with the intent of this policy, the City is currently in the process of considering the sites eligibility for the Sacramento Register. The City of Sacramento’s Historic Resources Commission determined the Historic District meets the eligibility criteria to be listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Register.

- ▶ **Policy HCR 2.1.6 Planning.** The City shall take historical and cultural resources into consideration in the development of planning studies and documents. (This policy is the same in the 2035 General Plan.)

The City of Sacramento, as the lead agency, evaluated impacts to historic and cultural resources in Section 4.4 of the EIR prepared for the proposed project, in compliance with this policy.

- ▶ **Policy 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. (The language of this policy has been revised in the 2035 General Plan to state the City shall “encourage” as opposed to “actively pursue” maintenance activities. The changes do not alter the intent of the policy.)

This policy is directed to the City, and is not relevant to new development. This policy does not prohibit demolition of historic resources. (See HCR 2.1.14 [permitting demolition of historic resources under specified circumstances].) The proposed project does not prevent the City from continuing to actively pursue maintenance and upkeep of historic resources within the City.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The administrative process for the proposed project is being undertaken by the City consistent with all local, State, and Federal historic and cultural preservation requirements.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The proposed project will not prevent the City from complying with its policy to maintain 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.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

The Draft EIR reviewed historic and cultural resources. During environmental review, the City has engaged with adjacent property owners, land developers, the building industry, Native American tribes, and others concerned as part of the environmental process. The project applicant consulted with City staff regarding on-site buildings, the appropriate approach to analysis and research related to on-site buildings, retaining the Jacques Overhoff sculptural wall, and related topics, in compliance with this policy.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

The project site and surrounding properties were evaluated for potential impacts to historic resources, including compatibility with the adjacent Heilbron House (a listed historic building) in Section 4.4, Cultural Resources. Alternatives examined in the Draft EIR (see Chapter 5) also evaluate compatibility with the historic context, in compliance with this policy.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

The buildings and landscape features on the site are identified as the "Capitol Towers Historic District". The Historic District has been found eligible 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 listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Sacramento Register. The City Council has not yet taken any formal action to list the site on the City's register. The Draft EIR, Section 4.4, Cultural Resources, evaluates the loss of the 206 garden apartments and associated landscape features as historic resources.

The EIR states the loss of these resources would constitute 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. Consistent with this policy, the proposed project includes retaining and relocating the Jacques Overhoff sculptural wall to maintain a connection to the prior development. While the City promotes preservation, rehabilitation, restoration, and/or reconstruction of historic resources, the City recognizes that preservation, rehabilitation, restoration, and/or reconstruction is not always appropriate in furthering the overall Goals and Policies of the General Plan. Notably, this policy does not prohibit demolition of historic resources. (See HCR 2.1.14 [permitting demolition of historic resources under specified circumstances].)

Please see also Master Response 2.3.4, which addresses historic resources. The project is consistent with this policy.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

The Capitol Towers Historic District is a mixed-use residential district. The proposed project retains the project site's mixed-use nature and to increase its density consistent with the density range identified in the City's General Plan. The proposed project would demolish the 206 garden apartments and associated landscape features. However, consistent with the intent of this policy of encouraging adaptive reuse of historic resources, the proposed project would retain the existing Capitol Towers high-rise building and Overhoff sculptural wall.

- ▶ **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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City and sets forth three separate reasons that may support demolition of an historic resource. The City Council has the discretion to determine that any one of these reasons justifies demolition of an historic resource. The City Council has the task of reviewing the project to determine if it meets the City's criteria and requirements for listing on the Sacramento Register as a historic district. The City Council also has the final say in determining whether the demolition proposed as part of the proposed project is consistent with this policy.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

Section 4.4 of the Draft EIR evaluates impacts to archaeological, historic, and cultural resources associated with the project and includes an overview of all applicable cultural resource federal, state and local laws and requirements. Feasible mitigation measures are included in the Draft EIR to mitigate impacts to archaeological, historic, and cultural resources including prehistoric resources. (DEIR, pp. 4.4-24 to 27 [Mitigation Measure 4.4-2], 4.4-28 to 30 [Mitigation Measure 4.4-3], 4.4-31 to 32 [Mitigation Measure 4.4-4].) A Mitigation Monitoring and Reporting Program will be prepared to ensure the project applicant complies with all identified mitigation measures, which satisfies the intent of this policy.

- ▶ **Policy 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. (The language of this policy has been revised in the 2035 General Plan to be more specific, as addressed below. The changes do not alter the intent of the policy.)

This policy is directed to the City. The City Council has the task of reviewing the project to determine if it meets the City's criteria and requirements for listing on the Sacramento Register as a historic district. The administrative process required for the proposed project included review and evaluation of historic resources.

- ▶ **Goal HCR 3.1 Public Awareness and Appreciation.** Foster public awareness and appreciation of Sacramento's historic and cultural resources. (This goal is the same in the 2035 General Plan.)

This goal is directed to the City, and is not relevant to new development. As discussed in the Draft EIR, Mitigation Measure 4.4-2 is proposed to address the proposed project's significant historic resource impact. While Mitigation Measure 4.4-2 will not reduce the impact to a less than significant level, the mitigation measure requires detailed documentation relating to the Capitol Towers property in order to foster public awareness and appreciation of the site and its history, consistent with the intent of this policy.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The proposed project will not prevent the City from working with agencies, organizations, property owners, and business interests to develop and promote Heritage Tourism opportunities.

- ▶ **Policy HCR 3.1.2 Coordination with Other Entities.** The City shall coordinate with and support public (e.g., Sacramento Housing and Redevelopment Agency (SHRA)), quasipublic, and private entities in their preservation programs and efforts. (The language of this policy has been revised in the 2035 General Plan to clarify other public, quasipublic and private entities to include, CADA, Native American Tribes. This additional clarification does not change the intent of this policy.)

This policy is directed to the City, and is not relevant to new development. The proposed project will not prevent the City from coordinating with public (e.g., SHRA), quasipublic, and private entities in their preservation programs and efforts.

- ▶ **Policy 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. (This policy is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. The proposed project will not prevent the City from exploring public/private partnerships in its preservation program efforts.

- ▶ **Policy 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. (The language of this policy has been revised in the 2035 General Plan to clarify other educational entities to include, the City's Center for Sacramento History. This clarification does not change the intent of this policy.)

This policy is directed to the City, and is not relevant to new development. As discussed in the Draft EIR, Mitigation Measure 4.4-2 is proposed to address the proposed project's significant historic resource impact. While Mitigation Measure 4.4-2 will not reduce the impact to a less-than-significant level, the mitigation measure requires detailed documentation relating to the Capitol Towers property and requires the documentation to be made available to the public through various means consistent with the City's cultural education policy.

2.3.10.3 HOUSING

The Draft EIR identifies the applicable goals and policies from the 2013 - 2021 General Plan Housing Element, in Chapter 3, Land Use Planning, Population and Housing. The Housing Element is required to be updated every five years and has not been revised as part of the 2035 General Plan.

Goals and policies related to housing noted in comment letters are listed below followed by an evaluation of consistency.

2030 General Plan Housing Element 2013-2021

- ▶ **Goal H-1.1 Sustainable Communities.** Develop and rehabilitate housing and neighborhoods to be environmentally sustainable. (This goal is the same in the 2035 General Plan.)

The proposed project introduces more housing units into downtown to provide more housing options within one-quarter mile of bus and light rail transit; proximity to freeways and Amtrak rail service; and walkable and bikeable street grid near jobs, services, parks/open space, and other downtown destinations. The project includes on-site neighborhood support services for the convenience of the project residents and guests; and on-site retail uses for use by the overall Sacramento Commons neighborhood. Project buildings comply with current City standards for building energy efficiency and target CalGreen Building Code Tier 1 Water Efficiency Standards, at a minimum for a more sustainable community. The proposed project meets the intent of this policy.

- ▶ **Policy H-1.1.1 Sustainable Housing Practices.** The City shall promote sustainable housing practices that incorporate a “whole system” approach to siting, designing and constructing housing that is integrated into the building site, consume less energy, water, and other resources, and are healthier, safer, more comfortable, and durable. (This policy is the same in the 2035 General Plan.)

Proposed project buildings have been designed to comply with current City standards for building energy efficiency and target CalGreen Building Code Tier 1 Water Efficiency Standards, and include water-efficient fixtures and appliances, and energy-efficient building materials for a more sustainable project. The proposed project meets the intent of this policy.

- ▶ **Policy H-1.3.4 A Range of Housing Opportunities.** The City shall encourage a range of housing opportunities for all segments of the community. (This policy is the same in the 2035 General Plan.)

Consistent with the intent of this policy, the proposed project would provide approximately 965 to 1,061 for-sale condominiums and rental housing units in high-rise towers, mid-rise buildings, and live/work units. Under the Hotel / Condo / Retail Scenario, if approved, a hotel containing up to 300 rooms would be included. Units will vary from studio apartments to three-bedroom units. As a result, the proposed project will provide a variety of housing options in the Central Business District capable of meeting the needs of future residents of various age ranges and family sizes. This policy is not directed at any individual development project, but rather is the City’s policy for the entire of the Central Business District. The project, in combination with other developments in the Central Business District will collectively implement this policy.

Accommodating Population and Housing at Appropriate Affordability Levels

Some commenters on the DEIR have discussed housing affordability – either speculating that future rents would be higher than existing rents or asking that none of the proposed housing units be income-restricted affordable units. The Public Resources Code, which includes the requirements of CEQA, does not address housing affordability. However, that does not mean that the City has no obligation in

this respect – the Government Code has extensive requirements for the City and the City also has a Mixed-Income Ordinance that, in part, implements the City’s affordable housing policies.

As described in Chapter 3 of the DEIR (page 3-29), the City’s 2013–2021 Housing Element, adopted in December 2013, has policies related to the preservation of affordable, income-restricted, publicly subsidized rental housing. The Housing Element was certified by the California Department of Housing and Community Development on March 19, 2014, as being in compliance with state law and SB 375. Policies in the 2013–2021 Housing Element related to City actions to ensure an adequate supply of housing for all income groups are listed below.

As described in the DEIR (starting on page 3-2), population growth by itself is not a significant environmental impact. However, development, infrastructure, and facilities and services related to population, housing, and employment growth can have significant environmental impacts through land conversions, commitment of resources, and other mechanisms. Section 15131(a) of the CEQA Guidelines provides direction for assessing economic and social effects related to population and housing:

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on physical changes.

While an increase in population resulting from new development does not necessarily cause direct adverse physical environmental effects, indirect physical environmental effects, such as increased vehicle trips and associated increase in air pollutant emissions and noise, could occur. Information about population and housing is used as a basis for the analysis of project impacts in the technical sections contained in Chapter 4 of the DEIR (i.e., Section 4.2, “Air Quality,” Section 4.6, “Greenhouse Gas and Energy,” and Section 4.11, “Transportation/Traffic”).

As noted in the DEIR (page 3-28), for the purposes of this EIR, an estimate of 1.8 persons per dwelling unit is used. This could be considered a conservative estimate, since no vacancy rate is assumed and the estimates from the Census are for occupied housing units only (“conservative”, in this context means there may be a slight overestimation in the additional residential population associated with the proposed project). As discussed in detail in Chapter 2 of the DEIR, “Project Description,” the project proposes between 1,171 and 1,267 new dwelling units (which does not include the existing 203 dwelling units in the Capitol Towers building) and to remove 206 dwelling units. The net addition of housing units would be either 965 or 1,061, depending on whether the Hotel / Condo / Retail or Condo / Retail Scenario is developed. The net additional population, then, would be approximately 1,700 to 1,900.

The project is consistent with SACOG’s regional plans and forecasts and the City’s General Plan, and the amount of housing and employment is within SACOG and City forecasts. Between 2008 and 2035, SACOG forecasts 303,049 additional housing units and 361,085 additional jobs region-wide.

Approximately 30% of these housing units (92,046) and 29% of these jobs (104,185) are projected to locate in Center and Corridor Communities (SACOG 2012, p. 34).

The land use designation for the proposed project, according to the Sacramento 2030 General Plan and draft 2035 General Plan, is “Central Business District” (CBD). This designation provides for mixed-use, high-rise development and single-use or mixed-use development within easy access to transit (e.g., ground-floor office/retail with residential apartments and condominiums above). Allowable uses within this designation include office, retail, and service uses; condominiums and apartments; gathering places (such as a plaza, courtyard, or park); and compatible public, quasi-public, and special uses.

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 as follows: “These areas are expected to experience significant change through infill, reuse, and redevelopment...” The 2035 General Plan (like the 2030 General Plan) includes several policies intended to promote urban infill development and redevelopment. In consideration of current and anticipated supply relative to projected demand for new residential units in the Central City area, the proposed project would not result in increased long-term residential vacancies within the Central City area. The 2035 General Plan includes the Central Business District (which includes the proposed project site) as a “Priority Investment Area” (2035 General Plan MEIR, page 2-17). Priority Investment Areas include those with the near-term need for infrastructure planning and financing, where there is already a significant amount of planning already carried out, and where there is relatively higher likelihood for near-term market demand (2035 General Plan MEIR, page 2-16).

As detailed in Chapter 3 of the DEIR (starting on page 3-23), the City is planning for substantial development within the Central City Area (which includes the proposed project site). The City anticipates the Central City area’s population will increase by 48 percent from 2008 to 2020 (City of Sacramento, 2013b, page H 3-5). The City’s previous General Plan – the 2030 General Plan envisioned and planned for the development of additional housing within the Central City area to keep up with anticipated population growth, including the proposed project, projects developed since 2008 (the previous General Plan was adopted March 2009), and other currently foreseeable projects. According to the City’s 2013 to 2021 Housing Element, in the near term, the Central City area will account for 11 percent of identified citywide additional housing capacity of 11,475 between 2013 and 2021. The Central City Community Plan envisions substantial residential and commercial infill developments.

The City projects that the Central City population in 2035 would be 109,312 (2035 General Plan MEIR, page 4.9-2). The City estimated that the 2010 population in the City outside the Central City was 379,361 (2035 General Plan MEIR, page 4.9-6). The California Department of Finance estimated that the City’s total population in 2010 was 466,488, so the Central City population in 2010 would have been approximately 87,127 (California Department of Finance 2014). The City is planning on an increase in Central City population between 2010 and 2035 of approximately 22,185 within the 2035 General Plan.

Recent apartment vacancy reports for Sacramento County and the Central City area show growing demand for housing, particularly related to rental housing. Recently, vacancy rates have been falling, as well (see DEIR pages 3-23 through 3-26 for more detail).

Although income-restricted housing is provided in the vicinity of the project site, including Pioneer Towers, the existing Capitol Towers residential project (including both the Capitol Towers high-rise [proposed to remain on-site] and garden apartments [proposed for demolition]) does not contain any affordable, income-restricted or publicly subsidized rental housing and no such housing is proposed for the project. The Capitol Towers building will remain on-site following implementation of the proposed project, but the garden apartments would be removed.

Recent apartment vacancy reports for Sacramento County and the Central City area show growing demand for housing, particularly rental housing, and falling vacancy rates. The Apartment Market Report Sacramento: First Quarter 2014, released by the real estate firm of Cassidy Turley, shows for Sacramento County a steady trend of increasing rents (from \$899 to \$941) and declining vacancy rates (from 6.5% to 5.0%) between the first quarters of 2012 and 2014 (Cassidy Turley, 2014). The Colliers International Sacramento Multifamily Report Sacramento | First Quarter 2014 reported a 95.9% occupancy rate in the Central City (with a corresponding 4.1% vacancy rate) in the first quarter of 2014, with market absorption of 450 units during the prior 12 months but delivery of only 159 units (Colliers International 2014).

This trend suggests that occupancy of existing rental housing in the Central City area has increased faster than construction of new rental housing. If this trend continues, the approximately 1,000 rental housing units currently under construction in the Central City and West Sacramento, as described in Table 3-2 (below) could be absorbed in 2-3 years (assuming the above-mentioned trend of absorption of approximately 450 units per year), when taking existing vacant units in the Central City area into account.

The City is required to maintain the Housing Element of the General Plan in order to provide opportunity for the amount of housing necessary to serve future demand, affordable to the range of housing incomes in the City. The City, along with all cities and counties in the SACOG region, are required to demonstrate that they are accommodating their fair share of housing needs in each income category. On September 20, 2012, the SACOG Board approved the 2013-21 Regional Housing Needs Plan (RHNP). This Plan allocates housing units in each of four income categories to each city and county in the six-county region. The region's total housing allocation is 104,970 units for the plan period which covers January 1, 2013 through October 31, 2021 and Sacramento's share is 24,101 (SACOG 2012b).

The City is required to provide adequate sites to accommodate the regional share of housing units in each household income category and has a certified Housing Element that demonstrates the location and zoning of this land. Therefore, the City has demonstrate the capacity to accommodate residents of the 203 market-rate units to be removed as a part of the proposed project, as well as to accommodate housing needs for other income groups.

2.3.10.4 ENVIRONMENTAL RESOURCES

The Draft EIR identifies the applicable goals and policies from the 2030 General Plan Environmental Resources Element in Section 4.3, Biological Resources.

Goals and policies related to biological resources noted in comment letters are listed below followed by an evaluation of consistency.

2030 General Plan Environmental Resources Element

- ▶ **Goal ER 3.1 Urban Forest.** Manage the city’s urban forest as an environmental, economic, and aesthetic resource to improve Sacramento residents’ quality of life. (This goal is the same in the 2035 General Plan.)

This policy is directed to the City, and is not relevant to new development. However, consistent with this policy, the project’s landscape plan has been developed with input from the City’s Urban Forestry team and the final selection of specific trees will also be done in close coordination with the City’s Urban Forester.

- ▶ **Policy ER 3.1.2 Manage and Enhance.** 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 language of this policy has been revised in the 2035 General Plan to be more specific. The changes do not alter the intent of the policy.)

This policy is directed to the City for publicly owned trees, and is not relevant to new development. However, consistent with this policy, the proposed project’s conceptual landscape plan has been developed with input from the City’s Urban Forestry team and the final selection of specific trees will also be done in close coordination with the City’s Urban Forester.

2.3.10.5 2035 NEW AND REVISED 2030 GENERAL PLAN GOALS AND POLICIES

Goals and policies from the 2035 General Plan referenced in comment letters are listed below. Revisions to 2030 General Plan goals or policies are shown in *italicized text*. Additional context is provided, where relevant, to highlight proposed policy changes that are relevant to the project.

Land Use and Urban Design Element

- ▶ **Goal LU 2.6. City Sustained and Renewed.** Promote sustainable development and land use practices in both new development, *reuse* and ~~redevelopment~~ *reinvestment* that provide for the transformation of Sacramento into a sustainable urban city while preserving choices (e.g., where to live, work, and recreate) for future generations.

As stated on page 3-18 of the Draft EIR, “[t]he project is located in the CBD close to jobs, services, and amenities and provides a high-density, mixed-use residential project that would reduce vehicle miles traveled and associated air pollutant emissions and would facilitate walking, bicycling and transit use, given the close proximity to jobs, stores and entertainment. In addition, the proposed project has been designed to meet or exceed the state’s Title 24 standards to maximize conservation and efficiency. The proposed project meets the intent of Goal LU 2.6.”

- ▶ **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~~ *development*, 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.

The added clarification does not change the intent of the policy. Please see prior discussion of LU 1.1.5 in Section 2.3.10.1, above.

Historic and Cultural Resources Element

- ▶ **NEW Policy HCR 1.1.3 Certified Local Government Requirements.** The City shall maintain provisions in the Sacramento City Code for a preservation program consistent with the Federal and State Certified Local Government requirements.

This policy is directed to the City, and is not relevant to new development. The administrative process for the proposed project is being undertaken by the City, consistent with the Federal and State Certified Local Government requirements.

- ▶ **Policy HCR 2.1.2 Applicable Laws and Regulations.** The City shall ensure *compliance with City, State, and Federal historic preservation laws, regulations, and codes to protect and assist in the preservation of historic and archaeological resources, including the use of the California Historical Building Code as applicable. Unless listed in the Sacramento, California, or National registers, the City shall require discretionary projects involving resources 50 years and older to evaluate their eligibility for inclusion on the California or Sacramento registers for compliance with the California Environmental Quality Act.*

Consistent with the intent of this policy, the City has complied with all applicable City, State, and Federal historic preservation laws, regulations, and codes as part of this administrative process. The project applicant retained an historian to evaluate all buildings and structures over 50 years old present on the project site and evaluated the loss of historic buildings in Section 4.4 of the Draft EIR, consistent with the intent of this policy. The Capitol Towers Historic District has been determined eligible for listing on the National Register of Historic Places, and has subsequently been 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 listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Register. The City Council has not yet taken any formal action to list the site on the City's register.

- ▶ **Policy HCR 2.1.3 Consultation.** The City shall consult with appropriate organizations and individuals (e.g., California Historical Resources Information System (CHRIS) Information Centers, the Native American Heritage Commission (NAHC), *the CA Office of Planning and Research (OPR) "Tribal Consultation Guidelines", etc.*) and shall establish a *public outreach policy* to minimize potential impacts to historic and cultural resources.

The City and project applicant conducted appropriate outreach as part of the ongoing administrative process, in compliance with the intent of this policy as documented in Section 4.4, Cultural Resources, of the Draft EIR.

Specifically, a request for a search of Native American Heritage Commission (NAHC) sacred lands file was sent on May 1, 2014. The NAHC response letter (dated May 29, 2014) stated that the sacred lands database failed to indicate the presence of Native American resources in the immediate project area. The NAHC letter listed Native American organizations and individuals who may have knowledge of cultural resources in the project area (NAHC 2014).

Letters that included a brief project description and a project map were sent to each organization or individual identified on the NAHC list. As of the writing of this EIR, one response has been received from organizations or individuals identified on the NAHC list. The Shingle Springs Band of Miwok Indians indicated in a letter dated June 16, 2014, that they are not aware of any known cultural resources on the project site, but they would like to receive updates on the project and receive any environmental reports prepared for the project. The Shingle Springs Band of Miwok Indians have been added to the City's mailing list for notifications regarding the proposed project. Also note that the United Auburn Indian Community has also requested to receive all CEQA notices filed by the City with the County Clerk.

- ▶ **Policy HCR 2.1.5 National, California, and Sacramento Registers.** The City shall *support efforts to* pursue eligibility and listing for qualified resources including historic districts and individual resources under the appropriate *National, California, or Sacramento registers*.

This policy is directed to the City, and is not relevant to new development. As discussed above, the Capitol Towers Historic District has been determined eligible for listing on the National Register of Historic Places, and has subsequently been 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 listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Register. The City Council has not yet taken any formal action to list the site on the City's register. City support for, and listing of, a resource on the appropriate National, California, or Sacramento registers does not alter the City's discretion to authorize demolition of a property consistent with the authority provided under the General Plan and City Code.

- ▶ **Policy HCR 2.1.7 Historic Resource Property Maintenance.** The City shall ~~actively pursue~~ *encourage* 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.

This policy is directed to the City, and is not relevant to new development. This policy does not prohibit demolition of historic resources. (See HCR 2.1.14 [permitting demolition of historic resources under specified circumstances].) The proposed project does not prevent the City from continuing to actively pursue maintenance and upkeep of historic resources within the City.

- ▶ **NEW Policy HCR 2.1.13 Historic Surveys and Context Statements.** Where historic resource surveys may no longer be valid, or for areas that have not been surveyed, the City shall seek funding to prepare new historic context surveys. In these surveys, the potential eligibility of all properties 45 years and older for listing in National, California or Sacramento registers shall be evaluated.

This policy is not applicable to the project because historic surveys were completed for the proposed project and all buildings and structures were evaluated and disclosed in the Draft EIR.

- ▶ **Policy HCR 2.1.17 Preservation Project Review.** The City shall review and evaluate proposed *development projects to minimize impacts on identified historic and cultural resources, including projects on Landmark parcels and parcels within Historic Districts*, based on applicable adopted criteria and standards.

This policy is directed to the City. The City Council has the task of reviewing the proposed project to determine if it meets the City's criteria and requirements for listing on the Sacramento Register as a historic district. This policy does not prohibit demolition of historic resources. (See HCR 2.1.14 [permitting demolition of historic resources under specified circumstances].)

- ▶ **Policy HCR 3.1.2 Coordination with Other Entities.** The City shall coordinate with and support public, (~~e.g., SHRA~~), quasipublic, and private (*e.g., SHRA, CADA, Native American Tribes*) entities in their preservation programs and efforts.

The added clarification does not change the intent of the policy. Please see prior discussion of Policy HCR 3.1.2 in Section 2.3.10.2, above.

- ▶ **Policy 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, *The City's Center for Sacramento History*, and the City's website in order to promote the appreciation, maintenance, rehabilitation, and preservation of Sacramento's historic and cultural resources.

The added clarification does not change the intent of the policy. Please see prior discussion of Policy HCR 3.1.4 in Section 2.3.10.2, above.

Environmental Resources Element

Urban Forest

- ▶ **Policy ER 3.1.2 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.*

The change in this policy is directed to City staff to continue to monitor, evaluate, and report on tree canopy within community plan areas and city wide. As part of this EIR, a tree canopy analysis was completed. Information prepared for the proposed project will assist the City in its goal to monitor, evaluate and report on tree canopy cover. While this policy does not require private landowners to maintain a specified level of tree canopy cover, the Draft EIR demonstrates tree canopy cover will extend over approximately twenty-five percent of the project site after completion of project construction and would once again achieve existing levels within approximate twenty-five years.

2.3.10.6 DISCUSSION OF ADDITIONAL 2035 GENERAL PLAN POLICIES DISCUSSED IN THE MASTER EIR FOR THE 2035 GENERAL PLAN

Some commenters stated that the City recently adopted a new general plan (i.e. the 2035 General Plan) and certified a Master EIR for the plan (i.e. the 2035 General Plan Master EIR) and asked regarding consistency with the new plan and associated Master EIR.

The proposed project is consistent with the 2035 General Plan and 2035 General Plan Master EIR. The 2035 General Plan Master EIR includes one mitigation measure:

Mitigation Measure 4.14-1 Widen 47th Avenue from 4 to 6 Lanes.

This mitigation measure is not applicable to the proposed project because it addresses a roadway not located near the project site and development of the proposed project is not anticipated to increase traffic on this roadway.

In addition to the above mitigation measure, some goals and policies identified in the 2035 General Plan Master EIR differ from goals and policies referenced in the 2030 General Plan Master EIR. Additional policies included in the 2035 General Plan Master EIR and that are potentially relevant to the proposed project are listed below. An overview of the proposed project's consistency with these 2035 General Plan goals and policies is also included below.

Land Use and Urban Design Policies

- ▶ **LU 1.1.1 Regional Leadership.** The City shall be the regional leader in sustainable development and encourage compact, higher-density development that conserves land resources, protects habitat, supports transit, reduces vehicle trips, improves air quality, conserves energy and water, and diversifies Sacramento's housing stock.

The proposed project is located in a developed, urbanized area of the city close to existing transit options and within walking and biking distance to downtown. Close proximity to jobs and commercial uses would help the proposed project reduce vehicle trips and minimize air pollutants. The proposed project includes high density residential development designed to comply with current City standards for building energy efficiency and targets CalGreen Building Code Tier 1 Water Efficiency Standards, at a minimum. The proposed project includes water-efficient fixtures and appliances; energy-efficient building materials and resources; low-volatile organic compound paints, flooring, and adhesives; and other industry-standard best practices for building design, construction, and operation. Locating

development within an urban area protects habitat by not developing on greenfield (undeveloped) sites. The proposed project meets the intent of this 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. (The 2035 General Plan revises this policy to delete the reference to “mining”. This minor change does not change the intent of this policy.)

The 2035 General Plan does not specifically define infill, but notes the City’s growth pattern will be more compact and will “include the ‘infill’ and reuse of underutilized properties, intensify development near transit and mixed-use activity centers, and locate jobs closer to housing, which will lead to increased walking and reduced automobile use” (City of Sacramento 2015 p. I-4). The proposed project meets the city’s definition of infill because the proposed project constitutes a higher density project that will help to channel economic growth into Sacramento’s Central City area; is served by existing infrastructure; has transit access and is in an area with nearby destinations that facilitates pedestrian and bicycle use and reduction in vehicle miles travelled; and will add population to support existing and future retail development, as identified in this policy (Appendix O, p. O-38).

Citywide Policies

- ▶ **LU 2.2.1 World-Class Rivers.** The City shall encourage development throughout the city to feature (e.g., access, building orientation, design) the Sacramento and American Rivers and shall develop a world-class system of riverfront parks and open spaces that provide a destination for visitors and respite from the urban setting for residents.

The project site is located approximately 4-5 blocks east of the Sacramento River and includes a conceptual landscape plan that draws from the site’s connection to the river, as an extension of the City’s street grid system that historically provided access to the river. The landscape concept includes North-South and East-West Promenades that filter out and connect with the broader city; complete with small gathering nodes that represent mineral deposits washed along the promenades. The landscape plan provides a respite for project residents and the public who access the area. The proposed project meets the intent of this policy.

- ▶ **LU 2.3.1 Open Space System.** The City shall strive to create a comprehensive and integrated system of parks, open space, and urban forests that frames and complements the city’s urbanized areas.

The proposed project includes wide, multi-use North-South and East-West Promenades that will provide access for residents and the public; a central plaza, with a community lawn; shade structure(s), retail kiosk, and water features. The proposed project also includes approximately 339 new and existing trees (approximately 239 ground-level trees and 100 podium and roof top trees) and would continue to

contribute towards the urban forest in this area of the city. The proposed project is designed to provide an inviting area that complements the urban environment, consistent with the intent of this policy.

- ▶ **LU 2.6.1 Sustainable Development Patterns.** The City shall promote compact development patterns, mixed use, and higher-development intensities that use land efficiently; reduce pollution and automobile dependence and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use.

The proposed project is located in a developed, urbanized area of the city close to existing transit options and within walking and biking distance to downtown. The proposed project includes residential and retail uses with an average density of between approximately 135 and 145 dwelling units per acre and has been designed consistent with local and State energy standards. The proposed project meets the intent of this policy.

Urban Design “Neighborhoods” Policies

- ▶ **LU 4.1.6 Connecting Key Destinations.** The City shall promote better connections by all travel modes between residential neighborhoods and key commercial, cultural, recreational, and other community-supportive destinations for all travel modes.

The proposed project includes two wide, multi-use promenades bisecting the site east-west and north-south, as well as a secondary network of smaller scale pedestrian walkways. These pedestrian connections would be available to project residents and the public to facilitate access through the site to nearby amenities including Capitol Mall and Crocker Art Museum. The proposed project meets the intent of this policy.

Urban Design “Centers” Policies

- ▶ **LU 5.6.5 Capital View Protection.** The City shall ensure development conforms to the Capital View Protection Act.

The project site is not within the area governed by the Capital View Protection Act. Therefore, this policy is not applicable to the proposed project.

Urban Design “Corridors” Policies

- ▶ **LU 6.1.12 Compatibility with Adjoining Uses.** The City shall ensure that the introduction of higher-density mixed-use development along major arterial corridors is compatible with adjacent land uses, particularly residential uses, by requiring such features as: buildings setback from rear or side yard property lines adjoining single-family residential uses; building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect privacy and solar access; landscaped off-street parking areas, loading areas, and service areas screened from adjacent residential areas, to the degree feasible; and lighting shielded and directed downward to minimize impacts on adjacent residential uses.

The project site is surrounded by multi-story residential, office, and other buildings within two city blocks or less of the project site. Surrounding land uses include mid- and high-rise residential buildings and federal, state, and private office buildings to the north, east, south, and west ranging in height from 3 to 32 stories. The City identifies N, P, and 5th Streets as arterials and 7th Street as a collector street. The City defines a major arterial as: “[a] four to six-lane street that serves longer distance trips and serves as the primary route for moving traffic through the city...” (General Plan p. 2-155). The proposed project’s PUD Guidelines (Draft EIR, Appendix N) establish design guidance consistent with the City’s objectives for high-quality design and development, while permitting flexibility for innovative design solutions, site-specific standards to ensure preservation of existing site resources, compatibility with the surrounding area context, and a cohesive development vision. The proposed project is compatible with the surrounding residential and office land uses and range of building heights found in an urban area, consistent with this policy.

Historic and Cultural Resources Policies

- ▶ **HCR 1.1.3 Certified Local Government Requirements.** The City shall maintain provisions in the Sacramento City Code for a preservation program consistent with the Federal and State Certified Local Government requirements.

This policy is directed to the City, and is not relevant to new development. The administrative process for the proposed project is being undertaken by the City consistent with the Federal and State Certified Local Government requirements.

- ▶ **HCR 2.1.13 Historic Surveys and Context Statements.** Where historic resource surveys may no longer be valid, or for areas that have not been surveyed, the City shall seek funding to prepare new historic context surveys. In these surveys, the potential eligibility of all properties 45 years and older for listing in National, California or Sacramento registers shall be evaluated.

This policy is not applicable to the proposed project because historic surveys were completed for the proposed project and all buildings and structures were evaluated and disclosed in the Draft EIR.

Mobility

Circulation System Policies

- ▶ **M 1.3.3 Improve Transit Access.** The City shall support the Sacramento Regional Transit District (RT) in addressing identified gaps in public transit networks by working with RT to appropriately locate passenger facilities and stations, pedestrian walkways and bicycle access to transit stations and stops, and public rights of way as necessary for transit- only lanes, transit stops, and transit vehicle stations and layover.

This policy is directed to the City and not applicable to the proposed project because it is addressing the city-wide provision of accessible transit facilities. Furthermore, the proposed project is located adjacent to an existing Sacramento Regional Transit District (RT), is anticipated to increase transit ridership and associated farebox revenues, and, by significantly increasing the residential population

adjacent to a lightrail stop serving every RT lightrail line operating within the City, it may also assist in obtaining future State and federal grants for transit improvements.

- ▶ **M 1.3.4 Barrier Removal for Accessibility.** The City shall remove barriers, where feasible, to allow people of all abilities to move freely and efficiently throughout the city.

This policy is directed to the City and not applicable to the proposed project. Furthermore, the proposed project would comply with all City, State, and federal accessibility requirements and, by adding a significant number of residential units in a transit rich area of the City, the proposed project would provide a variety of accessible travel options to project residents.

- ▶ **M 1.5.7 Freeway Improvement Coordination.** The City shall work with Caltrans and adjacent jurisdictions to identify funding for improvements that address cumulative effects of planned development on the freeway system.

This policy is directed to the City and not applicable to the proposed project because it is addressing the need for the City to work with Caltrans to address highway improvements.

Goods Movement Policies

- ▶ **M 7.1.6 Truck Traffic Noise Minimization.** The City shall seek to minimize noise and other impacts of truck traffic, deliveries, and staging in residential and mixed-use neighborhoods.

The analysis of project noise (see Draft EIR Section 4.9) did not identify any potential noise impacts associated with project operation, including truck traffic, deliveries, etc. Short-term noise impacts associated with project construction were identified and mitigation provided to reduce impacts to less than significant. The proposed project is consistent with this policy.

Utilities

Citywide Policies

- ▶ **U 1.1.5 Growth and Level of Service.** The City shall require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.

The proposed project is required to comply with all City Ordinances that establish fees for the provision of services and utilities. If the proposed project is approved the project would pay all required fees. The proposed project complies with this policy.

Energy Resources Policies

- ▶ **U 6.1.15 Energy Efficiency Appliances.** The City shall encourage builders to supply Energy STAR appliances and HVAC systems in all new residential developments, and shall encourage builders to install high-efficiency boilers where applicable, in all new non-residential developments.

The proposed project is required to comply with the City's Water Efficient Landscape Ordinance and the 2013 CALGreen Code, which requires a 20% reduction of potable water and a 50% reduction in landscape irrigation. The proposed project includes water-efficient fixtures and appliances and energy-efficient building materials and resources. The proposed project meets this policy.

Education, Recreation and Culture

Parks and Recreation Policies

- ▶ **ERC 2.2.4 Park Acreage Service Level Goal.** The City shall strive to develop and maintain 5 acres of neighborhood and community parks and other recreational facilities/sites per 1,000 population.

The proposed project meets this policy through the provision of private recreation facilities and the payment of in-lieu fees.

- ▶ **ERC 2.2.6 Urban Park Facility Improvements.** In urban areas where land dedication is not reasonably feasible (e.g., the Central City), the City shall explore creative solutions to provide neighborhood park and recreation facilities (e.g., provision of community-serving recreational facilities in regional parks) that reflect the unique character of the area.

This policy is generally directed to the City. The proposed project would provide private recreation facilities and pay in-lieu fees. The City will use in-lieu fees collected to acquire parkland or renovate or rehabilitate existing parks.

- ▶ **ERC 2.2.9 Small Public Places for New Development.** The City shall allow new development to provide small plazas, pocket parks, civic spaces, and other gathering places that are available to the public, particularly in infill areas, to help meet recreational demands.

The proposed project includes wide, multi-use East-West and North-South Promenades, a central plaza, a plaza on the corner of 7th Street and P Street, smaller pedestrian paths, water features, seating areas, small café tables, open lawn areas, and other landscape features. The promenades and plazas would be available to the public. The proposed project meets this policy.

Public Health and Safety

Fire Services Policies

- ▶ **PHS 2.2.9 Development Review for Emergency Response.** The City shall continue to include appropriate emergency responders (e.g., Fire Department staff) in the review of development proposals to ensure emergency response times can be adequately maintained.

This policy is generally directed to the City. However, the City's fire department and police department reviewed project plans and did not identify any concerns with emergency response times, as discussed in Section 4.10 of the Draft EIR.

Environmental Resources

Water Resources Policies

- ▶ **ER 1.1.5 Limit Stormwater Peak Flows.** The City shall require all new development to contribute no net increase in stormwater runoff peak flows over existing conditions associated with a 100-year storm event.

Projects in the City are required to comply with NPDES requirements, the City's Stormwater Quality Improvement Plan, Best Management Practices, as well as existing ordinances that ensure there is no net increase in post development runoff as compared to predevelopment runoff. The proposed project also incorporates low impact design features and an on-site detention basin to further reduce any contribution of stormwater flows, in compliance with this policy.

- ▶ **ER 1.1.6 Post-Development Runoff.** The City shall impose requirements to control the volume, frequency, duration, and peak flow rates and velocities of runoff from development projects to prevent or reduce downstream erosion and protect stream habitat.

The City requires infill projects to comply with the City's "Do No Harm" policy. This policy requires infill areas to fully mitigate any potential increase in water flows leaving the project site. The proposed project would construct on-site detention to ensure no net increase in stormwater runoff leaving the project site, in compliance with this policy.

- ▶ **ER 1.1.7 Construction Site Impacts.** The City shall minimize disturbances of natural water bodies and natural drainage systems caused by development, implement measures to protect areas from erosion and sediment loss, and continue to require construction contractors to comply with the City's erosion and sediment control ordinance and stormwater management and discharge control ordinance.

Projects in the City are required to comply with NPDES requirements, the City's Stormwater Quality Improvement Plan, as well as existing ordinances that ensure construction activities protect areas from erosion and sediment loss. The proposed project will comply with these existing requirements in compliance with this policy.

Urban Forest Policies

- ▶ **ER 3.1.3 Trees of Significance.** The City shall require the retention of City trees and Heritage Trees by promoting stewardship of such trees and ensuring that the design of development projects provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or appropriate remediation.

The proposed project is consistent with this policy because the project proposes to retain approximately 42 of the 50 City Street Trees and Heritage Trees on the project site (approximately 80% of the regulated trees on-site) and will comply with the requirements of Title 12 of the City Code to address the protection and replacement of regulated tree resources.

Air Quality Policies

- ▶ **ER 6.1.4 Sensitive Uses.** The City shall coordinate with SMAQMD in evaluating exposure of sensitive receptors to toxic air contaminants, and will impose appropriate conditions on projects to protect public health and safety.

The Draft EIR (Section 4.2) evaluated air emissions associated with the proposed project and the potential to expose existing and future residents to toxic air contaminants (TACs). The proposed project does not include stationary sources that would emit TACs and is not located adjacent to a high-volume roadway that would emit TACs. The proposed project complies with this policy.

Environmental Constraints

Noise Policies

- ▶ **EC 3.1.8 Operational Noise.** The City shall require mixed-use, commercial, and industrial projects to mitigate operational noise impacts to adjoining sensitive uses when operational noise thresholds are exceeded.

The Draft EIR (Section 4.9) evaluated operational noise and determined the City's thresholds would not be exceeded. The proposed project complies with this policy.

2.3.11 DEVELOPMENT DENSITY

Several comments on the DEIR suggest that the existing density on the existing four block Capitol Towers site (inclusive of 500 N Street and Pioneer Towers), at 59.8 dwelling units per acre, is consistent with and close to the permitted density on the project site for the Central Business District (CBD) General Plan designation, which permits densities of between 61 and 450 units/acre for residential uses. Commenters have suggested the developer has claimed a fundamental reason for the new project is the density of the existing Capitol Towers site, compared to the property's land use category. Commenters have also pointed out that the project site is one of the most densely populated neighborhoods in the Central City, aside from the main jail, and have identified projects in the Central City, in West Sacramento, and in the Central City area that are either new, under construction or in the pipeline (entitled but not yet constructed) that would potentially bring additional residential units and households to the City.

The proposed project has been designed in accordance with City regulations to support the goal for additional downtown housing in a transit-rich area of the City. The project is intended to intensify an existing urban downtown residential community close to urban amenities (e.g., shopping, services, transit, entertainment, and cultural attractions); intensify an existing infill development project with a new project that includes additional residential uses near the major employment centers of downtown Sacramento; provide high-density residential uses that utilize surrounding transit services and provide access to a variety of transportation modes; 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; 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 incorporate sustainability features that help the City and region achieve its sustainability targets, while enhancing the livability of the community.

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.) 500 N Street (also known as Bridgeway Towers) and Pioneer Towers parcels are not included in the proposed project site. Including only parcels within the proposed project site, 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.

The CBD land use designation allows mixed-use development with a minimum floor area ratio (FAR) of 3.0 and a maximum FAR of 15.0. According to page 2-28 of the City’s 2035 General Plan, “[r]esidential development that is part of a mixed-use building shall comply with the allowed floor area ratio (FAR) range and is not subject to the allowed density [in units per acre] range... [s]tand alone residential development shall comply with the allowed density range...” Whether just the project site is included, or whether the entire four-block area is included, existing development neither complies with the density requirements (in units per acre) or the FAR of the 2035 General Plan. Whether regulated by density or FAR, the proposed project would comply with the requirements of the 2035 General Plan. The proposed project would also comply with the zoning code standards for R-5, allowing for densities of up to 175 units / acre and permitting commercial and institutional uses of up to 25% of the gross floor building area. If the proposed project is combined with the existing development on the entire superblock, this would also comply with 2035 General Plan standards – whether units per acre or FAR is used.

Land Use	Units	Approximate Building Area (sf)	Net Density (units/acre)	FAR	Complies with General Plan density and FAR [2]
Existing Development on Project Site (10.13 acres)	409	495,630	40	1.1	No
Existing Development on Entire Superblock [1] (four block site = 12.64 acres)	750	823,250 [1]	59	1.5	No
Proposed Project on Proposed Project Site (10.13 acres)	1374-1470	1,408,550-1,435,860	136-145	3.2-3.3	Yes
Proposed Project with Existing Development on Entire Superblock [1] (four block site = 12.64 acres)	1,715-1,811	1,736,170-1,763,480 [1]	136-142	3.2	Yes
Notes: [1] Data is based on Sacramento County’s assessor’s parcel data. Pioneer Towers (parcel 006-0300-005) is 1.28 acres and includes a total building area of 156,540 square feet. 500 N Street (consisting of parcels 006-0310-001, 006-0310-002, and 006-0310-007) is approximately 1.23 acres and contains a total building area of 171,080 square feet. [2] The Central Business District General Plan designation supports densities of between 61-450 units / acre and floor area ratios (FAR) of between 3.0 and 15.0. Source: AECOM 2015					

The City is not required to approve additional density on the project site because the site's density is below the General Plan minimum density. 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.

2.3.12 MITIGATION MEASURES

2.3.12.1 MITIGATION MEASURES AND FEASIBILITY

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)).

The concept of “feasibility” also encompasses the question of whether a particular mitigation measure promotes the underlying goals and objectives of a project. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) “[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives”). Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417).

The Draft EIR identified a number of significant and potentially significant environmental effects (or impacts) that the proposed project will cause or to which it may contribute. Nearly all of the significant effects can be substantially lessened, or fully avoided, through the adoption of feasible mitigation measures. Two effects, Impact 4.4-2 (DEIR, p. 4.4-16 [substantial adverse change in significance to Capitol Towers]) and Impact 4.4-6 (DEIR, p. 4.4-33 [cumulative historical resources impacts]), however, cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. These significant and unavoidable effects can be substantially lessened by the adoption of feasible mitigation measures, but will not be reduced to a less-than-significant level.

A number of commenters suggested the City should impose additional mitigation measures or modifications to the mitigation measures recommended in the DEIR. In considering specific recommendations from commenters, the City has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The City is also cognizant, however, that the mitigation measures recommended in the EIR represent the professional judgment and long experience of the City's expert staff and environmental consultants. The City, therefore, believes these recommendations should not be lightly altered. The City has

reviewed all suggested mitigation measures proposed by commenters and responds to each proposed mitigation measure as provided below.

2.3.12.2 MITIGATION MONITORING AND REPORTING PROGRAM

The State Office of Historic Preservation, Department of Parks and Recreation requested that all mitigation measures be enforceable through a mitigation monitoring and reporting program.

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. The MMRP will remain available for public review during the compliance period. The Final MMRP will be part of the environmental document approval resolution for action by the City Council.

2.3.12.3 REGIONAL TRANSPORTATION NETWORK

Caltrans requested that the City condition the project to pay into a sub-regional fee program to reduce vehicle miles traveled on the State Highway System as a good regional partner. One suggestion was to require the project to pay into the I-5 Sub-regional Impact Fee Program, similar to the Sacramento Entertainment Center and Sports Complex project.

As discussed in the DEIR (see Draft EIR, pages 4-4 to 4-16), because the proposed project meets the criteria relating to SB 375, SB 226, and SB 743, the proposed project qualifies for several CEQA streamlining benefits. Pursuant to SB 375, “project-specific or cumulative impacts from cars and light-duty truck trips generated by the proposed project on the regional transportation network are not required to be referenced, described, or discussed.” (Public Resources Code Section 21159.28, subd. [a][2] [SB 375]). As such, the proposed project does not result in an impact to the State Highway System, and no mitigation is required pursuant to CEQA. (CEQA Guidelines, § 15126.4, subd. (a)(3)).

Furthermore, 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.

2.3.12.4 HISTORIC RESOURCES

The City’s Preservation Commission requested that Mitigation Measure 4.4-2(a) be revised to provide formal Level I Historic American Building Survey documentation for National Park Service submission and require preparation by a qualified professional.

As explained by the National Park Service in *Guidelines for Architectural and Engineering Documentation* issued in 2003, “[g]enerally, 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).

The level of effort, content, and possibly format of the documentation should be appropriate to the nature and significance of the subject. Because the project site was formally determined eligible at the local level of significance and not the national level [Roland-Nawi 2015:3], a HABS/HALS Level II is proper. HABS/HALS Level II would provide adequate documentation, including copies of the existing architectural plans of the property, for the designated repositories identified, with the help of the City's Preservation Director. (Patricia Ambacher, MA, AECOM Architectural Historian).

Additionally, the National Park Service's *Guidelines for Architectural and Engineering Documentation* further explain that Level I measured drawings may be appropriate where existing drawings are unavailable. (Federal Register, Vol. 68, No 139, July 21, 2003). Existing drawings are available for the project site. (Inventory of William W. Wurster/Wurster, Bernardi & Emmons Collection, 1922-1974 (Collection Number 1976-2) and Inventory of the Vernon DeMars Collection, 1933-2005 (Collection Number 2005-13), University of California, Berkeley Environmental Design Archives). Therefore, preparation of new measured drawings, which is required with a Level I HABS/HALS, is unnecessary. The existing conditions of the property can be documented with photography. Mitigation Measure 4.4-2(a) already requires that the documentation 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.] Consistent with this requirement, a professional photographer with demonstrated experience in photographing properties for HABS/HALS will be used.

Mitigation Measure 4.4-2 has been revised to require the level of documentation to be determined in coordination with the City's Preservation Director, based on the availability of original materials describing development of the project site.

The City's Preservation Commission requested that Mitigation Measure 4.4-2(b) be revised to require oversight and preparation of interpretation materials and exhibits by a qualified museum professional.

Pursuant to mitigation measure 4.4-2(b), all measures to interpret the property's historic significance for the public and for future residents that will 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." Therefore, Mitigation Measure 4.4-2b already requires that interpretive materials be prepared under direction of a museum professional. No revisions to the mitigation measure are required.

The City's Preservation Commission and State Historic Preservation Office suggested a mitigation measure to establish and pay into a Preservation Fund to pay for surveys of similar resources and fund project to stabilize or restore similar resource in Sacramento.

The City does not have an established preservation fee program by which it could accept monetary contributions earmarked for future historic preservation efforts, nor does the City have any policies providing for the assessment of ad hoc fees for historic preservation purposes. In *Anderson First v. City of Anderson* (2005) 130 Cal.App.4th 1173 (*Anderson First*) the court explained that, 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 traffic impacts at issue.” (*Anderson First, supra*, 130 Cal.App.4th at p. 1188). A mitigation measure requiring payment of “an unspecified amount of money at an unspecified time in compliance with an as yet unenforced or unspecified transit funding mechanism” is inadequate because it is impossible to evaluate its effectiveness. (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79). Moreover, for a fee mitigation program to be adequate, that fee program must first undergo CEQA review. (*California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026).

In addition, mitigation must have “an essential nexus (i.e. connection)” to a “legitimate governmental interest” (Guidelines, § 15126.4(a)(4)(A); *Nollan v. California Coastal Commission* (1987) 483 U.S. 825) and it must be “roughly proportional” to the impacts actually caused by the project in question. (Guidelines, § 15126.4(a)(4)(B); *Dolan v. City of Tigard* (1994) 512 U.S. 374). Requiring monetary contributions to fund undefined future mitigation measures to reduce significant and unavoidable impacts through a non-existent fee program does not meet either of these tests.

2.3.12.5 TREE IMPACTS

Some commenters requested that Mitigation Measure 4.3-2 be revised to provide additional mitigation to reduce impacts associated with the loss of Heritage and Street Trees. These comments included suggested mitigation requiring that when a Heritage Tree is removed it will be replaced with a 48-inch box tree, not a 24-inch box tree, that the trees planted be the same established height and canopy cover as the tree being removed, and that the City be reimbursed for the appraised value of the trees that are proposed for removal.

See Master Response 2.3.2 regarding impacts to trees and the adequacy of the mitigation measures. Additionally, the commenters’ suggestion that 48-inch box trees would be preferable to 24-inch box trees is not supported by evidence showing that larger trees would achieve greater long term canopy levels, grow faster or otherwise be superior to the smaller trees. In fact, according to the biologists and arborists that analyzed the proposed project’s impacts on trees, smaller plant stock will adapt better to given site conditions, and invariably have a higher survival rate than larger specimens. Consequently, the effects of shock are lessened, and smaller trees may catch up to trees installed at a larger size (Scott Eckhardt, Arborist, Dudek). To the extent commenters are concerned with aesthetic impacts of planting smaller versus larger trees, the City is committed to implementing the best tree mitigation plan to provide adequate canopy coverage and, therefore, will not require 48-inch box trees that may achieve short term aesthetic benefits but are less desirable long term. No revisions to the mitigation measure are required.

Environmental Council of Sacramento requested clarification of the meaning of “same benefits as original trees” in the context of Mitigation Measure 4.3-2, which provides: “... 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).”

As demonstrated in the above quotation from Mitigation Measure 4.3-2, should any retained or newly planted tree die during the 5-year monitoring period, a replacement tree must be planted and must

either be the same species or a comparable species. However, a different species may be planted if, in consultation with the monitoring arborist, it is determined that a different species is “better suited for the location” where the prior tree was removed.

Specifically, in the event that any planted trees die during the first five years after planting, the monitoring arborist will evaluate the reason for mortality and, if necessary, make recommendations for alternative species to be planted. Factors to be considered in evaluating the suitability of replacement tree species will include pest susceptibility (based on current local pest conditions), changes to soil conditions, and microclimate conditions (e.g., solar exposure, irrigation regimes, localized drainage patterns, competing vegetation, etc.). Any alternative tree species selected will be comparable to the originally planted tree in respect to overall size, canopy extent, growth rate, and shade tolerance (Scott Eckhardt, Arborist, Dudek).

Additionally, Mitigation Measure 4.3-2 does not augment the City Code requirements relating to removal of City Street and Heritage Trees. (See Chapters 12.56 and 12.64 of the City Code). Therefore, the proposed project will require tree permits prior to removal of any City Street or Heritage Trees. In obtaining tree permits, the proposed project must comply with all notice and hearing requirements set forth in the City Code. No revisions to the mitigation measure are required.

Environmental Council of Sacramento requested clarification as to whether replacement trees are required within the monitoring period in the event of any tree mortality.

Mitigation Measure 4.3-2 includes the mandatory requirement that “[s]hould 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...” (Emphasis Added). The phrase “if any” in the requirement that monitoring reports be prepared to “address tree mortality and summarize tree replacement efforts (if any)” is intended to acknowledge that, pursuant to Mitigation Measure 4.3-2, replacement trees are only required in the event of tree mortality. No revisions to the mitigation measure are required.

Environmental Council of Sacramento requested, in the event a tree replacing a City Street Tree cannot be incorporated into the landscape plan and is planted off-site that the public be involved in that process.

As noted above, the Mitigation Measure 4.3-2 does not augment the City Code requirements relating to removal of City Street Trees. (See Chapter 12.56 of the City Code). Therefore, the proposed project will require tree permits prior to removal of any City Street Trees. In obtaining tree permits, the proposed project must comply with all notice and hearing requirements set forth in the City Code.

Additionally, Mitigation Measure 4.3-2 authorizes off-site planting for City Street Trees for consistency with Chapter 12.56, which provides that replacement trees shall be planted “in the location specified by the director.” (City Code, § 12.56.090). However, as explained in Master Response 2.3.2 the project site can accommodate the replanting required for all City Street trees removed as part of the proposed project. No revisions to the mitigation measure are required.

Environmental Council of Sacramento requested that Mitigation Measure 4.3-2 be revised to clarify that all management recommendations set forth in Appendix E to the Arborist Report are required mitigation measures.

Appendix E to the Arborist Report includes “tree management recommendations and protection measures” based on the City Code sections 12.56.060 and 12.64.040 and additional recommended measures intended to avoid or minimize impacts to trees during construction.

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.

Some commenters have requested the mitigation measure identify the species of trees that will be planted as part of the Conceptual Landscape Plan.

Some commenters have questioned whether the applicant would commit to the total number of ground level trees to be planted under the Conceptual Landscape Plan described in the Draft EIR would be enforceable.

The Conceptual Landscape Plan is conceptual and subject to modification. However, 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 will be revised as follows:

Replacement trees, including all 147 ground level trees identified in the Conceptual Landscape Plan prepared for the project, 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.

Some commenters suggested that trees should be monitored by an ISA certified arborist annually for 10 years after replanting and/or require the trees to be maintained in perpetuity.

To ensure trees are retained and maintained on-site after planting, Mitigation Measure 4.3-2 requires 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) to be monitored by an ISA Certified Arborist for 5 years. This requirement will be enforced through the MMRP. The 5 year monitoring requirement included in Mitigation Measure 4.3-2 is adequate to ensure trees included in the post-project development landscape are capable of thriving on-site and exceeds the establishment timeframe of three years for City Street Tree replacements, as presented in City Code Section 12.56.050 (Scott Eckhardt, Arborist, Dudek).

The City does not require a private property owner to maintain trees on their properties in perpetuity. Today, under baseline conditions, the applicant is under no obligation to maintain non-protected trees on the project site or to replant non-protected trees that are removed. The City finds that the 5 year monitoring requirement included in Mitigation Measure 4.3-2 provides an added benefit to the City and

the neighborhood and is sufficient to ensure trees that are replanted as part of the proposed project are healthy and capable of long-term success on the site (Scott Eckhardt, Arborist, Dudek). No revisions to the mitigation measure are required.

Some commenters requested tree mitigation be provided on a 1:1 basis for all trees removed.

See Master Response 2.3.2 regarding impacts to trees and the adequacy of the mitigation measures. Protected trees are replaced on a 1:1 basis. The City Code does not require mitigation for non-protected trees. However, as explained in the DEIR all trees, not just protected trees, provide tree canopy and related ecosystem benefits. Mitigation Measure 4.3-2 has been revised to clarify that the proposed project is required to plant 147 ground level trees as part of its landscape plan. CEQA does not require that a project result in no impact in order for a lead agency to determine an impact is less than significant. While the project will result in 52 fewer on-site trees under the proposed project as compared to existing conditions (not including podium and roof top trees), the City finds that tree impacts caused by the proposed project are less than significant after implementation of Mitigation Measure 4.3-2. No revisions to the mitigation measure are required.

Some commenters suggested the City condition the project as follows: (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; (2) request an appraisal of the value of the project trees 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; (4) require adequate soil volume and growing space for any new trees to be planted in the approved project; and (5) require the developer to contract to grow the proposed new trees and do not approve final occupancy permits until all the required trees have been planted and irrigation has been installed.

The City's Tree Ordinance does not require an appraisal of tree value to be performed. (See City Code, Chapters 12.56 [City Street Trees] and 12.64 [Heritage Trees]). An appraisal of tree value is unnecessary. The City has determined that by replanting the number of ground level trees proposed in the Conceptual Landscape Plan and through compliance with Mitigation Measure 4.3-2, the proposed project will result in a less than significant impact related to trees. As discussed above, Mitigation Measure 4.3-2 has been revised to make clear that the number of trees included in the conceptual landscape plan must be replanted as part of the proposed project. Mitigation Measure 4.3-2 includes requirements to protect existing trees during construction including implementation of protection standards included in Appendix E of the project's Arborist Report. Damage to trees and tree roots will be minimized during construction by implementation of the protection standards included in Appendix E of the project's Arborist Report. These standards incorporate the requirements of the City of Sacramento (City Code Sections 12.56 and 12.64) and ANSI A300 standards and include requirements for monitoring, avoidance, grading, materials storage, root and canopy pruning, trenching, and irrigation (Scott Eckhardt, Arborist, Dudek). As explained in Master Response 2.3.2, an arborist and landscape architect were consulted to determine the appropriate number of trees to include in the conceptual landscape. Adequate soil volume and growing space is available after construction of the proposed project for all 147 new ground level trees to successfully grow on-site.

While the proposed plan includes several passageways that are narrow and somewhat constricted, at a minimum of more than 40' in width, they still provide the opportunity to install canopy trees. The extension of O and 6th Streets through the site provides far more expansive planting areas within which trees can be installed in greater numbers. Finally, the central plaza space at the intersection of the O and 6th Street extensions, and the plaza at the corner of P and 7th Streets are approximately 25,000 square feet and 15,000 square feet respectively. Both of these spaces are far greater in size than any existing space within the existing plan, and can accommodate significant tree planting (Scott Eckhardt, Arborist, Dudek).

The Sacramento Commons project includes taller buildings that will create different solar exposures throughout the site as compared to existing conditions. However, this is consistent with most urban centers where trees continue to prosper. Tree species will be chosen for the conditions that exist with the understanding that some require more sun, and some are adapted to more shady conditions. Further, emergency vehicle access has been studied preliminarily to provide the necessary paths of travel and requirements related to emergency access were taken into consideration in determining that 147 trees can be accommodated in the proposed project landscape plan (Scott Eckhardt, Arborist, Dudek). No revisions to the mitigation measure are required.

2.3.12.6 CONSTRUCTION-RELATED VIBRATION

Preservation Sacramento requests mitigation to reduce potential damage to the Heilbron House as a result of pile driving and other construction activity causing vibration.

The DEIR discloses that the Heilbron House is located approximately 100 feet east of the project site. (DEIR, p. 4.9-6, 4.9-32). The DEIR specifically analyzed the estimated vibration levels at this location and determined the levels would be below the significance threshold of 0.2 in/sec PPV, even with the use of the worst-case approach to pile installation at the upper range. (DEIR, pp. 4.9-32 to 4.9-33). Pursuant to CEQA, no mitigation is required where impacts are found to be less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3)).

Neighbors of Capitol Towers and Villas requested vibration mitigation require the developer post a bond to pay for damage to adjacent properties caused by pile driving vibrations.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2006:7-1 to 7-8; Caltrans 2004:5-7). PPV and RMS vibration velocity are normally described in inches per second (in/sec). (DEIR Appendix G, p. G1-6). The City's significance thresholds provide that a vibration impact will be considered significant if the project would expose adjacent residential and commercial areas to vibration peak particle velocities greater than 0.5 inch per second or vibration levels greater than 80 VdB due to project construction, or expose historic buildings and archaeological sites to vibration-peak particle velocities greater than 0.2 inch per second due to project construction. (DEIR, pp. 4.9-21 to 4.9-22).

As discussed in the Draft EIR, depending on the technique selected for installation of building piles the maximum vibration levels for the closest sensitive receptors could range from 0.04 PPV/81 VdB for the closest sensitive receptors within 40 feet located north of proposed construction sites if auger drilling pile installation is used to 0.75 PPV/106 VdB for the closest sensitive receptors within 40 feet located north of proposed construction sites for the upper range if impact pile driving is selected. Foundations of the high-rise buildings proposed on-site would typically require the installation of deep piles to support the weight of the building and to protect the building against uplift that could be created by shallow groundwater that is present in the vicinity of the project site. There are a variety of options for installation of foundation piles, including typical impact pile driving, as well as a pre-drilled method, including either cast-in-place or auger displacement. Once the building design is finalized, it will be possible to select the method of pile installation. For the purposes of the EIR, because it is not known what type of methods would be used to install the building piles, vibration associated with this activity could result in vibration levels greater than 80 VdB. Therefore, the impact was considered potentially significant, requiring mitigation. (DEIR, pp. 4.9-29 to 4.9-30).

Mitigation Measure 4.9-3b requires that, prior to the issuance of any building permit for any phase of project development that proposes the use of piles for foundations, the project applicant shall develop a Noise and Vibration Control Plan, in coordination with an acoustical consultant, geotechnical engineer, and construction contractor, and submit the Plan to the City's Chief Building Official for review and approval. The Plan shall include measures demonstrated to ensure construction noise exposure for the interior of nearby residential dwellings is less than 75 dB L_{eq} and that vibration exposure for all buildings and vibration-sensitive receptors in the vicinity of the project site is less than 0.5 PPV and 80 VdB and less than 0.2 PPV for historic buildings. These performance standards shall take into account the reduction in vibration exposure that would occur through coupling loss provided by each affected building structure. Measures and controls shall be identified based on project-specific final design plans, and may include, but are not limited to, some or all of the following:

- ▶ Buffer distances, the type of equipment, and use of attenuation devices shall be designed to minimize construction noise and vibration for adjacent existing buildings and noise- and vibration-sensitive uses.
- ▶ Use of "quiet" pile driving technology (such as auger displacement installation).

(DEIR, p. 4.9-29).

The 75 dB L_{eq} noise limit and vibration exposure limit for all buildings and vibration-sensitive receptors in the vicinity of the project site of less than 0.5 PPV and 80 VdB and less than 0.2 PPV for historic buildings is achievable through implementation of one or more of the techniques identified in Mitigation Measure 4.9-3b including but not limited to use of attenuation devices or "quiet" pile driving technology (FTA 2006, Caltrans 2013). With implementation of this mitigation measure, the impact of vibration on properties adjacent to the project area would be reduced to less than significant. (DEIR, p. 4.9-28). As such, no additional mitigation is required to address the commenters' property concern. (CEQA Guidelines, § 15126.4, subd. (a)(3)).

2.3.12.7 CONSTRUCTION-RELATED SUBSIDENCE

Neighbors of Capitol Towers and Villas requested soil subsidence mitigation require the developer post a bond to pay for damage to adjacent properties caused subsidence.

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).

For high-rise buildings, such as those part of the proposed project, these 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. Therefore, there is no need to locate the proposed buildings further away from the Pioneer and Bridgeway Towers, nor is there a need to require that the project applicant to post a bond. No revisions to the mitigation measure are required.

2.3.12.8 RESIDENT RELOCATION MITIGATION

Some commenters suggest that the City should require the developer to comply with the Uniform Relocation Act and fund the costs of moving households, or to otherwise address impacts associated with relocating existing residents.

Demolition of the garden apartment units would require some existing residents to relocate once existing residential leases expire in preparation for construction. The EIR analyzed the potential for displacement of existing residents, and concluded that “given the size of the housing market in the Central City and the region, the temporary loss of 206 units during construction of the proposed project would not lead to a significant loss of housing or displacement for the residents of the 206 units. The availability of existing vacant housing units in and near the Central City, and additional housing units now under construction (to be completed within the timeframe that leases would be terminated on the 206 units), would not necessitate the construction of new housing units elsewhere to accommodate these residents.” (DEIR, pp. 3-33 to 3-34). Pursuant to CEQA, no mitigation is required where impacts are found to be less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3)).

Furthermore, consistent with the proposed phased approach to project construction, demolition of garden apartment units would also be phased. As a result, the 206 units would be vacated gradually over several years. The typical lease term entered for existing residents of the project site is one year and the current average term of tenancy in existing units is approximately 1.5 years. Therefore, phased demolition of garden apartment units will not result in a substantial change in the average tenancy of residents of the project site.

2.3.12.9 FINANCIAL FEASIBILITY

A few commenters have expressed concern that the proposed project is not economically feasible and that the project could be abandoned before it is completed, thus becoming a “hole-in-the-ground.” Similarly, other commenters suggest mitigation measures requiring demolition be allowed only upon securing financing of each project development phase.

These concerns are not required to be addressed further in the EIR. “[N]othing in CEQA requir[es] an EIR to discuss the economic feasibility of a project...” (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1503 (*Sierra Club*), citing *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689-690 (*San Franciscans*); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1462, fn. 13). “As is self-evident from its name, an EIR is an *environmental* impact report.... not one that must include ultimate determinations of economic feasibility.” (*The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal. App. 4th 603, 618 (original emphasis) [rejecting petitioner’s argument that an economic feasibility analysis undertaken by the city was required to be included within either the draft or final EIR], quoting *San Franciscans, supra*, 102 Cal.App.4th at p. 689). Similarly, “nothing in CEQA requir[es]... an agency to receive public input on the question of economic feasibility.” (*Sierra Club, supra*, 121 Cal.App.4th 1490, 1506).

Courts have stated that “no proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful.” (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 600, quoting *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430; see also *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 883, fn. 5). CEQA does not require an EIR to evaluate every asserted “possibility” as 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 [“Agencies are not required to engage in ‘sheer speculation’ as to future environmental consequences of the project.”]). Therefore, CEQA does not require the EIR to address the unlikely scenario in which the proposed project is commenced, but not completed. Nevertheless, should the City Council exercise its discretion to approve the proposed project, City staff will recommend the City Council adopt a term in the development agreement requiring a bond as security to ensure against adverse aesthetic impacts arising from demolition of buildings, uncompleted grading and/or improvements from any phase of development of the proposed project in the unlikely event a phase is not completed.

2.3.12.10 CONSTRUCTION-RELATED NOISE

Some commenters alleged that project construction noise would be excessive and is not adequately mitigated.

The City Code generally authorizes building construction noise between the hours of seven a.m. and six p.m., on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and between nine a.m. and six p.m. on Sunday without any maximum noise limit. (City Code, § 8.68.080). Mitigation Measure 4.9-3b has been revised to clarify that these City Code time limits apply to project construction. In addition to these standard City requirements, Mitigation Measure 4.9-3b places a 75 dB L_{eq} limit on pile driving noise (the only construction related noise source with the potential to exceed 75 dB L_{eq}) and identifies feasible measures to ensure pile driving noise does not exceed this maximum noise level. Mitigation Measure 4.9-3a is revised as follows:

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

Machines or equipment and related noise associated with erection (including excavation) and demolition of any building or structure shall not start up prior to 7:00 a.m. Monday through Saturday, and prior to 9 a.m. on Sunday, and shall not continue past 6:00 p.m. on any day of the week;

Delivery of materials and equipment...

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 limits in excess of the City Code requirements.

The City, particularly its downtown core (i.e. the CBD), is highly urbanized and subject to typical urban noise sources including surrounding construction noise. The DEIR compares existing ambient noise levels on-site to those anticipated during construction of the proposed project. In order to allow a quantitative estimate of temporary increases in noise levels during construction, ambient measurements were conducted in various locations in and adjacent to the project site. Noise measurements were taken at eight different locations that were selected to represent noise-sensitive uses on and near the project site. 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.

Some commenters requested clarification as to how the City will monitor and enforce noise related mitigation measures included in the DEIR.

A 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 or attenuation devices are implemented in order to comply with Mitigation Measure 4.9-3b. No revisions to the mitigation measure are required.

2.3.12.11 TRAFFIC MANAGEMENT PLAN

Some commenters requested a traffic management plan be implemented both during construction and operation to ensure safe and reasonable access and egress to and from 500 N Street and 515 P Street.

As set forth in Mitigation Measure 4.11-5, the proposed project is required to prepare a Construction Traffic Management Plan that complies with the requirements of City Code sections 12.20.020 and 12.20.030. As stated in the mitigation measure, purposes of the plan include establishing “pedestrian, bicycle, and vehicular (including transit and emergency vehicle) detour routes where necessary to avoid conflicts with construction zone operations and traffic” and providing “safe driveway access during construction for pedestrian, bicycle, and vehicles (including transit and emergency vehicle) through the use of steel plates, signage, and similar measures.” Therefore, as drafted, Mitigation Measure 4.11-5 requires a traffic management plan be prepared that provides for safe and reasonable access and egress to residents of the project site and adjacent properties.

A post-construction traffic management plan to address traffic associated with project operations is not required. 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 (see DEIR starting on page 4.11-69). 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. The City maintains standard specifications for construction of streets which are required to be adhered to for projects within the City limits and designed, in part, to protect the public safety in the context of new improvements.

The proposed project was reviewed for appropriate access and circulation, with appropriate considerations and recommendations included in the DEIR (see pages 4.11-69 through 4.11-72). Potential queuing was reviewed to determine whether high congestion periods would restrict movements at the upstream intersections. None of these queues were found to affect upstream intersections other than those specifically mentioned above. Therefore, the driveways are expected to operate satisfactorily at the locations specified in the proposed project’s site plan and under minor-street stop control (DEIR, page 4.11-72). Most of the proposed development’s driveways provide direct access to parking garages. A final design of the driveways’ throat depth and the set back of the gates will be subject to review and approval by the department of Public Works to ensure against adverse effects on access (DEIR, page 4.11-72). No revisions to the mitigation measure are required. However, a revision has been made to Mitigation Measure 4.11-5 to require a construction coordinator and to post contact information for construction coordinator in visible locations on the project site and that the construction coordinator is required to receive complaints and coordinate on resolution of issues with the City.

2.3.12.12 MIXED-INCOME HOUSING

Some commenters requested the City require the proposed project provide mixed-income housing and/or housing affordable to middle income residents.

The project site in its existing condition contains 409 market rate housing units, including 206 low-rise units and 203 high-rise tower units. The proposed project removes the 206 low-rise units and adds diverse housing opportunities within the CBD including approximately 965 to 1,061 for-sale condominiums and rental housing units in high-rise towers, mid-rise buildings, and live/work units. Units will vary from studio apartments to three bedroom units. As a result, the proposed project will provide a variety of housing options in the CBD capable of meeting the needs of future residents in downtown Sacramento of various age ranges and family sizes.

Units will continue to be offered at market rates. Due to the cost of construction, amenities and associated market demand, and preferred locations, rents in high-rise towers are typically higher than rents in low-rise and mid-rise buildings (Apartments.com 2015, DT News 2015). The proposed project not only adds a substantial number of high-rise residential units to the project site (up to 756 units), but also replaces the 206 low-rise units with 462 mid-rise units. By adding a substantial number of mid-rise and high-rise units to downtown Sacramento and increasing the overall housing stock within the Central City, the proposed project will increase the amount of housing available within the Central City affordable to a diverse range of residents as compared to existing conditions.

Pursuant to City Code, the proposed project is not required to provide affordable housing units. Section 17.712 of the City of Sacramento Zoning Code (“Mixed Income Housing”) is intended to ensure that residential projects in new growth areas contain a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives and local public subsidy to assist in this effort, and to implement the mixed income policies of the Housing Element of the City General Plan. By applying the Mixed Income Housing Ordinance only to new growth areas, the City recognized the unique and sometimes limiting development environments that are present in building in existing neighborhoods. Such challenges include site availability and site specific infrastructure needs, as well as housing needs and overall cost burden on the feasibility of certain geographically situated infill development projects. The proposed project site is not identified as a “new growth area” in the Mixed Income Housing Code and is, therefore, not required to include affordable housing.

2.3.12.13 CONCLUSION REGARDING MITIGATION MEASURES

As is often evident from the specific responses given to specific suggestions, City staff and consultants spent time carefully considering and weighing proposed or requested mitigation language. As discussed above, in some instances, the City revised mitigation measures in accordance with comments. In other instances, revisions to mitigation measures are unnecessary. In no instance, however, did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions. The mitigation measures included in the DEIR, as amended in this Final EIR in response to comments, reduce nearly all significant and potentially significant project impacts to a less than significant level. Two effects, Impact 4.4-2 and

Impact 4.4-6, however, remain significant and unavoidable even after implementation of feasible mitigation.

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2.3.14 PREPARERS

2.3.14.1 CITY OF SACRAMENTO

Tom Buford Senior Planner
Scott Johnson Associate Planner
Samar Hajeer Senior Engineer
Aelita Milatzo Transportation Engineer
Roberta Deering Preservation Director
Mary de Beauvieres Principal Planner, Parks & Recreation
Robert Armijo Senior Engineer
William Wann Police Sergeant
King Tunson Fire Program Analyst

2.3.14.2 AECOM

David Reel Project Director
Matthew Gerken Project Manager

Wendy Copeland Environmental Scientist
 Danielle Hughes Environmental Scientist
 Anh Thai Urban Designer
 Issa Mahmodi Noise Specialist
 Sean Bui Senior Noise and Vibration Specialist
 George Lu Air Quality/Greenhouse Gas Emissions Specialist
 Patricia Ambacher Architectural Historian
 Kristine Olsen Document Specialist

2.3.14.3 WOOD RODGERS

Matt Spokely Project Engineer

2.3.14.4 MELENDREZ

Scott Baker Principal Landscape Architect

2.3.14.5 VAN TILBURG BANVARD SODERBERGH

Brion Moran Project Architect

2.3.14.6 DUDEK

Christine Kronenberg Policy Consistency

Scott Eckhardt Arborist

3 REVISIONS TO THE DRAFT EIR

This chapter presents minor corrections, additions, and revisions made to the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the DEIR. The changes are presented in the order in which they appear in the DEIR and are identified by page number. Text deletions are shown in ~~strikeout~~ and additions are shown in underline.

SECTION 4.0, “ENVIRONMENTAL IMPACT ANALYSIS”

Page 4-5, a revision has been made as shown:

SB 375 Eligibility

SB 375 provides various CEQA streamlining benefits to transit priority projects (TPPs). As relevant to the proposed project, a TPP is a project that meets the following four criteria (see Public Resources Code, §§ 21155, subs. [a]-[b]):

1. Contains at least 50 percent residential use, based on total building square footage (and has a floor area ratio of 0.75 ~~and at least 25~~ if between 26 and 50 percent of total building square footage is dedicated to non-residential uses);

SECTION 4.2, “AIR QUALITY”

Page 4.2-21, a revision has been made as shown below (with the same change made to the Executive Summary):

Mitigation Measure 4.2-1: Implement SMAQMD Basic Construction Emission Control Practices.

~~If project phasing changes substantially relative to that assumed in the EIR, the applicant~~ Prior to commencement of each phase of construction, the project applicant shall provide evidence that maximum daily emissions remain below applicable SMAQMD significance thresholds, adjusting phasing, as necessary to achieve relevant thresholds.

SECTION 4.3, “BIOLOGICAL RESOURCES”

Pages 4.3-28 through 4.3-30, revisions have been made as shown below (with the same change made to the Executive Summary):

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, including all 147 ground level trees identified in the Conceptual Landscape Plan prepared for the project, 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.

Pages 4.3-34, a revision has been made as shown below:

As detailed in Impact 4.3-2, the proposed project's Conceptual Landscape 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. Including only trees proposed to be retained on-site (92) and new ground-level trees (147), at 10 years after installation of project landscaping the tree canopy cover on the project site would be approximately 155,811 square feet (roughly 62 percent of the existing coverage) and at 25 years would increase to 251,699 square feet (roughly a 2 percent increase over existing canopy coverage). If proposed podium trees are also included (100), at 10 years after installation of project landscaping, the tree canopy cover on the project site would be approximately 167,201 square feet (roughly 68 percent of the existing coverage) and at 25 years would increase to 275,979 square feet (roughly a 12 percent increase compared to existing canopy coverage). Therefore, as trees included in the proposed project mature, it is anticipated that the tree canopy coverage on the project site would be similar to the existing coverage. As noted previously, Mitigation Measure 4.3-2 would ensure compliance with City Code requirements related to protected trees and requires monitoring by an ISA Certified Arborist for a period of ~~up to~~ 5 years of all 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) and, if

necessary, replanting of on-site trees in the post-construction landscape at a 1:1 ratio with 24-inch box size trees. The proposed project's contribution to any cumulative impact resulting from cumulative loss of tree canopy coverage within the City is not cumulatively considerable.

SECTION 4.4, "CULTURAL RESOURCES"

Page 4.4-24, revisions have been made as shown below (with the same changes made to the Executive Summary):

Mitigation Measure 4.4-2: Documentation, Interpretation, Reuse, and the Retention/Rehabilitation of the Residential Tower

a) Documentation / Recordation

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.

Page 4.4-27, a revision has been made as shown below (with the same change made to the Executive Summary):

c) Salvage and Reuse

The project applicant shall consult with the City's Preservation Director and the Director of the Sacramento Metropolitan Arts Council Commission regarding the salvage and reuse of one of the character-defining landscape features: the Overhoff sculptural wall. The wall shall be retained on the property, safe from construction work, ~~either in situ and~~ and moved ~~and reused~~

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).

within the property, as shown in Figure 2.1 of the PUD Guidelines, “Conceptual Ground Level Landscape Plan.” at an appropriate location. Although the wall is modular, if when it is moved, the panels shall stay together in the same placement order and configuration as they exist today. The condition of the object will be assessed by a qualified art conservator prior to moving the sculpture and the moving work shall be undertaken by a qualified art conservator with extensive experience in the relocation of sculptures and moving works of art.

Page 4.4-29, a revision has been made as shown below (with the same change made to the Executive Summary):

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.
 - 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.

Page 4.4-31 and 4.4-32, revisions has been made as shown below (with the same change made to the Executive Summary):

Mitigation Measure 4.4-4: Protect or Mitigate Impacts on Paleontological Resources

To minimize potential adverse effects on previously unknown potentially unique, scientifically important paleontological resources, the project applicant shall implement the following measures:

- Before the start of any earthmoving activities, the project applicant shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the City of Sacramento Community Development Department. The project applicant shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan shall include, but shall not be limited to, (a) a field survey surrounding the site where the paleontological resources were discovered, (b) development of sampling and data recovery procedures based on location and type of paleontological resources discovered, (c) offer museum or other storage coordination for any appropriate specimens recovered, and (d) prepare a report documenting the findings. Recommendations in the recovery plan shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

SECTION 4.9, “NOISE AND VIBRATION”

Page 4.9-28 and 4.9-29, revisions have been made as shown below (with the same change made to the Executive Summary):

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 and related noise associated with erection (including excavation) and demolition of any building or structure shall not start up prior to 7:00 a.m., Monday through Saturday, and prior to 9 a.m. on Sunday, and shall not continue past 6:00 p.m. on any day of the week;

SECTION 4.11, “TRANSPORTATION/TRAFFIC”

Page 4.11-60, a revision has been made as shown below (with the same change made to the Executive Summary):

Mitigation Measure 4.11-5: Prepare and Implement Construction Traffic Management Plan

~~Before issuance of demolition permit and beginning of construction for the project site commencing demolition or construction,~~ the project applicant shall prepare a Traffic Management Plan consistent with the requirements of sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code that will be subject to review and approval by the City Department of Public Works, in consultation with Caltrans, affected transit providers, and local emergency

service providers including the City of Sacramento Fire and Police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. In consideration of the number and type of trucks proposed to be used during construction, the proposed location of staging areas, and potential need for street closures as identified in the Traffic Management Plan, at a minimum, the plan shall:

- Require the installation of temporary traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.
- Require construction truck trips to occur outside of peak morning and evening commute hours.
- Limit the number of lane closures associated with project construction during peak hours.
- Establish construction truck routes that limit truck traffic on local roadways as defined and identified on Figure ~~M2B~~ M4A in the City's ~~2030~~ 2035 General Plan.
- Establish pedestrian, bicycle, and vehicular (including transit and emergency vehicle) detour routes where necessary to avoid conflicts with construction zone operations and traffic.
- Provide safe driveway access during construction for pedestrian, bicycle, and vehicles (including transit and emergency vehicle) through the use of steel plates, signage, and similar measures.
- Require temporary directional signage along all construction zone detour routes for motorists, pedestrians, and bicyclists.
- Identify construction coordinator and post contact information for construction coordinator in visible locations on the project site. Construction coordinator shall receive complaints and coordinate on resolution of issues with the City.
- Describe, in coordination Sacramento Regional Transit, the approach to minimizing conflicts between light rail and construction traffic on 7th Street.
- Require construction fencing around the work area perimeter.

CHAPTER 5, “ALTERNATIVES”

Page 5-5-4, revisions have been made as shown below in sub-section 5.1.6:

Chapter 5 of the DEIR identified the significant and unavoidable effects of the project, and erroneously identified Impact 4.4-1 (Heilbron House Impacts) as significant and unavoidable. The project impacts on the Heilbron House were, in fact, determined to be less than significant. The text in section 5.1.6 of the DEIR (page 5-4) will be corrected as follows:

The environmental effects associated with implementation of the proposed project are discussed in detail throughout Chapter 4 of this EIR, “Environmental Impact Analysis.” As discussed in this EIR, the proposed project would result in the following significant and unavoidable adverse effects:

~~Impact 4.4-1: The proposed project could result in a substantial adverse change in the significance of the Heilbron House.~~

Impact 4.4-2: The proposed project could result in a substantial adverse change in the significance of Capitol Towers.

Page 5-23, revisions have been made as shown below (with the same change made to the Executive Summary):

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 f Future canopy area would be slightly 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.

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Proposed Project
City Street Trees Retained	39	35	35	37	35
City Street Trees Removed	0	4	4	2	4
Heritage Trees Retained	11	6	6	7	7
Heritage Trees Removed	0	5	5	4	4
Non City Street Trees Retained	241	168	168	144	50
Non City Street Trees Removed	0	73	73	97	191
Estimated Replacement Trees	0	100	100	100	247
Total Trees after Project/Alternative	280 291	308 309	308 309	285 288	336 339

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).