



City of Sacramento

Sacramento Commons

Final Environmental Impact Report

State Clearinghouse No. 2014042032

Prepared for:



Community Development Department
Environmental Planning Services

Prepared by:

AECOM

June 2015



City of Sacramento

Sacramento Commons

Final Environmental Impact Report

State Clearinghouse No. 2014042032

Prepared for:

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

Contact:

Scott Johnson
Associate Planner
916-808-5842

Prepared by:

AECOM
2020 L Street, Suite 400
Sacramento, CA 95811

Contact:

Matthew Gerken
Project Manager
916-414-5800

AECOM

June 2015

60310303

TABLE OF CONTENTS

Section	Page
1 INTRODUCTION	1-1
1.1 Use of the Final EIR	1-1
2 COMMENTS AND REPONSES TO COMMENTS	2-1
2.1 List of Commenters on the Draft EIR	2-1
2.2 Comments and Responses to Comments on the Draft EIR.....	2-8
2.2.1 Agency Comments and Responses to Comments	2-8
2.2.2 Organization Comments and Responses to Comments	2-55
2.2.3 Individual Comments and Responses to Comments.....	2-410
2.2.4 Public Hearing Comments and Responses to Comments	2-549
2.3 Master Responses to Comments	2-697
2.3.1 Construction Noise and Vibration	2-697
2.3.2 Loss of Tree Canopy and Other Tree Impacts	2-703
2.3.3 Aesthetics	2-716
2.3.4 Historic resources	2-720
2.3.5 Traffic Impacts	2-727
2.3.6 Construction and Demolition Phasing and Traffic Management	2-731
2.3.7 Alternatives Analysis	2-735
2.3.8 Easements.....	2-755
2.3.9 Streamlined Approach to Environmental Analysis.....	2-756
2.3.10 Consistency of the Project with Applicable General Plan Goals and Policies	2-763
2.3.11 Development Density	2-793
2.3.12 Mitigation Measures	2-795
2.3.13 References	2-810
2.3.14 Preparers.....	2-814
3 REVISIONS TO THE DRAFT EIR	3-1

Appendices

- A Letter from the Governor’s Office of Planning and Research
- B Draft Mitigation Monitoring and Reporting Program
- C Draft PUD Guidelines
- D Letters from the Sacramento Area Council of Governments
- E Comparison of Original Design and Constructed Project

Figures

Figure 2-1.	Podium Landscaping, Lincoln Plaza Building.....	2-705
Figure 2-2.	Conceptual Phasing Diagram.....	2-732
Figure 2-3.	New Development in Parking Areas Only	2-746
Figure 2-4.	Re-Orient Tower B	2-751
Figure 2-5.	Consolidate Parking Structures and Residential Towers	2-753
Figure 2-6.	On-Site Easements	2-755

Tables

Table 2-1	Written Comments Received on the Draft EIR.....	2-1
Table 2-2	Public Hearing Comments.....	2-3
Table 2-3	Energy and GHG Emissions Analysis	2-53
Table 2-4	Tree Quantity, Characteristic, and Ecosystem Services Comparison Between Existing Trees and Retained Plus Newly-Planted Ground-Level Trees for Project Alternatives.....	2-739
Table 2 4	Project, Project Site, and Superblock Density / Development Intensity	2-794

ACRONYMS AND OTHER ABBREVIATIONS

°C	degree Celsius
AB	Assembly Bill
ACTM	Airborne Toxic Control Measure
afy	acre-feet per year
ARB	Air Resources Board
ATCM	Airborne Toxic Control Measure
B.P	Before Present
Basin Plan	Water Quality Control Plan for the Sacramento River and San Joaquin River Basins
BMP	best management practice
CAA	Clean Air Act
CAAQS	California ambient air quality standards
CalEEMod	California Emissions Estimator Model
CALGreen Code	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	climate action plan
CARB	California Air Resources Board
CBD	Central Business District
CCAA	California Clean Air Act
CCCP	Central City Community Plan
CCUDG	Central City Urban Design Guidelines
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
Central Basin	Central Groundwater Basin
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFMP	Comprehensive Flood Management Plan
cfs	cubic feet per second
CHRIS	California Historical Resource Information System
City	City of Sacramento
CIWMA	California Integrated Waste Management Act
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	Carbon monoxide
CO ₂ e	CO ₂ equivalents
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CSH	Center for Sacramento History
CSS	combined sewer system

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

NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NO ₂	Nitrogen dioxide
NOP	Notice of Preparation
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Services'
NRHP	National Register of Historic Places
OEHHA	Office of Environmental Health Hazard Assessment
OHP	Office of Historic Preservation
OPR	Office of Planning and Research
PCBs	polychlorinated biphenyls
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	Particulate matter
PM ₁₀	coarse particles
PM _{2.5}	fine PM
ppd	pounds per day
PRMP	<i>Parks and Recreation Master Plan 2005–2010</i>
proposed project	Sacramento Commons project
PUD	Planned Unit Development
PUD	Planned Unit Development
REL	reference exposure level
Reporting Rule	Greenhouse Gas Reporting Rule
ROG	reactive organic gases
RT	Regional Transit District
RWD	Reports of Waste Discharge
RWQCB	Regional Water Quality Control Board
SACOG	Sacramento Area Council of Governments
Sacramento Register	Sacramento Register of Historic & Cultural Resources
SAFCA	Sacramento Area Flood Control Agency
SB	Senate Bill
SCEA	Sustainable Communities Environmental Assessment
SCH	State Clearinghouse
Scoping Plan	<i>Climate Change Scoping Plan</i>
SCS	Sustainable Communities Strategy
SCUSD	Sacramento City Unified School District
SFD	Sacramento Fire Department
SHPO	State Historic Preservation Officer
SHRC	State Historical Resources Commission

SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District
SO ₂	Sulfur dioxide
SQIP	<i>Stormwater Quality Improvement Plan</i>
SR 99	State Route 99
SRCSD	Sacramento Regional County Sanitation District-
SRWTP	Sacramento Regional Wastewater Treatment Plant
SRWWTP	Sacramento Regional Wastewater Treatment Plant
SSQP	Sacramento Stormwater Quality Partnership
stratosphere	upper atmosphere
Sump	Pump Station
SWA	Solid Waste Authority
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TDM	transportation demand management
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035
TMDL	total maximum daily load
TPAs	transit priority areas
tpd) of solid waste	tons per day
TPP	Transit Priority Project
troposphere	pollutant in the lower atmosphere
U.S. 50	U.S. Highway 50
UCMP	University of California Museum of Paleontology
ug/L	micrograms per liter
USACE	U.S. Army Corps of Engineers
USFWS	U. S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan
VMT	vehicle miles traveled
VOCs	Volatile Organic Compounds
WBE	Wurster, Bernardi, and Emmons
WDR	Waste Discharge Requirement
WSA	Water Supply Assessment

1 INTRODUCTION

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

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

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

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

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

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

1.1 USE OF THE FINAL EIR

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

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

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

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

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

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

2 COMMENTS AND RESPONSES TO COMMENTS

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

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

2.1 LIST OF COMMENTERS ON THE DRAFT EIR

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

Table 2-1 Written Comments Received on the Draft EIR		
Letter	Commenter	Date
Agencies		
A1	California Department of Transportation (Caltrans)	4/24/2015
A2	California Department of General Services (DGS)	4/8/2015
A3	California Office of Historic Preservation (OHP)	4/21/2015
A4	Central Valley Regional Water Quality Control Board	4/21/2015
A5	Governor's Office of Planning and Research, State Clearinghouse	4/23/2015
A6	Chair of the Sacramento Preservation Commission	4/28/2015
Organizations		
O1	Bridgeway Towers Owners Association	4/24/2015
O2	Environmental Council of Sacramento (ECOS)	4/23/2015
O3	National Trust for Historic Preservation	4/24/2015
O4	Neighbors of Capitol Towers and Villas 1	4/10/2015

**Table 2-1
Written Comments Received on the Draft EIR**

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

**Table 2-1
Written Comments Received on the Draft EIR**

Letter	Commenter	Date
I26	Judith Lamare 2	4/28/2015
I27	Michael Galizio	4/29/2015
I28	Tommy Leung	4/29/2015
I29	Julie Mumma	4/30/2015

**Table 2-2
Public Hearing Comments**

Preservation Commission Hearing, April 15th, 2015

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

**Table 2-2
Public Hearing Comments**

Preservation Commission Hearing, April 15th, 2015

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

**Table 2-2
Public Hearing Comments**

Preservation Commission Hearing, April 15th, 2015

Comment #	Commenter
H1-58	Commissioner Moffett, Chairman Fuller
H1-59	Chairman Fuller, Commissioner Moffett
H1-60	Commissioner Moffett
H1-61	Commissioner Moffett, Commissioner Forrest, Roberta Deering
H1-62	Commissioner Moffett
H1-63	Chairman Fuller, Commissioner Marshack
H1-64	Commissioner Marshack
H1-65	Commissioner Marshack, Commissioner Huck, Commissioner Moffett
H1-66	Commissioner Huck, Commissioner Moffett
H1-67	Commissioner Moffett
H1-68	Commissioner Moffett
H1-69	Commissioner Moffett
H1-70	Chairman Fuller, Commissioner Huck, Mike Voss, Commissioner Forrest, Roberta Deering, Commissioner Forrest
H1-71	Chairman Fuller, Commissioner Moffett, Commissioner Huck, Commissioner Forrest
H1-72	Chairman Fuller, Commissioner Piner, Commissioner Bowns, Commissioner Huck, Commissioner Moffett, Commissioner Marshack, Roberta Deering
H1-73	Chairman Fuller, Roberta Deering, Commissioner Moffett, Commissioner Piner, Commissioner Huck, Commissioner Bowns, Commissioner Forrest, Commissioner Marshack
H1-74	Commissioner Marshack
H1-75	Chairman Fuller, Commissioner Forrest, Commissioner Marshack, Mike Voss, Roberta Deering, Commissioner Piner, Commissioner Moffett

Planning and Design Commission Hearing, April 30th, 2015

H2-1	Commissioner Chandler 1
H2-2	Evan Compton
H2-3	Commissioner Kaufman 1
H2-4	Chairman Nybo and Commissioner Kaufman
H2-5	Commissioner Bodipo-Memba 1
H2-6	Commissioner Bodipo-Memba 2
H2-7	Commissioner Bodipo-Memba 3
H2-8	Commissioner Bodipo-Memba 4
H2-9	Commissioner Burke
H2-10	Vice-Chair LoFaso 1
H2-11	Vice-Chair LoFaso 2

**Table 2-2
Public Hearing Comments**

Preservation Commission Hearing, April 15th, 2015

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

**Table 2-2
Public Hearing Comments**

Preservation Commission Hearing, April 15th, 2015

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

**Table 2-2
Public Hearing Comments**

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

2.2 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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

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

2.2.1 AGENCY COMMENTS AND RESPONSES TO COMMENTS

COMMENT LETTER A1 – CALIFORNIA DEPARTMENT OF TRANSPORTATION

Letter A1

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



*Serious drought.
 Help save water!*

April 24, 2015

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

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

Sacramento Commons – Draft Environmental Impact Report (DEIR)

Dear Mr. Johnson:

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

A1-1

A1-2

A1-3

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

A1-4

Regional Transportation Network Impacts

“Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California’s economy and livability”

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

A1-5

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

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

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

A1-6

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

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

A1-7

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

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

↑ A1-7
cont.

Traffic Management Plan (TMP) as Mitigation

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

↑ A1-8

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

↑ A1-9

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

↑ A1-10

Sincerely,

ERIC FREDERICKS, Chief
Office of Transportation Planning – South

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

“Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California’s economy and livability”

RESPONSE TO COMMENT A1-1

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

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

RESPONSE TO COMMENT A1-2

The commenter summarizes the proposed project.

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

RESPONSE TO COMMENT A1-3

The commenter summarizes the proposed project.

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

RESPONSE TO COMMENT A1-4

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

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

RESPONSE TO COMMENT A1-5

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

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

RESPONSE TO COMMENT A1-6

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

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

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

RESPONSE TO COMMENT A1-7

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

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

RESPONSE TO COMMENT A1-8

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

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

RESPONSE TO COMMENT A1-9

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

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

RESPONSE TO COMMENT A1-10

The commenter indicates where questions should be routed.

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

COMMENT LETTER A2 – CALIFORNIA DEPARTMENT OF GENERAL SERVICES

April 8, 2015

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

Dear Mr. Johnson:

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

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

A2-1

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

A2-2

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

A2-3

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

A2-4

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

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

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

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

Sincerely,



Angela Verbaere
Assistant Chief
Asset Management Branch

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

↑
A2-4
cont.

RESPONSE TO COMMENT A2-1

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

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

RESPONSE TO COMMENT A2-2

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

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

RESPONSE TO COMMENT A2-3

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

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

RESPONSE TO COMMENT A2-4

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

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

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

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

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

COMMENT LETTER A3 – STATE OFFICE OF HISTORIC PRESERVATION

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



April 21, 2015

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

Dear Mr. Johnson,

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

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

A3-1

The buildings and landscape features that occupy the project site collectively form Capitol Towers Historic District. The Historic District is a large-scale, multi-family residential complex comprising clusters of low-rise garden apartment buildings, a high-rise residential tower, pedestrian-oriented designed landscape, and a mature tree canopy. The Capitol Towers development was the first redevelopment project in California. The project was designed and constructed by a talented group of architects and developers, including Wurster, Bernardi, and Emmons, Edward Larabee Barnes, DeMars & Reay, and Lawrence Halprin. The complex was evaluated and determined to be a historically significant local and state-wide example of successful urban redevelopment housing from the mid-twentieth century. The Historic District has been nominated for listing on the National Register of Historic Places, and is listed on the California Register of Historical Resources. The City of Sacramento's Historic Resources Commission determined the Historic District meets the eligibility criteria to be locally listed on the Sacramento Register, and recommended the City Council take action to formally list the district on the Sacramento Register. This action has triggered review under the city's Municipal Code § 17.64.100.

A3-2

A3-3

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

A3-4

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

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

A3-5

The DEIR explores four project alternatives:

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

A3-6

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

A3-7

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

A3-7
cont.

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

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

A3-8

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

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

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

A3-9

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

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

A3-10

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

A3-11

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

A3-12

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

A3-13

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

A3-13
cont.

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

A3-14

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

A3-15

A3-16

A3-17

A3-18

A3-19

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

A3-20

Sincerely,



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

Scott Johnson
April 21, 2015
Page 6 of 6

CC:
Sacramento City Council
Sacramento Modern
Preservation Sacramento

RESPONSE TO COMMENT A3-1

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

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

RESPONSE TO COMMENT A3-2

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

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

RESPONSE TO COMMENT A3-3

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

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

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

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

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

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

RESPONSE TO COMMENT A3-4

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

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

RESPONSE TO COMMENT A3-5

The commenter summarizes the proposed project objectives.

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

RESPONSE TO COMMENT A3-6

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

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

RESPONSE TO COMMENT A3-7

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

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

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

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

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

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

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

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

RESPONSE TO COMMENT A3-8

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

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

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

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

RESPONSE TO COMMENT A3-9

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

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

RESPONSE TO COMMENT A3-10

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

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

RESPONSE TO COMMENT A3-11

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

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

RESPONSE TO COMMENT A3-12

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

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

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

See also Master Response 2.3.9.1 regarding SB 375 CEQA streamlining.

RESPONSE TO COMMENT A3-13

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

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

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

RESPONSE TO COMMENT A3-14

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

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

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

RESPONSE TO COMMENT A3-15

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

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

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

RESPONSE TO COMMENT A3-16

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

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

RESPONSE TO COMMENT A3-17

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

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

RESPONSE TO COMMENT A3-18

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

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

RESPONSE TO COMMENT A3-19

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

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

RESPONSE TO COMMENT A3-20

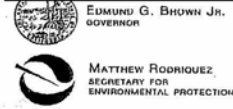
The commenter provides contact information for questions on the comment letter.

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

COMMENT LETTER A4 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD



Letter A4



Central Valley Regional Water Quality Control Board

17 April 2015

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

RECEIVED
APR 21 2015
STATE CLEARING HOUSE

*clear
4/22/15
e*

CERTIFIED MAIL
7014 2870 0000 7535 8065

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

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

A4-1

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

A4-2

Construction Storm Water General Permit

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

A4-3

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

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

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



Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

A4-4

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

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

A4-5

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

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

A4-6

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

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

A4-7

Waste Discharge Requirements

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

A4-8

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

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

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

A4-9

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

↑
A4-9
cont.

Low or Limited Threat General NPDES Permit

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

A4-10

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

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



Trevor Cleak
Environmental Scientist

A4-11

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

RESPONSE TO COMMENT A4-1

The commenter acknowledges receipt of the DEIR for review.

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

RESPONSE TO COMMENT A4-2

The commenter identifies the role of the Water Board.

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

RESPONSE TO COMMENT A4-3

The commenter describes existing regulations related to water quality.

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

RESPONSE TO COMMENT A4-4

The commenter describes existing regulations related to water quality.

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

RESPONSE TO COMMENT A4-5

The commenter describes existing regulations related to water quality.

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

RESPONSE TO COMMENT A4-6

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

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

RESPONSE TO COMMENT A4-7

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

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

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

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

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

RESPONSE TO COMMENT A4-8

The commenter describes waste discharge requirements.

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

RESPONSE TO COMMENT A4-9

The commenter describes requirements for commercially irrigated agriculture.

The proposed project does not include irrigated agriculture.

RESPONSE TO COMMENT A4-10

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

Please see the response to A4-7, above.

RESPONSE TO COMMENT A4-11

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

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

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



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Letter A5



Ken Alex
Director

April 23, 2015

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

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

Dear Scott Johnson:

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

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

A5-1



**Document Details Report
State Clearinghouse Data Base**

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

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

Lead Agency Contact

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

Project Location

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

Proximity to:

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

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

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

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

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

A5-1
cont.

RESPONSE TO COMMENT A5-1

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

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

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

April 28, 2015

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

RE: Sacramento Commons Draft Environmental Impact Report

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

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

A6-1

Cultural Resources Chapter 4.4

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

A6-2

A6-3

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

A6-4

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

A6-5

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

A6-6

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

A6-7

Page 1 of 3

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

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

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

1. Mitigation measure that would require demolition be allowed only upon securing financing of each phase;
2. Mitigation measure to establish a Preservation Fund.

A6-8

A6-9

Chapter 5- Alternatives:

1. Alternatives analysis requires additional information:
 - a. Evaluate feasible alternatives that meet most of the project objectives and lessen the impacts to historical resources, per CEQA guidelines relative to alternatives analysis.
 - b. Evaluate other on-site alternatives that would involve lower-density than the proposed project or the alternatives provided.
2. Evaluate off-site alternatives,
 - a. Emphasizing importance of potential lost features of the historic landscape and the buildings that could be maintained if off-site alternatives are considered;
 - b. Alternative sites available, even nearby.
 - c. Analyze possible transfer-of-development-rights to an alternative site.
3. Modify Alternative 2 or 3: Develop modifications that could meet project objectives, or most objectives, and substantially lessen effects, possibly reduce impacts to less than significant level relative to historical resources:
 - a. Evaluate modifications that would preserve more historical resources and add density on existing parking lots or at existing parking garage.
 - b. Evaluate modifications, including alternatives to the location of:
 - i. Proposed Tower B, evaluate avoiding demolition of resources by turning tower to east/west orientation and move south;
 - ii. Proposed parking garages, evaluate consolidating with proposed towers to minimize footprint.

A6-10

Other:

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

A6-11

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

A6-12

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

A6-13

Sincerely,



Eric Fuller, SE, Chair
Preservation Commission

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

RESPONSE TO COMMENT A6-1

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

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

RESPONSE TO COMMENT A6-2

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

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

RESPONSE TO COMMENT A6-3

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

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

RESPONSE TO COMMENT A6-4

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

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

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

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

RESPONSE TO COMMENT A6-5

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

The potential for landforms to harbor buried archaeological components is primarily a function of the landforms age and origin. In general, landforms and associated deposits forming during the Holocene have some potential to contain buried sites, whereas latest Pleistocene or older landforms have virtually no potential. Ongoing work in a variety of settings throughout central California demonstrates the relationship between Holocene landforms, buried soils, and buried archaeological components (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 DEIR recognized the potential for unanticipated discovery of archaeological resources at the site. See analysis for Impact 4.4-3, DEIR pages 4.4-27 and following. The historic fill has been subjected to substantial disturbance, and the likelihood for intact archaeological deposits is low.

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

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

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

- The project applicant shall retain a qualified archaeologist (i.e., defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology) to carry out all actions related to archaeological resources and human remains.
 - Before the start of any ground-disturbing activities, the qualified archaeologist shall conduct a cultural resources sensitivity training session for all construction personnel working on the project. The training shall include an overview of potential cultural resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action; and shall describe penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.
 - 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...

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

RESPONSE TO COMMENT A6-6

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

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

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

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

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

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

Mitigation Measure 4.4-2: Documentation, Interpretation, Reuse, and the Retention/Rehabilitation of the Residential Tower

a) 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...

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

RESPONSE TO COMMENT A6-7

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

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

RESPONSE TO COMMENT A6-8

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

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

RESPONSE TO COMMENT A6-9

The commenter recommends that the City establish a preservation fund.

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

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

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

RESPONSE TO COMMENT A6-10

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

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

RESPONSE TO COMMENT A6-11

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

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

RESPONSE TO COMMENT A6-12

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

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

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

In response to the comment, the City has examined the energy consumption and GHG emissions associated with construction (demolition of existing and construction of new units) of the 206 garden apartment units relative to the long-term building energy and indirect emissions savings associated with operations of the new 206 dwelling units. The City had prepared estimates of energy use (mega joules) and GHG emissions (metric tons of carbon dioxide equivalent or MT CO₂e) associated with the use of construction equipment and on-road vehicles (i.e., haul trucks, vendor trucks, and construction worker vehicles). For on-road vehicles, emission factors are available from the California Air Resources Board's EMFAC2011 model, which was used to calculate fuel consumption rates (i.e., gallons per mile) for haul trucks, vendor trucks, and construction worker vehicles (ARB 2013). The U.S. Department of Energy provides data needed to estimate the energy content of gasoline and diesel (U.S. DOE 2014).

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

Building energy use and GHG emissions (MT CO₂e) were also quantified for the existing 206 dwelling units. Since the dwelling units were constructed in the 1960s, they would not have been subject to energy efficiency requirements included in Title 24 of the California Code of Regulations (California Building Standards Code). However, to provide conservative results, CalEEMod's estimates of energy consumption rates, which are based on California Energy Commission's (CEC) Residential Appliance Saturation Survey (RASS), were used to represent the existing 206 dwelling units' consumption rates. In reality, it is likely that the existing dwelling units built in the 1960s would be less energy efficient than CEC's RASS study, which used both older (i.e., pre-2001) and newer (i.e., 2001-2008) dwelling units in the study population. Energy use and emissions were quantified for 206 new dwelling units built in 2017, assuming compliance with 2013 Title 24 Standards (CEC 2013). The annual energy efficiency savings and GHG emissions reductions were estimated to represent construction of 206 units in compliance with the current building code. Total energy use and GHG emissions associated with demolition of the existing 206 units on-site and construction of 206 "replacement" units were also estimated.

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

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

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

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

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

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

If 965 units were developed in locations exhibiting the citywide per-capita VMT in 2035, this would generate approximately 6,651 MT CO₂e per year compared to 1,362 MT CO₂e of transportation-related GHG emissions for 965 units at the proposed project site. The difference is 5,289 MT CO₂e per year. Demolition of 206 units would generate GHG emissions of approximately 400 MT CO₂e. Construction of the entire Hotel / Condo / Retail project scenario would generate approximately 3,388 MT CO₂e, for a total of 3,788 MT CO₂e. It would take approximately 9 months for this difference in transportation-related GHG emissions use to make up for the GHG emissions associated with demolition and construction (not including building energy efficiency benefits).

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

RESPONSE TO COMMENT A6-13

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

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

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

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

2.2.2 ORGANIZATION COMMENTS AND RESPONSES TO COMMENTS

COMMENT LETTER O1 – BRIDGEWAY TOWERS OWNERS' ASSOCIATION

Scott

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

O1-1

Jude Lamare

Begin forwarded message:

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

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

O1-2

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

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

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

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

Jim Pachi & Jude Lamare

RESPONSE TO COMMENT O1-1

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

The comment has been included and responses provided below.

RESPONSE TO COMMENT O1-2

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

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

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

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

COMMENT LETTER O2 – ENVIRONMENTAL COUNCIL OF SACRAMENTO



April 23, 2015

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

Dear Mr. Johnson:

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

O2-1

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

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

O2-2

Specifically, the following are our comments regarding the DEIR.

Land Use, Population and Housing

EFFECT ON EXISTING AND FUTURE HOUSING

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

O2-3

THE PLANNED UNIT DEVELOPMENT

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

O2-4

www.ecosacramento.net

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

Public access and rights of way:

Comments:

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

O2-4
cont.

Supporting DEIR sections and information:

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

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

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

O2-5

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

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

2.5.4 Parking Facilities:

Table 2-3: Residential apartments, 1265 spaces. Condo units, 138 or 258 spaces, hotel/condo 150 spaces, neighborhood retail or hotel services 149 or 113 spaces.

Descriptions of each parking garage do not reveal details about how public access to garage space will be determined, or if there will be any public access to parking facilities on the project site.

O2-6

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

O2-7

Environmental Impacts, Setting, and Mitigation Measures

TREES

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

O2-8

The mitigation measure provides no detail as to the species of trees to be planted. We are concerned that "lollypop" trees will be selected to replace large canopy trees. The mitigation measure for Heritage Trees is inadequate, and does not result in a less than significant impact after mitigation. When a heritage tree is removed, it needs to be replaced with a 48-inch box tree, not a 24-inch box tree. The tree planted shall be the same established height and canopy cover as the tree being removed.

O2-9

While the current city ordinance may require a 24 inch box tree for replacement trees, that requirement is not in the Heritage Tree section of the ordinance. Practice in other cities is to require a 48 inch box replacement tree for heritage trees. Adhering to that standard, along with the other requested actions will minimize the impacts on trees. Additionally, the Sacramento Metropolitan Air Quality Management District should be consulted regarding the planting of trees with the lowest aerosol emissions and the highest carbon uptake.

O2-10

Mitigation measure:

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

O2-11

Comments:

As stated earlier, the city ordinance requiring the 24 inch box does not necessarily apply to heritage trees. 48-inch box size for replacing heritage trees is an adequate mitigation.

The mitigation measure states "the tree shall be removed and replaced at a 1:1 ratio with a 24-inch box size tree of the same or comparable species (unless it is determined that a different species is better suited to the location, as recommended by the monitoring arborist).

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

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

Comment:

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

O2-12

Mitigation Measure

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

O2-13

Comment:

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

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

O2-14

Mitigation Measure:

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

O2-15

Comment:

The mitigation measure for Heritage Trees is inadequate, and does not result in a less than significant impact after mitigation. When a heritage tree is removed, it needs to be replaced with a 48 -inch box tree, not a 24-inch box tree. The tree planted shall be the same mature size as the tree being removed. While the current city ordinance may require a 24 inch box tree for replacement trees, that requirement is not in the Heritage Tree section of the ordinance. Practice in other cities is to require a 48 inch box replacement tree for heritage trees. Adhering to that standard, along with the other requested actions will minimize the impacts on trees.

Treatment of heritage trees is found in Chapter 12.64 HERITAGE TREES of the Sacramento city codes. Section 12.64.050 D requires decisions based on consultation between the project and the city's urban forester regarding the treatment of heritage trees must be made public. Section 12.64.060 allows for an appeal of the decision by the city's director of urban forestry to the parks and recreation commission or to the planning and design commission. The PEIR needs to identify the process by which the public will be made aware of the director's decisions regarding heritage trees, so the public has an opportunity to exercise the appeal right included in the city ordinance.

Mitigation Measure:

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

O2-16

Comment:

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

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

↑
O2-16
cont.

Comment:

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

O2-17

Comment:

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

O2-18

Conclusion

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

O2-19
O2-20
O2-21

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

O2-22

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

O2-23

Respectfully Submitted,



Richard Guerrero, President
Board of Directors

RESPONSE TO COMMENT O2-1

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

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

RESPONSE TO COMMENT O2-2

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

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

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

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

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

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

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

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

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

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

RESPONSE TO COMMENT O2-3

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

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

RESPONSE TO COMMENT O2-4

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

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

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

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

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

RESPONSE TO COMMENT O2-5

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

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

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

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

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

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

RESPONSE TO COMMENT O2-6

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

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

RESPONSE TO COMMENT O2-7

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

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

RESPONSE TO COMMENT O2-8

The commenter questions the adequacy of tree mitigation.

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

RESPONSE TO COMMENT O2-9

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

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

RESPONSE TO COMMENT O2-10

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

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

RESPONSE TO COMMENT O2-11

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

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

RESPONSE TO COMMENT O2-12

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

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

RESPONSE TO COMMENT O2-13

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

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

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

RESPONSE TO COMMENT O2-14

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

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

RESPONSE TO COMMENT O2-15

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

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

RESPONSE TO COMMENT O2-16

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

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

RESPONSE TO COMMENT O2-17

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

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

RESPONSE TO COMMENT O2-18

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

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

Mitigation Measure 4.3-2: Avoid and Minimize Impacts on Trees.

The project applicant shall submit a Tree Permit application to the City Department of Public Works (Maintenance Services Division), as required by the City Code, for removal and pruning affecting a Heritage Tree or City Street Tree and such activity shall not be performed until a permit has been issued. When allowed, according to the conditions of the permit, construction activity that requires pruning or encroachment into the canopy dripline of a Heritage Tree or City Street Tree would be monitored by the project arborist, who will make recommendations for minimizing impacts to retained trees. In addition, the following tree replacement, protection, and monitoring actions shall be implemented:

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

RESPONSE TO COMMENT O2-19

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

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

RESPONSE TO COMMENT O2-20

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

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

RESPONSE TO COMMENT O2-21

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

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

RESPONSE TO COMMENT O2-22

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

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

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

RESPONSE TO COMMENT O2-23

The commenter references demolition and phasing.

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

COMMENT LETTER O3 – NATIONAL TRUST FOR HISTORIC PRESERVATION



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

April 24, 2015

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

VIA Email to: SRJohnson@cityofsacramento.org

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

Dear Mr. Johnson:

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

O3-1

Interests of the National Trust

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

O3-2

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

O3-3

Historic Significance of Capitol Towers and Garden Apartments

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

O3-4

San Francisco Field Office

The Hearst Building, 5 Third Street, Suite 707 San Francisco, CA 94103
E info@savingplaces.org P 415.947.0692 F 415.947.0699 www.PreservationNation.org

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

03-4
cont.

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

03-5

Comments on the Draft EIR

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

03-6

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

03-7

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

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

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

03-8

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

O3-9

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

O3-10

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

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

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

O3-11

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

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

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

O3-12

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

O3-13

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

O3-14

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

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

O3-15

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

O3-16

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

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

O3-17

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

↑ O3-17
cont.

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

O3-18

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

O3-19

Conclusion

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

O3-20

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

Sincerely,



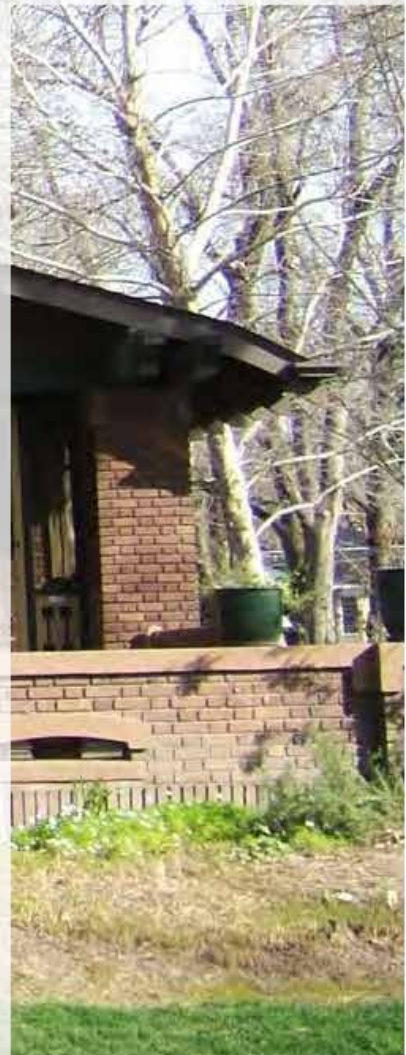
Brian Turner
Senior Field Officer and Attorney
San Francisco Field Office

Attachment: 2030 General Plan, Historic and Cultural Resources Section



HISTORIC AND CULTURAL RESOURCES

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



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



Citywide Historic and Cultural Preservation

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

GOAL HCR 1.1

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

Policies

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

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



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



Identification and Preservation

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

GOAL HCR 2.1

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

Policies

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

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

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



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



Craftsman style fourplex.

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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





Public Awareness and Appreciation

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

GOAL HCR 3.1

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

Policies

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

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

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

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

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



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



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

RESPONSE TO COMMENT O3-1

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

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

RESPONSE TO COMMENT O3-2

The commenter provides background on the organization.

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

RESPONSE TO COMMENT O3-3

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

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

RESPONSE TO COMMENT O3-4

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

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

RESPONSE TO COMMENT O3-5

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

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

RESPONSE TO COMMENT O3-6

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

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

RESPONSE TO COMMENT O3-7

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

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

RESPONSE TO COMMENT O3-8

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

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

RESPONSE TO COMMENT O3-9

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

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

RESPONSE TO COMMENT O3-10

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

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

RESPONSE TO COMMENT O3-11

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

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

RESPONSE TO COMMENT O3-12

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

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

RESPONSE TO COMMENT O3-13

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

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

RESPONSE TO COMMENT O3-14

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

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

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

RESPONSE TO COMMENT O3-15

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

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

RESPONSE TO COMMENT O3-16

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

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

RESPONSE TO COMMENT O3-17

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

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

RESPONSE TO COMMENT O3-18

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

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

RESPONSE TO COMMENT O3-19

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

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

RESPONSE TO COMMENT O3-20

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

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

COMMENT LETTER O4 – NEIGHBORS OF CAPITOL TOWERS

Evan Compton

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

Dear Planning Commissioners,

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

O4-1

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

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

April 10, 2015

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

Re: Review and Comment Hearing, Sacramento Commons

Dear Mr. Chair and Members of the Commission:

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

O4-2

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

O4-3

O4-4

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

O4-5

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

↑ O4-5
cont.
O4-6

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

O4-7
O4-8

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

O4-9

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

O4-10
↓

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

O4-10
cont.

On page 4.9-25, the DEIR states:

IMPACT 4.9-3

The proposed project could result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance or result in construction noise levels that exceed 75 dBA L₁ at the interior of a residential building during the daytime hours (7 a.m. to 10 p.m.). Based on the analysis below, this impact is considered less than significant with mitigation

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

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

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

O4-11

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

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

O4-12

without shelter and seating and not accessible to all residents are not adequate mitigation for impacts.

↑ O4-12
cont.

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

↑ O4-13

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

↑ O4-14

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

Sincerely,

Julie Mumma

Tommy Leung

Muriel R. Wemmer

James P. Pacht

Pete Kmeto

Betty Kay Louie

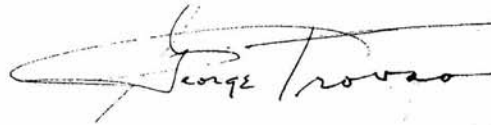
George P. Salerno

Judith L. Lamare

Mary Louise Picerno



Bobbie Metzgar



George and Lana Trovao



Robert J. Shimer



Michael Galizio



J.D. Rowell



Pauline Hutton

RESPONSE TO COMMENT O4-1

The commenter references an attached letter.

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

RESPONSE TO COMMENT O4-2

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

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

RESPONSE TO COMMENT O4-3

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

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

RESPONSE TO COMMENT O4-4

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

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

RESPONSE TO COMMENT O4-5

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

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

RESPONSE TO COMMENT O4-6

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

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

RESPONSE TO COMMENT O4-7

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

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

Mitigation Measure 4.3-2: Avoid and Minimize Impacts on Trees.

The project applicant shall submit a Tree Permit application to the City Department of Public Works (Maintenance Services Division), as required by the City Code, for removal and pruning affecting a Heritage Tree or City Street Tree and such activity shall not be performed until a permit has been issued. When allowed, according to the conditions of the permit, construction activity that requires pruning or encroachment into the canopy dripline of a Heritage Tree or City Street Tree would be monitored by the project arborist, who will make recommendations for minimizing impacts to retained trees. In addition, the following tree replacement, protection, and monitoring actions shall be implemented:

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

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

RESPONSE TO COMMENT O4-8

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

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

RESPONSE TO COMMENT O4-9

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

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

RESPONSE TO COMMENT O4-10

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

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

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

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

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

RESPONSE TO COMMENT O4-11

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

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

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

RESPONSE TO COMMENT O4-12

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

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

RESPONSE TO COMMENT O4-13

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

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

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

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

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

RESPONSE TO COMMENT O4-14

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

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

COMMENT LETTER O5 – NEIGHBORS OF CAPITOL TOWERS

Evan Compton

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

Preservation Commission and Staff

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

O5-1

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

A Letter from Neighbors

October 14, 2014

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

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

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

Dear Members of the Commissions:

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

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

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

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

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

O5-2

O5-3

O5-4

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

O5-5

We implore the Commissions to support the nomination.

Neighbors of Capitol Towers and Villas

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

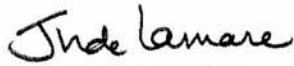
Elizabeth Adams
500 N. St Unit 1602
Sacramento, CA 95814

Michael Galizio and Bobbie Metzgar

Michael Galizio and Bobbie Metzgar, 500 N, APT 1004

Peter Kmeto

Peter Kmeto, 500 N, APT 610



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



Julie Mumma, 500 N, APT 806



Tommy Leong, 500 N, APT 605



JD Rowell, 500 N, APT 504



Kenneth Wemmer, 500 N, APT 1209

And Residents of Pioneer Tower, 515 P Street

We implore the Commissions to support the nomination.

Robert L. Brown
Ludytay Stanley
Julie
Kena Brown
Amy-sha Wolf
Jeanne Johnston
Maura Pina
Lyle Tidloff
Mary Carochus
Maria Guittare
Ange Pomy
Mentha in. Millhone
NUVEZ EVA
Cudgn. Hopkins
Mary Ann Millhone
Shirley Ingram
Maria J. Cuidenas
Bonnie Danker
Judi Gheza
Gloria Williams
Jola Ramsey

Eda Fucan
Malden Alca

RESPONSE TO COMMENT O5-1

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

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

RESPONSE TO COMMENT O5-2

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

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

RESPONSE TO COMMENT O5-3

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

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

RESPONSE TO COMMENT O5-4

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

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

RESPONSE TO COMMENT O5-5

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

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

COMMENT LETTER O6 – NEIGHBORS OF CAPITOL TOWERS

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

April 24, 2015

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

Submitted via e-mail

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

Dear Mr. Johnson,

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

| O6-1

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

| O6-2

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

| O6-3

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

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

| O6-4
↓

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

O6-4
cont.

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

O6-5

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

O6-6

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

O6-7

O6-8

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

O6-9

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

O6-9
cont.

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

O6-10

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

O6-11

Lack of Compatibility with Existing Policies and Plans

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

O6-12

The DEIR fails to recognize the conflict between the proposed project and the City’s General Plan policy to “Protect Established Neighborhoods” which is
“The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and by requiring new development, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood.”

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

O6-13

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

O6-14

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

O6-14
cont.

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

O6-15

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

O6-16

Aesthetics

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

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

O6-17

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

Analysis of Impact 4.1.3 is flawed and incorrect.

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

O6-18

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

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

O6-18
cont.

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

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

O6-19

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

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

Analysis and Mitigation of Biological Impacts of the Project

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

O6-20

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

O6-21

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

O6-21
cont.

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

O6-22

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

O6-23

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

O6-24

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

O6-25

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

↑
O6-25
cont.

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

↑
O6-26

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

↑
O6-27

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

↑
O6-28

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

↑
O6-29

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

↑
O6-29

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

↑
O6-30
↑
O6-31

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

↑
O6-32

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

O6-33

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

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

O6-34

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

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

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

O6-35

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

O6-36

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

O6-37

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

O6-38

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

O6-38
cont.

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

O6-39

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

O6-40

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

O6-41

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

O6-42

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

- 1) Request an appraisal of the value of the Street Trees to be removed for the project, and require a replacement of equal value to the Street Tree population so there is no net loss experienced to the City for the construction of this development.
- 2) Request an appraisal of the value of the project trees approved to be removed for the project, and require a replacement of equal value to the project landscape, excluding rooftop garden trees.
- 3) Require adequate tree protection for any existing trees to protect the soil and roots from the construction activities through the landscape construction phase.

O6-43

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

O6-43
cont.

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

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

- a) a mitigation monitoring program where by the trees are inspected by an ISA certified arborist on annual basis for the first ten years and a report submitted to City of Sacramento Urban Forestry and Development Services.
- b) an enforceable provision that any trees that have died, are missing, improperly pruned or vandalized shall be replaced with a 24 -inch box size tree.
- c) an enforceable provision that upon sale of any of the parcels subsequent owners shall be responsible mitigation monitoring program.

O6-44

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

O6-45

Climate Action and Greenhouse Gas Emissions

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

O6-46

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

O6-46
cont.

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

O6-47

O6-48

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

O6-49

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

O6-50

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

O6-51

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

“The National Trust’s Preservation Green Lab has evaluated the environmental impacts of building reuse compared to demolition and new construction for a variety of building types, notably in our publication *The Greenest Building: Quantifying the Environmental Value of Building Reuse*. This study found that building reuse typically offers significant environmental savings over new construction – even when that new construction is energy efficient. Indeed, building reuse can offer climate change savings and reductions in resource depletion when compared to new construction.”

O6-52

Per that study’s Executive Summary:

“It is often assumed that the CO2-reduction benefits gained by a new, energy efficient building outweigh any negative climate change impacts associated with the construction of that building. This study finds that it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process.”

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

O6-53

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

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

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

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

O6-54

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

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

↑
O6-54
cont.

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

↑
O6-55

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

↑
O6-56

↑
O6-57

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

↑
O6-58

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

↑
O6-59

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

↑
O6-60

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

↓
O6-61

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

O6-61

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

O6-62

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

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

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

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

O6-63

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

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

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

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

- A. Demolition of existing structures, trees, and landscape on any individual parcel within the PUD area shall be prohibited unless the City Council first determines that there are legally binding contracts for all construction and complete financing of a City-approved project on the affected parcel, and that start of construction is imminent.
- B. If a project is abandoned or fails after demolition, the developer shall restore the landscape on that parcel at developer's expense. A project would be deemed "abandoned" if construction did not start within six months of site demolition, or if construction started and then halted for more than six months. Before start of construction of a project, the developer shall post a bond for the full cost of restoring the landscape in the event of project abandonment.
- C. Each phase of construction must be completed before demolition of structures, trees, and landscape commences for the next phase.
- D. To discourage premature demolition on a project site, there shall be no "temporary" ground-level parking lots allowed atop a demolition site while awaiting construction of any individual project.

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

O6-63
cont.

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

O6-64

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

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

O6-65

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

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

O6-66

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

O6-67

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

O6-68

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

O6-69

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

O6-70

O6-71

The DEIR page 4.9-25, states:

IMPACT 4.9-3 The proposed project could result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance or result in construction noise levels that exceed 75 dBA L₁ at the interior of a residential building during the daytime hours (7 a.m. to 10 p.m.). Based on the analysis below, this impact is considered *less than significant with mitigation*

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

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

O6-72

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

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

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

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

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

O6-73

Mitigation for noise impacts should include.

- Hours should be 8-5 M-F due to proximity of adjacent residents
- Enforcement of noise mitigation should be accomplished by City police shutting down construction when there are violations of the construction hour restrictions.
- Absolute limits on noise levels should be established, monitored and enforced and construction activity maintained within these limits at all times.

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

O6-74

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

O6-75

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

O6-76

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

O6-77

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

↑ O6-77
cont.

DEIR Fails to Identify Fire and Other Emergency Access As Inadequate

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

↑ O6-78

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

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

↑ O6-79

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

↑ O6-80

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

↑ O6-81

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

↑ O6-82

Transportation

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

↑ O6-83
↓

500 N Street, 1500-7th Street, and 515 P Street at all times. The EIR should more carefully consider the potential for backup traffic at the hotel site to “trap” Bridgeway residents in their garage and provide a mitigation measure to prevent this. There is notable traffic congestion on City streets next to major existing downtown hotels.

↑
O6-83
cont.

Water Supply

The DEIR relies on the City’s 2010 Urban Water Management Plan to conclude that there will be sufficient water supply to meet the project’s water demands for at least 20 years. Until recently, this would have been a sound conclusion.

However it now appears that the assumptions about water supply relied upon by the 2010 Urban Water Management Plan are now obsolete. There have been several years of worsening drought conditions, with the current year being potentially more disastrous than it already is. The consensus amongst reputable climatologists is that the region may be headed into a very severe drought conditions that may endure for decades. The 2010 Urban Water Management Plan states that an extremely severe drought would be an event in excess of the Urban Water Management Plan guidance. For purposes of the UWMP, an extremely severe drought is one which would prohibit the City from diverting water from the American River. City of Sacramento 2010 Urban Water Management Plan, (2011) p.5-21. That condition is very close to occurring now, and may be realized in a few months. Says the 2010 Plan: “This type of drought would result in the City relying on the Sacramento River Water Treatment Plant and groundwater solely, and the combined production of the two would be 180 mgd. . . . the projected maximum day demand for the years 2015 and 2020 are expected to be 259 mgd and 253 mgd.”

↑
O6-84

In light of the current and foreseeable realities of water supply, the 2010 Urban Water Management Plan appears to rely on past water yields that are no longer reality, and can no longer be regarded as substantial evidence that there is sufficient water supply for this project.

Thank you for the opportunity to comment. We are looking forward to a revised and recirculated DEIR that addresses those issues mentioned in this and other comment letters, including the comment letter of Sacramento Modern. Please advise us by email (jljp@sbcglobal.net) of response to comments and future public hearings on this environmental review and the project.

↑
O6-85

Respectfully submitted,

Judith L. Lamare
On behalf of Neighbors of Capitol Tower and Villas

James P. Pacht

Attachments

- Gordon Mann Arborist Report, April, 201
- Rooftop Gardens in the Capitol Towers Neighborhood photo essay.



Mann Made Resources
Arborist Consulting and Tree Preservation Products

April 16, 2015

Neighbors of Capitol Towers and Villas
Attn: Judith Lamare
500 N. Street Apt 1403
Sacramento, CA 95814

SUBJECT: REVIEW OF DUDEK ARBORIST'S REPORT IN DRAFT EIR FOR SACRAMENTO COMMONS PROJECT

Dear Ms. Lamare,

Thank you for the opportunity to provide Arborist Consulting Services for your organization. You contacted my company on Tuesday, March 17, 2015 to discuss my ability to review and comment on the arborist report and findings in the project draft EIR, and this report provides the findings from my review and site inspection.

Summary: I visited the project site and reviewed the Arborists report (Dudek Report) and draft EIR materials in the development of this report.

The Sacramento Commons project was submitted with substantial tree removal in the proposed project. The submittal included three alternatives with lesser tree removals that accomplish many of the project goals, and reduce the ecosystem benefits and services losses to the City over the projected 25 years after development.

06-86

The project proposes the removal of 199 existing trees (shown in Table 2 page 15). The proposed project tree planting (Conceptual Landscape Plan) only provides 147 trees subtracting the proposed 100 rooftop garden trees that do not provide significant ecosystem services to the project site, or the community. This proposed planting plan is less than a 1:1 ratio of replacement trees to removed trees. The proposed number and size of tree planting proposed is insufficient mitigation for the impacts this project will have on the ecosystem services on the site.

The proposed project will remove existing healthy landscape trees and the mitigation proposes to take between 20 and 25 years for the replacement landscape trees to meet the existing site ecosystem services. If the existing trees were to continue to grow on the site, they would provide

06-87

12661 Torrey Pines Drive, Auburn, CA 95602
(650) 740-3461 ♦ FAX (530) 268-0926
www.mannandtrees.com

a significantly higher level of ecosystem services over those 20 to 25 years while waiting for the new trees to grow.

↑ 06-87
cont.

Assignment: You contacted my office to provide a review of the arborist report, conclusions, and recommendations in the DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO COMMONS PROJECT (P14-012) (SCH#: 2014042032). You provided a copy of the arborists report (Appendix M), and a copy of the project EIR, appendices, and other project documents were available online.

The agreed upon scope of the project is:

- Review arborist report submitted as part of the draft EIR, Appendix M
- Review applicable parts of the draft EIR submittal
- Site visit to look at the site and trees
- Comment on the arborists report and environmental impacts with regard to assumptions and proposed mitigation
- Provide draft report by April 23, 2015

06-88

All site information and history of the contract were provided by the online information, the subject draft EIR materials, and a site meeting with you and Jim Pachl on Thursday, April 9, 2015.

The site was visited on Thursday, April 9, 2015 from about 1:30 am to 2:30 pm. Ms. Judith Lamare and Mr. Pachl gave me a tour and orientation of the scope of the project and an overview of the site and changes to trees to be included in the proposed project from their perspective.

The purpose of the site inspection was to look at the existing trees, planting space available, and potential space for replacement trees proposed in the project, sample a few trees from the report, and gain a vision of the proposed improvements on the site.

The report will comment on assumptions in the arborist's report (The Dudek Report, December 2015) for the draft EIR and statements in the draft EIR relating to the environmental benefits and growth projections for trees in the proposed project and alternatives. My discussion and comments are based on my experiences managing urban trees and reviewing projects with long

term tree assumptions and the resulting project outcomes. (See statement of qualifications included in the appendix.

This report presents my views from the position of an independent consulting arborist with no gain in the outcome of the subject project nor bias for or against the subject project. I am a Consulting Arborist and Urban Forester (ASCA Registered Consulting Arborist #480) and have been practicing as an urban tree manager and consulting arborist for 37 years.

06-88
cont.

Discussion:

General Construction information

During the development of significant projects that combine underground infrastructure such as parking structures, utilities, and deep foundations, there may be impact to: ground water flow, direction and volume; roots of trees that grow beyond the tree canopy; and soil volume necessary for trees to thrive. Protection must be set up prior to the demolition, grading or construction activities to protect the soil from compaction and trees from physical damage. Compacted soil is one of the most difficult situations to mitigate because the roots are present in the soil that is compacted, and the permeability of air and water are impacted.

Tree preservation requires more than circles on plans, and the statement, “we will preserve, retain, or keep these trees shown on the plans.” The protection actions have to be specific, included on the construction plans so the people doing the work can see them, and the inspectors who are not arborists can make a determination if conditions, such as a fence, is in place in the correct location, or not. The tree protection has to be included for the landscape installation. Industrywide, too many construction phases were well-protected only to have roots cut without supervision to install irrigation pipes and systems. ANSI A-300 Part 5, 2012, Management of Trees and Shrubs During Site Planning, Site Development, and Construction provides the range of standards to be followed for creating clear specifications for the tree protection plan.

06-89

When considering new trees in the landscape design, the new trees require a minimum soil volume and adequate space from adjacent infrastructure for both below and above ground tree growth. The biggest fault I have observed with most new large scale development plans is that the space allotted for the new trees is inadequate and only designed for the trees for a short time after planting. Because the entire site is graded and the soil compacted before the trees are planted, the tree roots do not have the optimum soil conditions for deeper root growth. The experience has been that the planted trees cannot grow to maturity without damaging the adjacent infrastructure. The end result is the trees planted with the project landscape are removed somewhere in the range from year 8 to year 20 after planting, and prior to achieving the size and benefits stated in the

development environmental proposals, and calculated in the computer modeling. When this premature removal occurs because of adjacent infrastructure damage, the ballpark cost per tree site is typically about \$1,000 for mitigation repairs. If the tree is retained, the subsequent tree growth will likely be reduced proportionally to the amount of root pruning performed. If the tree is removed, the growth cycle has to start all over from the planting stage. In either scenario, the services and benefits the trees provide to the project do not get realized in the timeframe presented in the initial proposal. If the replacement tree is a smaller scale tree to avoid repeat infrastructure damage, the benefits that are provided by the tree in the future will be less than the benefits proposed in the environmental long term projections because smaller tree canopies provide fewer benefits than larger tree canopies.

06-89
cont.

Sacramento Commons Project Discussion

My review and assessment included a brief site review and comparison of the existing tree inventory and findings by Dudek. The inventory, health assessments, evaluations, and the risk assessments performed by Dudek are considered accurate and reliable. Dudek is a reputable firm and their methodology is typical of industry practices for inventories for projects. There are areas of the Dudek report that did not seem reasonable for the draft EIR submittal.

The ecosystem total benefits shown in Table 3 on page 16 included City Street Trees that are around the perimeter of the project and are managed by the City, and not part of the project. It is not clear why their benefits and services were included in the draft EIR ecosystem totals. The only portion of the City's Street Trees that seem reasonable to include in the draft EIR are the four Street Trees (3, 20, 26, and 48 from bullet 3 on page 17) that will be removed and detract from the existing ecosystem services. The required mitigation for four removed street trees should be projected to show the timeline for achieving equal or greater ecosystem services for the replacement Street Trees.

06-90

The four Street Trees (23, 24, 37, and 51 bullet 5 on page 17) that need to be pruned for clearance and access are routine maintenance functions performed to Street Trees, and should not require any mitigation as the majority of the tree canopy will remain intact, with no negative impact.

The reason for all but a few of the tree removals is not based on tree condition. Four trees were removed following the Dudek site evaluation due to compromised health and structure. Overall, the report shows that there were only 16 trees out of the 291 trees (5.5%) rated as fair/poor or poor in combined condition and health in Table 2 on page 15. The remaining trees proposed for removal will be removed for the construction of the proposed project.

Based on the review of the most current Sacramento Commons Conceptual Site Plan and draft EIR, the following items are proposed to occur:

- Much of the site will need to be graded to accommodate construction of buildings, parking lots, amenities, and the placement of necessary infrastructure (utilities, pathways, parking lots/garages, fire lanes, etc.).
- A maximum of 4 Heritage Trees located on site are expected to require removal for construction purposes. The Heritage Tree removal totals presented herein represent the maximum expected quantity for the project.
- Canopy pruning of 7 Heritage Trees may also be necessary to accommodate building construction on site
- Based on the total of 4 Heritage Trees which will require removal for construction purposes, this report recommends planting four 24-inch box size replacement trees on site, to be incorporated into the project landscape plan. The Sacramento City Code does not specify replacement requirements for removal of Heritage Trees; rather, replacement requirements are determined by the Director of Transportation following Tree Permit Application review. Therefore, the tree replacement recommendations contained herein are based on the City's standards for removal of City Street Trees (City Code Section 12.56.090).
- The removal of 4 City Street Trees along the project perimeter to facilitate site access or utility installation. The City of Sacramento identifies replacement requirements for impacts to City Street Trees (City Code Section 12.56.090). Based on these requirements, this report recommends planting three 24-inch box size replacement trees and one 15-gallon size replacement tree within the City's public street right-of-way adjacent to the project site. If planting within the City's right-of-way is not possible, incorporating plantings into the project landscape plan is recommended.
- Canopy pruning of 4 City Street Trees may also be necessary to facilitate fire lane access to the site.
- Construction-related removal of 191 Non-Heritage Trees on site to facilitate project development.
- Conceptual project landscape plans identify a total of 247 new trees to be planted in the post-development landscape.
- Construction-related tree protection recommendations for Heritage Trees, City Street Trees, and Non-Heritage Trees to be retained.

06-91

The tree resources were shown to be 291 existing trees associated with the proposed Sacramento Commons project site, including onsite trees and City Street Trees along the site's perimeter.

06-92

Fifty trees meet the criteria of either a City Street Tree or Heritage Tree as defined by the City of Sacramento. Thirty nine (39) trees are located along the project perimeter and meet the definition of a City Street Tree (City Code Section 12.56.020), which includes any tree growing on a public street right-of-way. Eleven (11) trees meet the criteria for classification as a Heritage Tree, as defined by the City of Sacramento (City Code Section 12.64.020).

The remaining 241 Non-Heritage Trees do not meet the criteria for classification as either a Heritage Tree or City Street Tree and are included in the analysis and impact calculations presented in the Dudek Arborists report. The non-Heritage trees provide a significantly greater level of ecosystem services than the Heritage and Street trees currently growing on the project site. The trees of Heritage size are large significant trees with a trunk circumference measuring 100 inches or more (~32 inches diameter) or any oak, sycamore, buckeye, or riparian tree of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location of its species with a trunk circumference measuring 36 inches or more.

06-92
cont.

The minor contribution and consideration of non-Heritage or non-Street trees appears to be overstated. Table 3 Tree Characteristics and Ecosystem Services for Existing Trees (page 16) shows five ecosystem services. The non-Heritage trees exceed the contributions by Heritage trees by a range of 3.3 times to 6.5 times for the total ecosystem services on the project site. The contribution by non-Heritage trees exceed the contribution by City Street Trees by a range of 3.75 to 6.3 times for the total ecosystem services on the project site. The recognition of the contribution of smaller trees to the ecosystem services in the City is demonstrated by the current draft of the City of Sacramento revised protected tree ordinance which currently proposes defining trees greater than 12 inches diameter for protection status consideration.

The five environmental services discussed in the Dudek Arborists Report summarized for the existing tree inventory and proposed planting for the project include:

1. Canopy Cover (ft²): The estimated area of the ground surface covered by tree canopy.
2. Leaf Surface Area (ft²): The estimated area of leaf surface for an entire tree. Leaf surface area has a direct relationship with shade that provided, carbon that is sequestered, and rainwater that is intercepted.
3. Carbon Storage (lb.): The estimated amount of atmospheric carbon stored in the existing tree tissue. Atmospheric carbon dioxide (CO₂) is a greenhouse gas.
4. Gross Carbon Sequestration (lb./year): The estimated rate at which a tree will sequester atmospheric carbon in new growth each year.

06-93

5. Avoided Runoff (ft³/year): The estimated amount of rainwater intercepted, stored, and evaporated by each tree, annually. In general, deciduous trees intercept less rainfall annually as they are leafless during the winter rainy season (Xiao et al. 1998).

Table 3 (page 16) shows the ecosystem services provided by the existing 291 trees on the site. Of these trees, Table 4 (page 18) shows that 198 of these trees (68%) will be removed for the proposed project, leaving 92 existing trees (one tree will be removed for health or condition needs). Of the existing 92 trees, 39 trees (42%) are Street Trees.

06-93
cont.

Table 6 (page 19) shows the projected ecosystem services delivery timeline for the proposed 147 newly planted trees over 25 years. Somewhere between year 20 and 25, the ecosystem services will equal the current tree population ecosystem service delivery.

Also shown in the Dudek report are 100 trees on rooftops that are shown contributing ecosystem benefits. The consideration of these trees to the total project ecosystem benefits is very likely overstated. The stormwater and shade benefits are minimal because they only cover the roof of the building they are growing on, and the typical construction strategies manage the roof storm water and heat island impacts of newer roofs. The entire rooftop garden contributes to stormwater mitigation and heat island reduction, and the trees are a portion of that garden contribution. The trees can only grow so large before they exceed the available soil and stability limits in a roof garden. The trees are designed and used to serve well as an amenity tree, and provide significant project amenity benefits. However, project ecosystem benefits of the rooftop trees should be considered insignificant, and included in the rooftop garden considerations.

The existing 291 trees, if left to grow, will continue to provide ecosystem services at the current level and likely increasing benefits and services as their canopies continue to grow over the next 20 to 25 years, at a greater rate than the newly planted trees. This constant level of ecosystem services growth is proposed to be replaced at today's service level within 20 to 25 years after the project is developed. The cumulative annual ecosystem services lost over those 20 to 25 years is not being recognized or calculated.

06-94

If the current trees were in poor condition, there would be some long term ecosystem gains in removing and replacing some trees now to improve the site's age diversity and provide a more stable long term canopy. The Dudek report in table 2, on page 15, shows that 16 trees out of 291 trees (5.5%) are in Fair/Poor to Poor condition. Typically in landscape situations desirable trees are growing in a health and structure condition range from fair to good. Trees in these conditions are generally able to be maintained and continue to add value and services to the property with

acceptable risk. Trees in fair to poor and poor condition are trees that are generally not able to be maintained at a reasonable return on investment, and depending on risk would be the first trees to consider removing and replacing to provide the desired benefits and services in a sustainable return on investment.

The Dudek report data shows that the 238 non-heritage trees are providing valuable ecological and environmental benefits and services. Of those 238 non-heritage trees 191 trees will be removed. The proposal offers 139 newly planted trees are proposed, and 100 rooftop garden trees for between 20 to 25 years. Over the span of those 20 to 25 years, the existing tree population would have continued to provide the existing and greater contributions to the ecosystem benefits and services as shown by the i-tree Eco and EcoSmart modeling calculations.

Past development history has shown that newly planted trees in large scale projects that do not have the adequate specifications, soil space and soil protection design, quality nursery stock, and proper planting process do not reach the size and ecosystem delivery levels shown to the decision makers during project review. It is easy to use a computer design like *Photoshop* to insert mature trees into inadequate space and “sell” the project to the decision makers. Purchasing high quality nursery stock, planting the trees correctly, and growing those same trees over 25 years in inadequate conditions in the project are very difficult to successfully perform.

Along with the functional values, trees have a structural value. The I-tree Eco application can include an assessment of the structural values of the urban forest. Trees have a structural value based on the size of the trees themselves, which is calculated as the notional cost to replace a tree with a similar in-kind size and species tree. For example, the City of Sacramento Street Tree inventory will likely be found to have a structural value for their approximately 100,000 street trees in the range of at least \$250,000,000 to \$450,000,000.

Table 10 shows 339 retained and newly planted trees. Of the 92 retained trees, 35 are City Street Trees on the periphery of the project, and not should not be included in the project ecosystem totals. The bullet points say the quantity of trees post-development exceeds those currently on site 291. The 339 total tree count includes 100 roof top trees that should not be included in the ecosystem services and site calculations. The realistic total trees on the project site are 204 trees, less than the existing number of trees.

There are some concerns identified with the City’s existing replacement requirements. The Heritage Tree and Street Tree ordinances only require the planting of 24-inch boxed and #15 sized container trees as replacement trees. There is valid debate about the value of planting and

06-94
cont.

06-95

06-96

06-97

growing smaller sized nursery stock in place compared to planting larger boxed size or large transplanted tree stock. The ability to grow the trees from a smaller size usually allows for quicker establishment and growth. After 10 to 20 years, it is difficult to see which one was the larger tree at planting time. However, the immediate impact and visibility of larger size boxed or transplanted trees, along with the inherent value of investing equitably in the tree replacements compared to the value of the trees removed has merit for the City’s mitigation requirements. This demonstrates a commitment by the jurisdiction to the value of trees in the community, and by the developer to the landscape restoration endeavors.

06-97
cont.

There are several statements in the arborist’s report that imply that if a tree isn’t a Heritage Tree, it doesn’t carry much weight or importance. These non-Heritage trees do have importance to the ecosystem services as shown in Table 5 on page 18:

“Of the City Street Trees that will require removal, none meet the size criteria for classification as Heritage Trees.” Page 16 bullet point 3

“Of the 4 City Street Trees that may require canopy pruning for fire lane access, none meet the size criteria for classification as Heritage Trees.” Page 16 bullet point 5

06-98

When private development removes City Street trees for their project, why is the City losing City assets for private gain? The street trees should be replaced with equal value to the urban forest. The removal of the four Street Trees for this project is very likely more value than three 24-inch boxed trees and one #15 container tree. There are different ways to appraise the value of the City’s street trees. The Council of Tree and Landscape Appraisers authored the 9th edition of the Guide for Plant Appraisal for the purpose of appraising trees. The structural value of the trees which may be available from the recent i-tree Eco evaluation for this project, and projected City Street tree inventory structural values show the larger trees are worth thousands, not hundreds of dollars, and should be replaced in equal value.

The Dudek report says, “Impact totals are based on an evaluation of tree locations compared with the Sacramento Commons Conceptual Site Plan. Much of the site will need to be graded to accommodate the construction of buildings, parking lots, and the placement of necessary infrastructure (utilities, access roads, fire lanes, etc.); however, the West/East Promenade and the North/South Promenade (pedestrian walkways) through the central portion of the project site will allow for retention of some trees.”

06-99

The concern from the tree preservation and new tree growing perspectives about the above statement is that the large scale construction practices that grade, compact, limit underground soil with underground parking and utilities all restricts the soil trees have available to grow in. The end result is trees grow with more conflicts to adjacent hardscape and structures, and the result in many recent developments is the loss of the planted trees starting from 8 to 20 years after planting, never reaching the 25-year old size they were intended for in the ecosystem services predicted in Table 3. When trees conflict with adjacent hardscape and infrastructure, and there is not adequate space for the trunk and root system, the trees have been removed and replaced with smaller scale trees that will not provide equivalent ecosystem services. If trees are removed and replaced during mitigation activity, it further delays the equivalent restoration of resources beyond the 25 years presented in the arborists report.

06-100

The report says the conceptual project landscape plan calls for planting of 247 trees, in addition to retaining 92 existing trees. 147 trees will be planted at the ground level. The planting of so many young trees on this site will significantly skew the site age diversity to younger trees, changing the mature tree feel experienced when walking through the site to a predominantly young landscape.

The ecosystem services data presented does not show the lost ecosystem services of the 198 trees removed for the project over the 25 years. While the numbers are assumed correct as shown, the numbers are two snapshots, one of the existing landscape in 2015, and a second snapshot of the new landscape 25 years out. A more correct comparison would be the future urban forest compared to the current urban forest at the same time point 25 years out. If the present forest continues to grow for 25 more years, the canopies and trunk diameters would most likely increase, which means the future urban forest will not be equal to what the existing urban forest would be 25 years outward. The biggest disparity is the trunk diameter and carbon storage, as the existing trees will continue to grow and store more carbon over that time of growth.

06-101

“As presented in Tables 9 and 10, different lengths of time are needed for each tree characteristic or ecosystem services value to reach the value currently calculated for the site. The following summarizes the time periods for each value, considering only newly-planted ground-level trees (Table 9):

- Quantity of Trees: Tree quantities in the post-development landscape at ground-level (239) will be less than those currently on site (291)⁸.
- Total Trunk Diameter: Total trunk diameter values will reach the existing site total in over 25 years following tree planting.
- Canopy Cover: Canopy cover values will reach the existing site total between 20 and 25 years following tree planting.

Page 10 of 21

- Leaf Surface Area: Leaf surface area values will reach the existing site total between 20 and 25 years following tree planting.
- Carbon Storage: Carbon storage values will reach the existing site total in over 25 years following tree planting.
- Gross Carbon Sequestration: Gross carbon sequestration capacity will reach the existing site total in over 25 years following tree planting.
- Avoided Runoff: Avoided runoff capacity will reach the existing site total within 25 years following tree planting.

“The results of this analysis are based on the values entered into the ecoSmart Landscapes and i-Tree Eco software packages and on the assumptions made regarding tree species to be used in the post-development landscape. While the analysis timeframe covered only 25 years, tree growth is expected to occur beyond 25 years, continuing to provide benefits for the site. “

06-101
cont.

The same tree growth logic that growth will continue beyond the 25 years of the new tree planting will also occur with the existing trees if they weren't removed over the 25 years the new trees are growing.

An important concern I heard from my discussions with the Neighbors of Capitol Towers and Villas is the limited requirements the City has for planting replacement trees. The City ordinances currently only protect Street trees and Heritage trees, which amount to 50 trees on this site. There are 198 non-protected trees with no mitigation required for the loss of these trees. The project oversight will need to demonstrate strict planting replacement requirements and enforcement to assure the level of tree planting mitigation approved as final for this project is appropriate and completed for this project before approving final occupancy.

The ecosystem services for existing trees as shown in Table 3, Tree Characteristics and Ecosystem Services for Existing Trees on page 16 show that non Heritage trees provide from 3.3 to 6.5 times the ecosystems services as Street trees, and 3.7 to 6.3 times the ecosystem services as Heritage trees. This level of loss of ecosystem and environmental services is the concern of the residents and property owners living in the buildings adjacent to the project.

The Dudek report recommends that 4 trees of 24-inch box size be planted on-site to mitigate the removal of 4 Heritage Trees. Once the final quantity of impacted Heritage Trees is determined, an equal number of 24-inch box size trees shall be planted, consistent with the City's 1:1 mitigation requirements for impacts to City Street Trees. Additionally, this report recommends that 3 trees of 24-inch box size and 1 tree of 15-gallon size be planted within the City right-of-way or on site and incorporated into the project's landscape plan to mitigate the removal of 4 City Street Trees. These mitigation recommendations are consistent with the City's standards for City Street Tree

06-102

removal; however, required mitigation is ultimately subject to tree removal permit conditions issued by the Director of Transportation. Finally, it is recommended that all replacement tree plantings be incorporated into the project landscape plan. The conceptual landscape plan currently identifies 247 proposed tree plantings, 147 in the landscape, and 100 in the roof gardens.

The mitigation proposed for the removal of the large Street Trees for private gain are not reasonable or equitable to restore the value of the City’s tree assets growing in the urban forest. The only required mitigation for the removal of the proposed 198 trees to be removed for the construction are the 4 Heritage trees and 4 Street trees as required by ordinances. The City administrators responsible for approving the project and tree removal permits should receive a greater mitigation than the small size of one #15 container trees and three 24-inch boxed containers for their street trees. Additionally, the 147 landscape trees proposed is less than a 1 for 1 replacement for each of the 198 trees proposed for removal.

It is not an equitable replacement of tree resources to delay 20 or 25 years to only meet the current mitigation of the existing trees, which will increase from their current level over the 25 years of the project. The existing trees are providing the higher level of annual benefits and will continue to provide the increased level of benefits for the 20 to 25 years until the proposed urban forest growth may meet the current day level of benefits.

Alternatives Discussion

The information available for review was not required to and did not provide specific details about the alternative plan landscapes and ecosystem comparisons. However, there were statements made about the alternatives 2, 3, and 4 in Section 5 that are worthy of comment.

Table 5.3 shows number of trees removed in each alternative. There are significantly fewer total trees removed in alternatives 2, 3, and 4, with similar removal of the Heritage and Street trees.

Table 5-3 Project and Alternatives: Tree Retention, Removal, and Planting

<u>Tree Category</u>	<u>Alternative 2</u>	<u>Alternative 3</u>	<u>Alternative 4</u>	<u>Proposed Project</u>
1. City Street Trees Retained	35	35	37	35
2. City Street Trees Removed	4	4	2	4
3. Heritage Trees Retained	6	6	7	7
4. Heritage Trees Removed	5	5	4	4
5. Non City Street Trees Retained	168	168	144	50
6. Non City Street Trees Removed	73	73	97	191

06-102
cont.

06-103

7. Estimated Replacement Trees	100	100	100	247
8. Total Trees after Proj./Alternatives	308	308	285	336 (100 roof)

Sources: data compiled by Dudek in 2014 Note: Tree estimates are approximate. As discussed in detail elsewhere in this EIR, the 247 trees planted as a part of the project includes both ground-level trees (147) and podium-level trees (100)

The comparison of tree numbers in Table 5-3 line 8 above between alternatives 2, 3, and 4 and the proposed project in the above Table 5-3 is not accurately represented. The rooftop trees are not proposed in any of the other three alternatives for building roofs, and may provide the alternatives many amenity and limited ecosystem benefits, as they will in the proposed project. The subtraction of those 100 trees from the total number of project trees brings the total number of the proposed project trees down to 236, well below the totals of the other three alternatives. Again, should the retained Street Trees be included in the project totals? They are not part of the project.

06-103
cont.

Is there a reason there are no roof trees planned in options 2, 3, and 4 on the proposed structures? If so, those trees could be included and asterisked for a quality of life improvement in the alternatives. For whatever reason, this opportunity has not been discussed in the project alternatives, yet was included and provides a skewed project comparison for total trees.

Page 5-23 of the DEIR states the following:

“Alternatives 2, 3, and 4 would have reduced biological resources impacts compared to the proposed project since these alternatives would remove a smaller number of mature trees and trees that could potentially provide nesting habitat for special-status bird species (see Table 5-3 for a comparison of tree removal under the alternatives compared to the proposed project). **However, fewer replacement trees would be planted compared to the proposed project, so the future canopy area would be less with Alternatives 1, 2, 3, and 4 compared to the proposed project** (*sentence highlighted by report author*). As with the proposed project, Mitigation Measures 4.3-1 and 4.3-2 would still be required for these alternatives to reduce impacts to a less than significant level.”

If the number of roof garden trees are subtracted from the proposed project, this **bolded** sentence above is not a true statement. It was pointed out that the roof garden trees are not contributing significant ecosystem benefits and services. If the same density of roof garden trees were added into the alternative projects, the bolded statement above would not be true.

The comparison in Section 5 of the impacts to the tree canopy between the proposed project and the three project alternatives in the short term and 20 to 25 year timespan needs to be re-considered. The future canopy of more remaining existing trees in the three alternatives would be larger initially, and with planting of new trees, remain larger over the 20 to 25 years than removing more trees during the initial construction and planting more new trees. Regardless of how many initial trees are removed, managing the existing trees over the 20 to 25 years will include pruning, and re-planting as existing larger trees die or senesce over time. The logic that removing more large trees and planting more small trees will have an immediate or cumulative increase in canopy impact over the project proposed 20 to 25 year timespan is not reasonable or supportable.

06-103
cont.

The proposed project initial removal reduces the canopy significantly, and growing trees for 20 to 25 years to match the existing current canopy will offer a reduced site canopy until the new trees reach their larger future size. The retention of more large trees, planting new trees, and planting more replacement trees over time will eventually bring about the optimum age diversity in the tree population and canopy available for this site. Significant removals and replacements all at one time is not the best urban forest management approach since it does not blend the age diversity. The age distribution is skewed between a random small population of older and larger trees adjacent to many newly planted young trees.

The act of retaining enough space to preserve existing trees creates a larger planting space for the future replacement trees. When existing trees are removed, there is no drip line. Experience has shown that designs for large scale trees generally use inadequate smaller growing space that is not sufficient for a new tree to reach maturity. Routinely, new site designs use smaller size planting spaces with limited soil volume and proximity from adjacent infrastructure for trees to grow and provide future tree canopy. The smaller space for trees allows more space for buildings and site improvements, usually providing more revenue to the project; and impacting the future site management more in maintenance costs.

06-104

When inadequate space is allowed for growing trees, conflicts with adjacent infrastructure occur. I have observed this phenomenon over the last 35 years, ranging from between 8 and 20 years after planting. When the mitigation or project trees are removed and replaced, the tree canopy will never achieve the projected 25 year canopy sizes and benefits. Another result of the substandard growing space and soil volume is that when the trees are replaced in the future 8 to 20 years after some damage has occurred, the trees are often replaced with a smaller scale tree species that are intended to not cause the replicate adjacent infrastructure damage. Unfortunately, the smaller scale trees do not provide the originally intended and project approved benefits from the tree population.

Recommendations:

The City will approve the development that the City Council believes is in the best interest of the community. This report is intended to support the decision makers' ability to make the best decisions for the approval of the best project, and mitigation of the ecosystem benefits and services provided by the project trees and landscape as required by the EIR process in the best interest of the City, not the developer.

06-105

These can be accomplished with the following steps regardless of the initial proposed project or alternative approved for the subject project:

- 1) Request an appraisal of the value of the Street Trees to be removed for the project, and require a replacement of equal value to the Street Tree population so there is no net loss experienced to the City for the construction of this development. If the trees cannot be planted on the project perimeter to invest the funds, plant the new trees elsewhere, nearby, in the City right-of-way.
- 2) Request an appraisal of the value of the project trees approved to be removed for the project, and require a replacement of equal value to the project landscape, excluding rooftop garden trees. The rooftop garden trees are amenities and will only benefit the subject project, not the site use in the general project area currently experienced by the public, commercial business workers, and customers.
- 3) Require adequate tree protection for any existing trees to protect the trees, soil and roots from the construction activities through the landscape construction phase.
- 4) Require adequate soil volume and growing space for any new trees to be planted in the approved project.
- 5) Require the developer to contract grow the proposed new trees for the project. The quantities and species are known from the landscape plan. There should be adequate time to grow the trees that will be planted from the time of plan tentative approval to when the project construction is complete. Do not accept the excuse that the contractor or developer cannot find the approved tree species and sizes when the tree planting phase is occurring. Do not approve final occupancy until all the required trees are planted and have the irrigation system operating.

06-106

06-107

06-108

06-109

From my years of experience with managing urban trees, Street trees are generally protected regardless of size, because they are owned or regulated by the City. Why is this? Because trees of all size contribute to the ecosystem services as shown in the Dudek report Table 3. These trees are typically City-owned assets and valuable components of the City's infrastructure.

There is a need to have standards and make quality decisions regarding the removal of trees on private property for development, and require commensurate mitigation for the loss of tree canopy on private properties. Why are only large Sacramento Heritage Trees considered for protection on private property? This is a political and tolerance decision by the residents in each individual community. There are many different requirements for preservation in each SACOG member jurisdiction, as well as throughout California, and the U.S.A.

Why are private trees important to a City's urban forest? My observations have shown that City trees typically only comprise 20% to 50% of a community's urban forest. At least 50% to 80% of the community's tree canopy is growing on private property. The majority of trees is growing on private property, and the community canopy is dependent on quality decisions for tree management and care of the trees growing on private property. The ecosystem benefits and services shown in Table 5 of the Dudek report on page 18 show the higher amount of benefits provided by the on-site trees compared to the City's Street Trees that surround the project.

The recent challenges and experiences in developing the updates to Sacramento's Protected Tree ordinance, echo that private property owners and developers do not want to be restricted in the use of their private property. Cities and Counties across the state and country already control much of the activity on private property through Zoning and Building Permit laws and regulations. Most of the public assets growing in the public right-of-way are controlled by the City – the street lights; traffic signals; speed limits; roadways; water, sewer, and storm pipes; sidewalks, curb and gutter, and driveway approaches; and trees. Most of the overarching elements of private property are covered by zoning and other ordinances such as size of parcels, number of units per parcel, uniform building code, safety requirements, and setbacks. Trees are not so unique that they should not be recognized for their value to the community on both public and private properties. As with other resource management circumstances, air quality, storm water runoff, water conservation, neighborhood character, and community tree canopy are not defined by individual properties or do they stop at a property line. They are defined by the benefits to the community and have a greater good factor than the individual property benefits.

06-109
cont.

06-110

Conclusion:

The Sacramento Commons project was submitted with substantial tree removal in the proposed project and lesser tree removals in 3 alternatives that accomplish many of the project goals and reduce the ecosystem benefits and services losses to the City over 25 years after development.

06-111

The arborist report (Dudek Report Appendix M) is accurate and reliable regarding inventory, health assessments, evaluations and risk assessments and overall ecosystem benefit determination. However, here are areas of the Dudek report that are did not seem reasonable for the draft EIR submittal.

06-112

1) The Dudek Report does not show the long term lost ecosystem services of the 199 trees removed for the project had they not been removed. The comparison should be made between the existing landscape benefits after growth in 25 years versus the new landscape benefits after growth in 25 years.

06-113

2) The Dudek Report includes 35 City street trees on the periphery of the project as retained trees in its Tables showing the retained ecosystem values of the project. Tables 8, 9 and 10 include retained City street trees in the calculation of the expected ecosystem services of the project at maturity. The trees belong to the City, are protected by City ordinance, and probably should not be considered part of the project's landscape plan benefits. Their values will be retained regardless of the project outcome. What should be included are the 4 City Street Trees that are proposed to be removed for the project, and the loss of those ecosystem services to the project site and the City.

06-114

3) The minor consideration of the contribution of the non-Heritage trees and non-Street trees growing on the site that are providing significant ecosystem services.

06-115

The proposed project tree planting (Conceptual Landscape Plan) to replace only 147 trees for the proposed removal of 199 mature (non-Heritage) existing trees, subtracting the proposed 100 rooftop garden trees that do not provide significant ecosystem services to the project site, or the community. This proposed planting plan is less than a 1:1 ratio of replacement trees to removed trees. The proposed number and size of tree planting proposed is insufficient mitigation for the impacts this project will have on the ecosystem services on the site.

06-116

The proposed project will remove existing trees providing ecosystem services, and the proposed landscape planting will take at least between 20 and 25 years to meet the existing site ecosystem services. Absent the project, the existing landscape would continue to provide the current or higher level of those ecosystem services over those 20 to 25 years.

06-117

The draft EIR relies on the Conceptual Landscape Plan to perform as designed on paper, but in my experience the provision of ecosystem services by that Plan will be below what is predicted

06-118

due to factors discussed in this report including soil compaction and space for the trees to grow to maturation.

↑ 06-118
cont.

Please contact me at 650-740-3461 or gordon@mannandtrees.com, if you have any questions about this report.

I certify that all the statements in this report are true, complete, and correct to the best of my knowledge, and that all statements were made in good faith.

Respectfully submitted,



Gordon Mann, Consulting Arborist
ASCA Registered Consulting Arborist #480
ISA Certified Arborist and Municipal Specialist #WE-0151AM
Certified Urban Forester #127
ISA TRAQ Qualified
Mann Made Resources
12661 Torrey Pines Drive
Auburn, CA 95602
650-740-3461
www.mannandtrees.com

06-119

Attachments: Appendix 1, Gordon Mann's Resume

Assumptions and Limitations: Assumptions and Limitations: This report provides information about the subject draft EIR at the time of the inspection. Trees and conditions may change over time. This report is only valid for the trees and site conditions present at the time of the inspection. All observations were made while standing on the ground. No further examinations were requested or performed.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that can fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatments, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

06-119
cont.

Attachment 1
Gordon Mann
Consulting Resume

Education:

B.S. Forestry, University of Illinois

Horticulture courses, College of San Mateo

Continuing Education sessions to maintain Certifications and ASCA membership

Awards, Certifications, and Professional Memberships:

Received the 2011 True Professional of Arboriculture award from ISA

Received 2102 Award of Achievement and 2011 Author's Citation from the Society of Municipal Arborists

Member American Society of Consulting Arborists (ASCA), Registered Consulting Arborist #480

Member International Society of Arboriculture (ISA), ISA Certified Arborist and Municipal Specialist #WE-0151 AM; Qualified Tree Risk Assessor (TRAQ)

Member California Urban Forest Council (CaUFC), Certified Urban Forester #127

Member Western Chapter International Society of Arboriculture (WCISA)

Member Society of Municipal Arborists (SMA)

Member California Arborist Association (CAA)

Employment:

Owner Mann Made Resources, consulting and marketing tree conservation products, since 1986

Over 37 years in municipal tree and risk management, and public administration

- Part-time and full-time consultant and product sales with Mann Made Resources
- 1 year with Fallen Leaf Tree Service as Municipal Manager/Trainer
- 1.5 years with the Sacramento Tree Foundation as Urban Forest Services Director including six months acting Deputy Director; Led regional ordinance committee
- 22.5 years with the City of Redwood City, CA as Arborist, City Arborist and Public Works Superintendent – overseeing Streets, Sidewalk, Traffic Signals and Street Lights, Parking Meters, Signs and Markings, & Trees
- 2.5 years with the City of San Mateo, CA as Tree Maintenance Supervisor
- 5 years with the Village of Brookfield, IL as Village Forester

Professional Leadership:

Current Board Member California Urban Forests Council (CaUFC)

Current WCISA member, chair Student and serve on Municipal and Certification Committees

Current chair California Urban Forest Advisory Council (CUFAC) supporting CalFire

Current Co-Chair Sacramento Tree Foundation Technical Advisory Committee

Past representative, current alternate, for SMA on American National Standards Institute (ANSI) A300 Tree Maintenance Standards Committee

2012 WCISA Annual Conference Chair, Asilomar, CA, April 29-May 2, 2012

Past President American Society of Consulting Arborists (ASCA)

Past President, Western Chapter International Society of Arboriculture (WCISA)

Past President, California Arborists Association (CAA)

Past Board Member, Society of Municipal Arborists (SMA), and MAUFS

Past chairperson (3 years) of the International Tree Climbing Competition (Jamboree)

Past chairperson (13 years) of the Northern California Tree Climbing Competition (Jamboree)

Past President, San Mateo Arboretum Society
Past President, CityTalk Toastmasters

Professional outreach:

- Developed and led training programs with the California Arborists Association
- Provided urban forestry and municipal arboriculture instruction in Sydney and Melbourne, Australia
- Presented urban forestry related sessions at regional and annual meetings with ASCA, ISA, SMA, ISA Chapters, ASCA, ANSI A300, CAA, CaUFC, PAPA, TCIA, CAPCA, Sacramento Tree Foundation, APWA, Arbor Day Foundation, Maintenance Superintendents Association, Oregon Department of Forestry, San Mateo County Stormwater Pollution Prevention Program, BC CanWest Hort Show, 2012 Colorado Pro-Green Conference; 2012 Idaho Hort Expo; 2012&2013 WCISA Annual Conference; 2012 Association of Environmental Professionals; 2012&2013 WCISA Regional Meetings; 2013 BCRPA annual conference; Folsom regional meeting 2014; WCISA annual conference 2014; SHADE Phoenix conference 2014; Maintenance Superintendents Association conference 2014, WAA/DNR 2015 annual conference (Wisconsin).
- Authored articles in newsletters and magazines including: Western Arborist, Arborist News, City Trees, and Utility Arborists Association

Other Key Associations:

Served as representative on the Bay Cities Joint Powers Insurance Authority (BCJPIA) Safety and Loss Prevention Committee for Police and Public Works representing public works 2003 – 2007

Served as the Public Works Services representative on Redwood City's Emergency Operations Center steering Committee – 1998 to 2007

Other relevant service:

Public Works representative on the Bay Cities Joint Powers Insurance Authority (BCJPIA) Safety and Loss Prevention Committee for the from 2003 to 2007

Redwood City Emergency Operations Center Steering Committee from 1996 to 2007

Current Chair of Lake of the Pines Community Firewise Committee

NEARBY ROOF GARDENS



Foreground Wells Fargo Bank completed 1992 (400 Capitol Mall)
Background West America Bank completed 1984 (closeup below) (300 Capitol Mall)



NEARBY ROOFTOP GARDENS

EDD (around 1980). Note street trees along 8th Street towering over the garden trees which are planted in limited planter box space and remain small after 35 years.



NEARBY ROOFTOP GARDENS – PERS Lincoln Plaza 1986 Building (below) is noted for vegetation and trees at each level of setback, but no rooftop garden. Note size of terrace trees relative to ground planted trees.



RESPONSE TO COMMENT O6-1

The commenter provides an introduction to the letter and background on the organization.

The City acknowledges receipt of the letter and has provided responses to each comment.

RESPONSE TO COMMENT O6-2

The commenter asserts that the DEIR does not sufficiently address impacts associated with the proposed project.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact.

RESPONSE TO COMMENT O6-3

The commenter expresses support for comments submitted by Sacramento Modern, asserts that the project conflicts with the historic eligibility of the project site, believes that the DEIR does not reflect the historic designation of the project site, and expresses support for placing the project site on the Sacramento Register of Historic Places.

Please see Master Responses 2.3.4.1, 2.3.4.2 for information about historic resources impacts under CEQA and a summary of historic resources impacts.

RESPONSE TO COMMENT O6-4

The commenter states that the EIR does not address the potential for adverse effects on property values related to a failed project.

Please see Section 2.7 of the DEIR for a discussion of the proposed demolition and construction phasing (DEIR pages 2-22 through 2-24). Master Response 2.3.12.9 for information about economic feasibility and potential abandonment of a project. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O6-5

The commenter states that the EIR does not address the potential for adverse effects on property values related to a failed project.

Please see Section 2.7 of the DEIR for a discussion of the proposed demolition and construction phasing (DEIR pages 2-22 through 2-24). Please see Master Response 2.3.12.9 for information about economic feasibility and potential abandonment of a project. See also Response to Comment O6-4.

RESPONSE TO COMMENT O6-6

The commenter states that the EIR does not address the potential for adverse effects on property values related to a failed project.

Please see Section 2.7 of the DEIR for a discussion of the proposed demolition and construction phasing (DEIR pages 2-22 through 2-24). Please see Master Response 2.3.12.9 for information about economic feasibility and potential abandonment of a project. See also Response to Comment O6-4.

RESPONSE TO COMMENT O6-7

The commenter discusses potential vibration impacts to surrounding improvements and suggests limitations on vibration-generating equipment.

Please see Master Responses 2.3.1.3 and 2.3.12.6 for information about vibration impacts and mitigation.

RESPONSE TO COMMENT O6-8

The commenter suggests that the applicant should post a bond to address damage resulting from vibration.

Please see Master Responses 2.3.1.3 and 2.3.12.6 for information about vibration impacts and mitigation.

RESPONSE TO COMMENT O6-9

The commenter discusses subsidence at the project site and impacts to adjacent improvements.

The analysis contained in the DEIR relied, in part, on a Geotechnical Feasibility Report prepared for the project by ENGEO (2014) (attached to the DEIR as Appendix E). As is common in the downtown Sacramento area, soils generally consist of artificial fill brought in the mid- to late 1800s and a high groundwater table is present. The low structural bearing capacity of the artificial fill, the high groundwater table, and the potential for liquefaction, subsidence, and settlement must be addressed for any project constructed in the downtown area (including the time when the Pioneer and Bridgeway

Towers were constructed). (Bridgeway Towers is also known as 500 N Street and the terms are used interchangeably by commenters).

Because the project may include basements with finish floors about 12 feet below existing grade, groundwater may be encountered during construction. ENGEO's May 27, 2014 Geotechnical Feasibility Report (see Appendix E of the DEIR) included groundwater data from nearby monitoring wells over the period 2002 to 2013 that showed the low groundwater level has been about 18 to 20 feet below the site grade. ENGEO expects that any dewatering required during basement construction would not likely lower the groundwater below these maximum recorded depths. Therefore, since "ground settlement" from groundwater drawdown can only be triggered by lowering the groundwater below historic "low" levels, it is ENGEO's opinion that dewatering for the proposed project is unlikely to cause off-site ground settlement and distress to adjacent properties (Mark Gilbert, GE, QSD, Principal, ENGEO).

Furthermore, for high-rise buildings, such as the proposed project, liquefaction, subsidence, and settlement issues are generally dealt with by constructing deep pier foundations that are drilled into stable rock; at the project site, stable rock is located approximately 60–80 feet below the ground surface. The Geotechnical Feasibility Report for the proposed project identifies four types of deep foundation systems for possible support of the proposed high-rise structures on the site. Two of the proposed foundation systems—driven and torque-installed steel piles—do not create soil or groundwater surplus; rather, the soil surrounding the pile is densified and the earth pressures cause the soil to adhere to the sides of the pile. This effectively seals the pile into the soil layer with no gaps created along the sides of the pile such that groundwater would not be expected to discharge from these pier types. However, the other two types of piles methods involve drilling and could potentially create soil and groundwater spoils.

As indicated in Section 4.8 "Hydrology and Water Quality", in Impact 4.8-1, if construction dewatering is required, the proposed project is required to comply with City's Engineering Services Policy No. 0001, which requires approval of a Memorandum of Understanding (MOU) for long-term (greater than one week) groundwater dewatering discharges. The MOU must cover proposed dewatering details such as flow rate and system design. In addition, Mitigation Measure 4.5-2 (DEIR pages 4.5-12 and 4.5-13) requires the project applicant to obtain the services of a licensed geotechnical engineer to prepare a site-specific design-level geotechnical report that will address and make specific recommendations on a variety of geotechnical conditions such as construction dewatering, subsidence, and settlement.

The proposed project is required by California law to be designed and constructed to meet the standards contained in the California Building Standards Code (CBC), the requirements of which have been specifically designed to reduce geotechnical hazards and address and provide for building safety and stability, including subsidence and settlement. Compliance with City building codes requires the project applicant to submit all proposed plans for building design and site construction to the City for engineering review and to determine compliance with the CBC. Thus, the proposed project would not result in adverse effects to nearby buildings related to settlement or subsidence and the impact would be less than significant and there is no need to locate the proposed buildings further away from the Pioneer and Bridgeway Towers, nor is there a requirement for the project applicant to post a bond. This conclusion is further supported by the fact that other projects in the vicinity of the project site, such as

500 Capitol Mall, which is located north of and directly across the street from the project site, have been developed in recent years without adversely effecting nearby buildings related to settlement or subsidence.

RESPONSE TO COMMENT O6-10

The commenter discusses noise-sensitive receptors near the project site.

Please see Master Response 2.3.1.1, which addresses sensitive receptors and Master Response 2.3.12.10 regarding construction noise mitigation.

RESPONSE TO COMMENT O6-11

The commenter suggests that the DEIR should be revised to address the topics mentioned in the letter.

Please see the Responses to Comments O6-1 through O6-11. Comments raised by the commenter do not require recirculation of the DEIR.

RESPONSE TO COMMENT O6-12

The commenter claims that the project is inconsistent with the General Plan regarding housing and established neighborhoods.

Chapter 3 of the EIR, however, provides an analysis of housing in the Central City area, including housing cost. See also Master Responses 2.3.4.5, 2.3.10.1, and 2.3.10.3 for a discussion of the project's consistency with the General Plan. See Master Response 2.3.7.5 for information on consideration of off-site alternatives. See also Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O6-13

The commenter claims that the project is inconsistent with a City Code statement related to historic resources.

The commenter apparently intended to refer Sacramento City Code Section 17.604.100. Neither the proposed project nor the project alternatives are inconsistent with Chapter 17.604 (Historic Preservation) of the City's Planning and Development Code. Chapter 17.604 recognizes the value of historic resources and benefits of preservation and rehabilitation of historic resources. (See, e.g. City Code, Sec. 17.604.100). However, Chapter 17.604 also addresses proposed demolition or relocation of buildings or structures that are 50 years old or older (City Code, § 17.604.600). Furthermore, the City Code expressly provides a process for the appropriate City decision-maker (here the City Council), when specified findings can be made, to approve development projects located in an historic district or involving a landmark (as defined in the City Code) that would require demolition of a landmark or contributing resource. (See City Code, Sec. 17.808.180(A)(2)). Please see also Master Responses 2.3.4.1, 2.3.4.2, 2.3.4.5, and 2.3.4.6 for information about historic resources impacts under CEQA, a

summary of historic resources impacts, and consistency of the project with the General Plan and related policy considerations.

RESPONSE TO COMMENT O6-14

The commenter states that new policy language from the 2035 General Plan was excluded.

The 2035 General Plan became effective after release of the DEIR. Please see Master Responses 2.3.2.3 and 2.3.10.5 for a discussion of the landscape plan and new General Plan Policy ER 3.1.2.

RESPONSE TO COMMENT O6-15

The commenter states the project is not consistent with the General Plan because the project's landscaping plan will take years to mature to the point where it provides the same on-site benefits as the current trees and tree canopy.

The proposed project is not inconsistent with new General Plan policy ER 3.1.2. See Response to Comment O6-14. Please see also Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-16

The commenter disagrees with the City's land use designation of the downtown area (as Central Business District) versus other neighborhoods that have a "traditional neighborhood" designation.

The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment..." The DEIR considers whether the 2030 General Plan includes any policies relating to tree canopy in the CBD. The DEIR identifies 2030 General Plan Policy LU 4.3.1, which addresses tree canopy. However, the DEIR explains that 2030 General Plan Policy LU 4.3.1 is a policy covering "traditional neighborhoods." Table LU 1 identifies all the land use and urban form designations included within the 2030 General Plan. Traditional neighborhoods and CBD are separate land use and urban form categories. Therefore, 2030 General Plan Policy LU 4.3.1 is not directly applicable to the proposed project. Nevertheless, the DEIR discloses tree canopy impacts associated with the proposed project and the DEIR concludes project-related tree impacts, including tree canopy impacts, can be reduced to

a less than significant level through implementation of Mitigation Measure 4.3-2. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. Please see generally Master Response 2.3.2 regarding tree impacts.

RESPONSE TO COMMENT O6-17

The commenter references impacts to scenic views.

Please see Master Responses 2.3.3.3 and 2.3.3.4, which provide responses related to scenic views and private views.

RESPONSE TO COMMENT O6-18

The commenter references visual changes associated with the project and disagrees with the EIR conclusions.

Please see Master Responses 2.3.3.3, 2.3.3.4, 2.3.3.5, 2.3.3.6, 2.3.3.7, which provide responses related to scenic views and private views, visual changes associated with the project, site plan and design review for the project, and project changes to reduce visual changes. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-19

The commenter discusses the project's landscape plan and disagrees that it would accomplish the intended objectives.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-20

The commenter disagrees with DEIR calculations related to tree benefits.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-21

The commenter discusses tree canopy impacts and mitigation, along with sufficient space for planting.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-22

The commenter discusses the length of time provided for tree growth and the enforceability of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other environmental benefits of trees. The proposed project includes all of the elements described in Chapter 2 of the DEIR, which includes a landscape plan. As stated on page 2-16 of the DEIR, the final landscape plan “and selection of new species of trees to be included in the plan will be made in coordination with the City arborist. Construction-related tree protection would be implemented for Heritage Trees, City Street Trees, and Non-Heritage Trees to be retained during construction activities, as identified in the Arborist Report for the Sacramento Commons Project Site. Street and Heritage trees proposed to be removed for project shall be replaced as mitigation, consistent with City Code standards for tree removal and replacement.” The City will require landscaping, including trees, be installed as part of the project, if approved. See also Master Response 4.3.12.5 regarding tree impacts and mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-23

The commenter discusses adequate soil volume for planting, the potential for root damage, size of replacement trees, and the enforceability of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, including consideration of the size of replacement trees, Master Response 2.3.2.11 for information related to rooftop trees, including soil volume for planting and the potential for root damage, and Master Response 2.3.2.12 for information

related to non-heritage trees. See also Response to Comment O6-22. See also Master Response 4.3.12.5 regarding tree impacts and mitigation.

RESPONSE TO COMMENT O6-24

The commenter discusses the enforceability of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also Master Response 4.3.12.5 regarding tree impacts and mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18. See also Response to Comment O6-22.

RESPONSE TO COMMENT O6-25

The commenter discusses landscape maintenance and rooftop plantings.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, including landscape maintenance, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees. See also Master Response 4.3.12.5 regarding tree impacts and mitigation. See also Response to Comment O6-22.

RESPONSE TO COMMENT O6-26

The commenter discusses enforceability for tree mitigation.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation. See also Response to Comment O6-22. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-27

The commenter asks what species are used for modeling and how the benefits are to be guaranteed.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.12.5 regarding tree mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-28

The commenter references past actions related to tree removal at the project site.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation. See also Response to Comment O6-22. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT O6-29

The commenter states that the landscape plan was prepared without consulting adjacent landowners, includes trees on neighboring properties, and would plant trees near property boundaries.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-30

The commenter states that the arborist report is misleading because it includes City Street Trees as "retained trees" in evaluating ecosystem services values of the project landscape plan.

Exclusion of City Street Trees from the analysis of landscape plan benefits has no effect on the time period needed for the post-development landscape to reach the existing condition. See also Master

Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-31

The commenter states that City Street Trees as well as trees on neighboring property should not be included as benefits of the landscape plan.

Exclusion of City Street Trees and any trees located on neighboring properties from the analysis of landscape plan benefits has no effect on the benefits of the landscape plan. See also Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-32

The commenter states that the arborist report is misleading because it does not address the loss of ecosystem services from on-site trees that are proposed to be removed.

The change in ecosystem services values due to tree removal is addressed in Impact 4.3-2 (DEIR p. 4.3-24), which addresses the loss of existing canopy cover. The comparison of the site's existing ecosystem services values with growth calculations was conducted to determine the temporal loss associated with project-related tree removal. Comparing the growth of the site's existing trees with the growth of the proposed landscape would not allow for an effective analysis of temporal loss based on the site's existing condition. Furthermore, as discussed in Master Response 2.3.2.9, it is reasonable to conclude that in 25 years canopy cover on the project site will be similar to existing conditions whether or not the proposed project is approved. See also Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-33

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

The DEIR incorrectly states that since fewer replacement trees would be planted for Alternatives 2, 3, and 4 that the future canopy area would be less than with the proposed project. While fewer replacement trees would be planted under these Alternatives, their projected canopy growth, combined

with retained tree canopy, would return to a canopy coverage similar to existing conditions in 20 to 25 years. (See Master Response 2.3.7.4 concerning impacts of project alternatives). However, the conclusion reached in the DEIR remains the same; Alternatives 2, 3, and 4 will result in less than significant tree related impacts after mitigation. Page 5-23 of the DEIR has been revised, as shown below:

Alternatives 2, 3, and 4 would have reduced biological resources impacts compared to the proposed project since these alternatives would remove a smaller number of mature trees and trees that could potentially provide nesting habitat for special-status bird species (see Table 5-3 for a comparison of tree removal under the alternatives compared to the proposed project). ~~However, f~~ The projected canopy growth of replacement trees, combined with retained tree canopy, Alternatives 2, 3, and 4 would return to a canopy coverage similar to existing conditions in 20 to 25 years, similar to the proposed project. ~~so the future canopy area would be less with Alternatives 1, 2, 3, and 4 compared to the proposed project.~~ As with the proposed project, Mitigation Measures 4.3-1 and 4.3-2 would still be required for these alternatives to reduce impacts to a less-than-significant level.

While fewer replacement trees would be planted under these Alternatives, their projected canopy growth, combined with retained tree canopy, would return to a canopy coverage similar to existing conditions in 20 to 25 years. As explained in the DEIR, the proposed project as well as Alternatives 2, 3, and 4 will result in less than significant tree related impacts after mitigation.

RESPONSE TO COMMENT O6-34

The commenter addresses tree-related impacts of alternatives compared to the proposed project.

See Response to Comment O6-33. See also Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-35

The comment refers to statements provided in the arborist report prepared by Gordon Mann confirming that the arborist report referenced in the DEIR provides an accurate and reliable inventory, health assessments, evaluations, and risk assessment, but that retained trees benefits are not accurately calculated.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree

removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-36

The comment refers to the mitigation ratio provided on-site.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, Master Response 2.3.2.13 regarding other environmental benefits of trees, and Master Response 2.3.12.5 regarding tree mitigation.

RESPONSE TO COMMENT O6-37

The commenter refers to rooftop trees.

Proposed rooftop trees are not included in the calculation of ecosystem services values presented in the project's Arborist Report. See also Master Response 2.3.2.3 for information related to the landscape plan, GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-38

The commenter refers to non-Heritage and non-City Street Trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-39

The commenter refers to the landscape plan and calculations of benefits of trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-40

The commenter refers to the success of the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-41

The commenter discusses appraised value of trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-42

The commenter states that the EIR do not have individual landscape plans and suggests that removing larger trees and planting new trees is not a better alternative for canopy.

Please see Master Response 2.3.7.4 regarding tree impacts caused by project alternatives.

RESPONSE TO COMMENT O6-43

The commenter discusses appraised value of trees, tree protection during construction, adequate space for trees, mitigation for tree impacts, and a recommendation for the City to acknowledge the arborist report submitted by the commenter.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation.

RESPONSE TO COMMENT O6-44

The commenter requests that a tree mitigation planting plan be included as a condition of approval and include specific provisions.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also Master Response 2.3.12.2 regarding the Mitigation Monitoring and Reporting Program and Master Response 2.3.12.5 regarding tree mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. Mitigation Measure 4.3-2 has been revised to list recommendations set forth in Appendix E to the Arborist Report rather than to incorporate the recommendations by reference.

RESPONSE TO COMMENT O6-45

The commenter discusses the location of trees near the Bridgeway Towers building.

Please see Master Response 2.3.2.10 regarding trees on adjacent properties, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, and Master Response 2.3.2.8 for information related to mitigation of tree-related impacts. See also the Response to Comment O1-2.

RESPONSE TO COMMENT O6-46

The commenter claims that the DEIR does not disclose GHG emissions impacts.

As explained in Section 4.7 of the DEIR, GHG emissions have the potential to adversely affect the environment because they can contribute, on a cumulative basis, to global climate change. GHG emissions are recognized by the DEIR as a potential cumulative impact because although the emissions of one single project would not cause global climate change, GHG emissions from multiple

projects could result in a cumulative impact to noticeably change the global average temperature (DEIR page 4.6-1). Section 4.6-1 of the DEIR details global climate change as a cumulative impact and Section 4.6-3 evaluates the project's contribution to this cumulatively significant impact in detail. As noted in the DEIR (pages 4.6-11 and 4.6-12), the City developed a climate action plan (CAP) to reduce GHG emissions. The project complies with the City's CAP, as shown in the CAP Checklist included in Appendix F of the DEIR.

RESPONSE TO COMMENT O6-47

The commenter references the tree canopy in relation to urban heat islands.

As detailed in the Initial Study for the proposed project (see Appendix B of the DEIR), urban heat islands are large areas of substantially higher air temperature in developed areas as compared to surrounding natural or agricultural landscapes, which often result from the lack of significant plant and/or tree canopy cover and the use of dark-colored pavement and building surfaces. Whereas light-colored surfaces reflect solar radiation and trees cool air temperatures, dark-colored surfaces absorb solar radiation and release heat energy that increases air temperatures. Large urban expanses with dark-colored pavement and lack of significant vegetated ground or tree canopy cover can lead to, or increase, the formation of smog and heat-related illnesses. However, at a micro level, individual building or small paved areas, by themselves, would not contribute these areawide heat island effects (see Appendix B of the DEIR).

The California Attorney General, in its guidance on how to address heat island effects through general plan and other policies (The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level), recommends the adoption of a heat island mitigation plan, which could include requirements for cool roofs, cool pavements, and strategically placed shade trees. According 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. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-48

The commenter references increased air conditioner use related to the urban heat island effect.

Please see Response to Comment O6-47, above. In addition, current building code requirements require higher energy efficiency, which would reduce the need for use of air conditioning. Please see also Master Response 2.3.2.1, which discusses the existing setting relative to trees and the tree canopy, Master Response 2.3.2.2, which provides information related to tree removal impacts of the project, Master Response 2.3.2.3, which discusses the project's landscaping plan, and Master Response 2.3.12.5, which discusses mitigation for tree impacts.

RESPONSE TO COMMENT O6-49

The commenter references compliance with AB 32 and carbon sequestration.

Please see Response to Comment O6-46, above.

RESPONSE TO COMMENT O6-50

The commenter is questioning the calculation of the carbon storage and carbon sequestration for trees not located on the project site and what the actual net loss of carbon storage and sequestration would be if these trees are not included. The comment also states that the impacts to sequestered carbon are not analyzed in the project's analysis of greenhouse gas impacts.

Please see Response to Comment O6-46, above. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See page 4.6-17 of the DEIR, the section addressing GHG emissions and energy, which also addresses GHG sequestration associated with trees.

RESPONSE TO COMMENT O6-51

The commenter is requesting that the carbon storage and sequestration of the project's tree plan be explained and quantified.

Please see Response to Comment O6-46, above. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-52

The commenter references GHG emissions from demolition.

Please see Response to Comment O6-46, above. The DEIR quantifies both construction/demolition and operational emissions. See Table 4.6-1 on page 4.6-16. For a discussion of energy use and GHG emissions associated with demolition and construction compared to the energy and GHG efficiency of the proposed project, please see the Response to Comment A6-12.

RESPONSE TO COMMENT O6-53

The commenter references GHG emissions from demolition and new construction.

Please see Responses to Comment O6-46 and O6-52.

RESPONSE TO COMMENT O6-54

The commenter references incompatibility of the proposed project with existing nearby residential development.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-55

The commenter references distances between proposed and existing buildings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-56

The commenter references distances between proposed and existing buildings.

Setbacks included in the proposed project are sufficient to provide individual tower units, ground level units, and rooftop terraces access to sunlight and natural ventilation. Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master

Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-57

The commenter references distances between proposed and existing buildings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-58

The commenter references distances between proposed and existing buildings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-59

The commenter references distances between proposed and existing buildings and the orientation of windows.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-60

The commenter references distances between proposed and existing buildings and a request for additional drawings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes. In order to provide information for the public, the DEIR includes three dimensional conceptual illustrations providing a depiction of what the proposed project may look like at full build-out. The illustrations include some of the as existing development on the project site and portions of the adjacent project site's four-block area from specific vantage points (see DEIR pages 4.1-18 and 4.1-19). Additional drawings are not needed in order to assess visual changes attributable to the project.

RESPONSE TO COMMENT O6-61

The commenter references distances between proposed and existing buildings and a request for additional drawings.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes. In order to provide information for the public, the DEIR includes three dimensional conceptual illustrations providing a depiction of what the proposed project may look like at full build-out. The illustrations include some of the as existing development on the project site and portions of the adjacent project site's four-block area from specific vantage points (see DEIR pages 4.1-18 and 4.1-19). Additional drawings are not needed in order to assess visual changes attributable to the project.

RESPONSE TO COMMENT O6-62

The commenter requests a revised EIR to address visual changes and compatibility.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

RESPONSE TO COMMENT O6-63

The commenter references demolition and project abandonment.

Please see Section 2.7 of the DEIR for a discussion of the proposed phasing for demolition and construction of the project (see DEIR pages 2-22 through 2.24). Please see Master Responses 2.3.6.1 and 2.3.12.9 for information related to project abandonment concerns. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O6-64

The commenter suggests use of mitigation measures relative to project abandonment after demolition.

Please see Section 2.7 of the DEIR for a discussion of the proposed phasing for demolition and construction of the project (see DEIR pages 2-22 through 2.24). Please see Master Responses 2.3.6.1 and 2.3.12.9 for information related to project abandonment concerns. Please see also the Response to Comment O6-63.

RESPONSE TO COMMENT O6-65

The commenter references construction noise and vibration impacts.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Response 2.3.12.10 regarding noise mitigation.

RESPONSE TO COMMENT O6-66

The commenter references construction noise and vibration impacts and building materials.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

RESPONSE TO COMMENT O6-67

The commenter references building reflections and suggests that trees buffer noise.

The DEIR documents 24-hour noise level measurements that were taken to document existing conditions, including any building reflections that may alter noise levels. Trees and other vegetation are

often considered by the public to provide noise attenuation. However, approximately 100 feet of dense foliage (so that no visual path extends through the foliage) is required to achieve 5 dB attenuation of traffic noise. Vegetation can be used to acoustically “soften” intervening ground between a noise source and a receiver, by increasing ground absorption of sound and thus increasing the attenuation of sound with distance. Planting trees and shrubs offers aesthetic and psychological value that could reduce adverse public reaction to a noise source by removing the source from view. As explained on page 4.9-9 of the DEIR, a +3 dB offset is applied to account for building reflections.

RESPONSE TO COMMENT O6-68

The commenter observes that residents in the vicinity leave their windows open during some times of the year.

See Master Response 2.3.1.4 for a detailed response related to construction noise, including information related to windows. The DEIR provides analysis of noise both with windows closed and windows open, but the City’s findings are based on windows being closed (see page 4.9-18 of the DEIR).

RESPONSE TO COMMENT O6-69

The commenter asks about the basis of the City’s construction noise conclusions.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

RESPONSE TO COMMENT O6-70

The commenter references the presence of noise-sensitive populations.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

RESPONSE TO COMMENT O6-71

The commenter asks for additional information related to construction noise for Alternatives 2, 3, and 4.

Quantification of differential impacts of project alternatives is not a requirement of CEQA. Chapter 5 of the DEIR describes and compares construction impacts of the alternatives to the proposed project. As described in the DEIR, Alternatives 2, 3, and 4 would include a reduced amount of development compared to the proposed project and therefore may reduce the length of time when construction noise

and vibration would be generated. However, the construction activity would occur in the same location and there would be noise- and vibration-sensitive uses in the vicinity of the alternative construction sites, just as with the proposed project. Overall, during construction, construction noise and vibration effects would be similar to those of the proposed project. The level of impact is expected to be quantitatively similar, as well because the EIR analysis is intentionally conservative representing a worst-case scenario (meaning that the analysis could somewhat overestimate actual impacts).

The analysis focuses on noise levels anticipated from construction activities during the worst-case site preparation stage and for the closest noise-sensitive receptors (see DEIR pages 4.9-26 and 4.9-27, for example). However, most of the sensitive receptors in the vicinity of the project site are at a greater distance from proposed construction activities compared to the closest sensitive receptor. Also, most of the overall construction period would not involve the noisiest construction equipment. In order to provide a consistent comparison, the alternatives analysis used the same worst-case, conservative approach to analysis. Alternatives 2, 3, and 4 would involve noisy construction equipment operated at a similar distance to nearby sensitive receptors as under the proposed project. The DEIR analyzed Alternatives 2, 3, and 4 assuming the conservative worst-case sub-phases of construction and considering noisy equipment within a similar distance of the closest sensitive receptor.

As with the proposed project, construction of Alternatives 2, 3, and 4 would involve additional vehicle trips on the local roadway network as workers commute and equipment and materials are transported. As with the proposed project, for Alternatives 2, 3, and 4, construction-related increases in traffic noise levels along 33 of the 39 roadway segments would not exceed 2 dB and the maximum noise level from construction traffic would be 63.4 or less (see DEIR Table 4.9-11, page 4.9-19). As with the proposed project, construction of Alternatives 2, 3, and 4 would involve construction noise from building demolition, site clearing and excavation and site preparation, and building construction. Noise would be generated by equipment such as graders, backhoes, skip loaders, water trucks, pile drilling, and other miscellaneous equipment. As with the proposed project, construction of Alternatives 2, 3, noise levels generated by various construction activities during the worst-case site preparation stage would be 89 dB L_{eq} , at the closest noise-sensitive receptors.

Assuming an exterior-to-interior noise level reduction of at least 20 dB for wooden structures (doors and windows closed) (FHWA 2011), construction equipment noise could result in a maximum temporary interior noise level of approximately 69 dBA L_{eq} at the noise-sensitive receptors located closest to construction areas. As with the proposed project, Alternatives 2, 3, and 4, depending on the technique selected for installation of building piles, could involve maximum noise levels for the closest sensitive receptors ranging from 86.3 dBA for the closest sensitive receptors within 40 feet of proposed construction sites, if auger drilling pile installation is used, to 103.2 dBA for the closest sensitive receptors within 40 feet of proposed construction sites for the upper range, if impact pile driving is selected (see DEIR Table 4.9-13, page 4.9-21). Assuming an exterior-to-interior noise level reduction of at least 20 dB (doors and windows closed), installation of piles required for Alternatives 2, 3, and 4 could result in peak noise levels of between 66.3 dBA for the closest sensitive receptors. The same mitigation measures (Mitigation Measure 4.9-3a and 4.9-3b) could be applied to Alternatives 2, 3, and 4 to ensure a less than significant impact with mitigation.

RESPONSE TO COMMENT O6-72

The commenter references noise mitigation included in the DEIR and questions the requirement to place noisy equipment at a distance from sensitive receptors.

See Response to Comment O6-70, above. See also Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Response 2.3.12.10 regarding noise mitigation. While some commenters proposed additional limitation on construction hours, the City has evaluated construction related noise impacts caused by construction activities that are in compliance with the City's Noise Ordinance in the Master EIRs prepared for the 2030 General Plan and 2035 General Plan. The City concludes noise sources, including construction noise, operating within the City Noise Ordinance parameters are acceptable within the City and will result in a less-than-significant impact.

Furthermore, as revised, the proposed project provides construction noise reduction strategies in excess of the City Code requirements (since construction noise meeting certain qualifications is exempt from the Noise Ordinance). The City, particularly its downtown core (i.e. the CBD), is highly urbanized and subject to typical urban noise sources including surrounding construction noise. Both short-term and long-term measurements were taken so that a comprehensive description of existing conditions could be presented in the Draft EIR. As illustrated on pages 4.9-6 and 4.9-7 of the Draft EIR, daytime existing averaged noise levels on, and in the vicinity of the project site range from approximately 54 to 65 dB L_{eq} . Maximum (L_{max}) daytime noise levels range from approximately 67 to 81 dB. Construction noise levels for the project were estimated using the Federal Highway Association (FHWA) Roadway Construction Noise Model (FHWA 2006) at nearby off-site sensitive receptors, as shown in DEIR Table 4.9-10 (DEIR page 4.9-18). As shown in Table 4.9-10, modeled noise levels generated by various construction activities during the site grading and excavation stage would range from 67–89 dBA L_{eq} at the nearest sensitive receptors (i.e., the condominium tower at 500 N Street), which are 40 feet from the nearest proposed construction activities. Therefore, construction activities would be anticipated to increase ambient noise levels approximately compared to existing average and maximum noise levels by approximately 2 to 35 decibels, depending on the location of construction and the receptor, the phase of construction, and the time of day.

In consideration of the project site's urban setting, the maximum potential level of increase, the intermittent and temporary nature of construction noise, and the prohibition on noise levels exceedance of 75 L_{eq} as set forth in Mitigation Measure 4.9-3b, and the time limitations set forth in Mitigation Measure 4.9-3a, the City finds potential noise impacts of the proposed project to be less than significant. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and will be presented to the City Council as part of the environmental document approval resolution. The City will use the MMRP to track compliance with mitigation measures. Mitigation Measure 4.9-3a requires the contact information for a disturbance coordinator to be included in all construction notifications and to be posted around the project site. Mitigation Measure 4.9-3a requires the disturbance coordinator to

coordinate with the City in the event that any complaints are received regarding noise levels and requires the disturbance coordinator in coordination with the City to take actions to alleviate the problem. Any construction activities occurring outside the hours set forth in Mitigation Measure 4.9-3a would be in violation of both the mitigation measure and Section 8.68.080 of the City's Noise Ordinance. Therefore, City Code Enforcement would require any noise generating construction activities occurring outside of permitted hours to cease. Similarly, construction activities generating noise in excess of 75 dB L_{eq} would be in violation of Mitigation Measure 4.9-3b and would also be required to cease until alternative equipment, greater distances from noise-sensitive receptors, or attenuation devices are implemented in order to comply with Mitigation Measure 4.9-3b.

RESPONSE TO COMMENT O6-73

The commenter references the mitigation requirement to employ a noise coordinator and suggests additional ideas for mitigation of construction noise effects.

The City's mitigation monitoring and reporting program will monitor and enforce Mitigation Measures 4.9-3a and 3b and the measures will be conditions required for construction contractors. With implementation of the identified mitigation, impacts are considered less than significant. The mitigation measure obligates the general contractor to have a disturbance coordinator to address complaints received during construction and the disturbance coordinator must coordinate with the City if any noise complaints are received. Please see also Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Response 2.3.12.10 regarding noise mitigation.

RESPONSE TO COMMENT O6-74

The commenter questions the City's conclusion related to construction noise and vibration.

Please see Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Responses 2.3.12.6 and 2.3.12.10 regarding noise and vibration mitigation.

RESPONSE TO COMMENT O6-75

The commenter asks about details regarding the proposed buildings and suggests the DEIR has deferred mitigation.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, Master Response 2.3.1.6 for information related to the duration of construction, and Master Responses 2.3.12.6 and 2.3.12.10 regarding noise and vibration mitigation.

RESPONSE TO COMMENT O6-76

The commenter discusses challenges in renting or buying residential properties near construction sites.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction. Please see also Master Response 2.3.6.1 regarding economic effects.

RESPONSE TO COMMENT O6-77

The commenter discusses public transit access.

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

RESPONSE TO COMMENT O6-78

The commenter discusses emergency access to the Bridgeway Tower and proposed project site.

As discussed in the DEIR (pages 4.11-60 and 4.11-61, for example), emergency vehicles would be able to access the project site from all perimeter roads (5th, N, 7th, and P Streets). The project proposes to retain existing access points at the extension of O Street and 6th Street and add new access points to the site from N Street between 6th and 7th, from 7th Street between N Street and O Street. The project includes a minimum 20-foot wide fire lane along the extension of 6th Street and a

minimum 15 to 20-foot wide fire lane, allowing access from the west and from the east along the extension of O Street through the project site. The Sacramento Fire Department has reviewed the proposed project and has identified conditions, to be incorporated into the project, related to adequate turning radii, fire access, signage for emergency access, road design to support fire apparatus loads, and the provision of fire hydrants (Tunson 2014).

The project applicant would be required to incorporate California Fire Code requirements into the design of the proposed project to address access-road length, road dimensions, and finished surfaces for firefighting equipment; fire hydrant placement; and fire flow availability. These requirements are designed to improve fire safety and ensure emergency access is available throughout the project site in the event of an emergency. The City's existing regulations and review process require the project to demonstrate adequate emergency access, including the width of proposed accessways, as well as the design of accessways to support the loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Based on the City's existing regulations, during review and approval of the final maps, the City will verify that applicable requirements of the California Fire Code and Sacramento City Code are incorporated into project designs. The City has required Mitigation Measure 4.10-1 to document consistency of the project with Sacramento Fire Department recommendations. This mitigation measure will ensure the project provides adequate vehicle access, road width and turning radii for large fire trucks and other fire equipment and would therefore not block or hinder access to any adjacent buildings, per code requirements.

RESPONSE TO COMMENT O6-79

The commenter discusses emergency access to the Pioneer Tower and proposed project site.

See Response to Comment O6-78, above.

RESPONSE TO COMMENT O6-80

The commenter asks whether the landscape plan conflicts with emergency access.

See Response to Comment O6-78, above. See also Master Response 2.3.2.3 regarding tree planting and emergency access.

RESPONSE TO COMMENT O6-81

The commenter suggests that emergency access should be reviewed relative to the landscape plan.

See Response to Comment O6-78, above.

RESPONSE TO COMMENT O6-82

The commenter references concerns about fire safety and access.

See Response to Comment O6-78, above.

RESPONSE TO COMMENT O6-83

The commenter references vehicular access relative to the proposed hotel that is included in one of the project scenarios.

This comment suggests that the impact of construction and of operation of a hotel at 7th Street and N Street on access and egress from the existing residences located on 500 N Street and 515 P Street has not been sufficiently addressed in the Draft EIR. It further states that Mitigation Measure 4.11-5 should include a criterion to ensure safe and reasonable access to residences adjacent to the project site. In the DEIR, impacts of construction were defined and Mitigation Measure 4.11-5 requires the applicant to prepare and implement Construction Traffic Management Plan before commencement of demolition and beginning of construction for the project site. The Plan shall meet the requirements of sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code and subject to review and approval by the City Department of Public Works. The Plan shall ensure maintenance and acceptable operating conditions on local roadways and transit routes. The Mitigation Measure 4.11-5 sets also a list of minimum requirements the Plan should include, such as, temporary traffic control, detour routes, driveway access etc. The Construction Traffic Management Plan will include provisions to ensure safe and reasonable access to residences adjacent to the project site. The operation of the hotel at 7th Street and N Street was included in the DEIR Chapter 4.11.7 (Other Considerations) which provides a full evaluation about project access points and on-site circulation. Additionally, the DEIR shows that inbound queuing for the hotel drop off/pick up area can accommodate up to nine vehicles without spillback onto N Street causing any impact to the roadways or adjacent properties.

RESPONSE TO COMMENT O6-84

The commenter references the City's water supply and the ongoing drought.

The City along with much of the State of California is in a state of declared drought. The City has implemented water conservation measures consistent with the Stage 2 Drought described in the City's 2010 Urban Water Management Plan (Section 5.2.3.1 "Stages of Action"). This stage of drought is sufficient for conservation of water up to 30%. The City's conservation goal is 25%, consistent with the Governor's Executive Order B-29-15. The City will continue to enforce Stage 2 drought measures and will implement new measures that will be applicable to new development (also consistent with Executive Order B-29-15). The City Stage 2 drought response does not include suspending the issuances of new connections to the water system. The City anticipates that its water conservation measures will protect its water supply and does not foresee the need to suspend new water connections (Armijo, pers. comm., 2015). Moreover, increasing the percentage of City residents that live in high density residential infill units is one tool that can be used to reduce average household water use within the City. Multi-family homes use approximately half the amount of water for outdoor use compared to single-family homes and approximately 42 of total residential water use is for outdoor landscape irrigation (Public Policy Institute 2006). Therefore, the City views higher-density infill development as part of the solution to address the current and future drought situations.

RESPONSE TO COMMENT O6-85

The commenter mentions a revised DEIR, responses to other comment letters, including the letter from Sacramento Modern, and a request to be advised by email of response to comments and future public hearings.

The City has prepared a Final EIR with responses to comments submitted on the DEIR, including the letter from Sacramento Modern. Chapter 3 of the Final EIR identifies all revisions to the DEIR. Comments raised by the commenter do not require recirculation of the DEIR. The City will ensure that the commenter's email address is used for future notifications.

RESPONSE TO COMMENT O6-86

The commenter has attached an arborist report, which identifies the same topics as were also summarized in the rest of Comment O6. The commenter mentions background about the arborist study, tree removal as a part of the proposed project, rooftop trees, and mitigation for tree impacts.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-87

The commenter mentions removal of trees, mitigation, ecosystem services, and the length of time in calculating ecosystem services.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-88

The commenter summarizes the arborist study submitted as a part of Comment O6 and attached to Comment O6.

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

RESPONSE TO COMMENT O6-89

The commenter mentions construction-related impacts to trees in general, the landscape plan and mitigation, and soil volume and growing space.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-90

The commenter indicates that the inventory, health assessments, evaluations, and risk assessments performed by Dudek in support of the DEIR are accurate and reliable. The commenter mentions ecosystem benefits, mitigation, and health assessments of trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-91

The commenter mentions grading impacts, tree loss, mitigation, the landscape plan, and construction-related tree protections.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-92

The commenter mentions existing on-site trees and non-City Street Trees and non-Heritage Trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-93

The commenter mentions ecosystem services, the existing tree inventory, and the landscape plan.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.3 for information related to the landscape plan, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-94

The commenter mentions ecosystem benefits, non-City Street Trees and non-Heritage Trees, soil space, the landscape plan, and mitigation.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, and Master Response 2.3.2.12 for information related to non-heritage trees.

RESPONSE TO COMMENT O6-95

The commenter mentions structural value and appraised value of trees.

Please see Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-96

The commenter mentions ecosystem benefits, tree impacts, the landscape plan, rooftop trees, and mitigation.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-97

The commenter mentions mitigation and the landscape plan.

Please see Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-98

The commenter mentions the existing inventory and the appraised value of trees.

Please see Master Response 2.3.2.1 for information related to the existing setting and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-99

The commenter mentions grading impacts.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-100

The commenter mentions grading impacts, space for growing, ecosystem benefits, the landscape plan, and mitigation.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-101

The commenter mentions ecosystem benefits, the landscape plan, and mitigation.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-102

The commenter mentions mitigation and ecosystem benefits.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-103

The commenter mentions the alternatives analysis, rooftop trees, and ecosystem benefits.

Please see Master Response 2.3.7.1 for a discussion of the purpose of alternatives analysis, Master Response 2.3.7.2 for the process used by the City to develop alternatives, and Master Response

2.3.7.4 for a discussion of alternatives analysis, including tree impacts under the alternatives. Please see also Master Response 2.3.2.9 for information related to ecosystem services (benefits) and tree growth calculations and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-104

The commenter mentions tree canopy impacts, ecosystem benefits, mitigation, the landscape plan, and planting space.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services (benefits) and tree growth calculations, and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-105

The commenter mentions introduces recommendations, including those related to mitigation and ecosystem benefits.

Please see Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-106

The commenter mentions the appraised value of trees.

Please see Master Response 2.3.12.5 for information related to mitigation of tree-related impacts.

RESPONSE TO COMMENT O6-107

The commenter mentions the appraised value of trees and rooftop trees.

Please see Master Response 2.3.12.5 for information related to mitigation of tree-related impacts and Master Response 2.3.2.11 for information related to rooftop trees.

RESPONSE TO COMMENT O6-108

The commenter mentions protection during construction.

Please see Master Response 2.3.2.2 for information related to tree removal, and Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts. Mitigation Measure 4.3-2 has been revised to list recommendations set forth in Appendix E to the

Arborist Report rather than to incorporate the recommendations by reference. See also Response to Comment O2-18.

RESPONSE TO COMMENT O6-109

The commenter mentions mitigation, the landscape plan, and non-City Street Trees.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.12 for information related to non-City Street Trees and non-Heritage trees.

RESPONSE TO COMMENT O6-110

The commenter mentions the City's update to its Tree Preservation Ordinance and tree benefits.

The City's update to the Tree Preservation Ordinance was ongoing during preparation of the DEIR (as noted on page 4.3-17 of the DEIR) and is still ongoing, and therefore the existing tree preservation policies and Code requirements were used to assess impacts and development mitigation for the proposed project.

RESPONSE TO COMMENT O6-111

The commenter mentions tree impacts, alternatives analysis, and ecosystem benefits.

Please see Master Response 2.3.7.1 for a discussion of the purpose of alternatives analysis, Master Response 2.3.7.2 for the process used by the City to develop alternatives, and Master Response 2.3.7.4 for a discussion of alternatives analysis, including tree impacts under the alternatives. Please see also Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-112

The commenter mentions the reliability of the arborist report that supports the DEIR and that there are unspecified areas of the arborist report that did not seem reasonable.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided. This comment is noted and will be provided to the City Council as part of this FEIR for consideration. Each specific comment in this arborist report, which was attached to Comment O6, has a response in this Final EIR.

RESPONSE TO COMMENT O6-113

The commenter mentions ecosystem benefits.

Please see Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-114

The commenter mentions ecosystem benefits and tree impacts.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

RESPONSE TO COMMENT O6-115

The commenter mentions non-City Street Trees and non-Heritage Trees.

Please see Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, and Master Response 2.3.2.12 for information related to non-City Street Trees and non-Heritage trees.

RESPONSE TO COMMENT O6-116

The commenter mentions the landscape plan, mitigation, and ecosystem services.

Please see Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-117

The commenter mentions tree impacts, the landscape plan, mitigation, and ecosystem services.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5 for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-118

The commenter mentions tree impacts, the landscape plan, mitigation, and ecosystem services.

Please see Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.8 and Master Response 2.3.12.5

for information related to mitigation of tree-related impacts, and Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations.

RESPONSE TO COMMENT O6-119

The commenter provides contact information, assumptions, and limitations used in development of the arborist report that was attached to Comment O6.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided. This comment is noted and will be provided to the City Council as part of this FEIR for consideration. Each specific comment in this arborist report, which was attached to Comment O6, has a response in this Final EIR.

COMMENT LETTER O7 – PRESERVATION SACRAMENTO



April 24, 2015

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

RE: Draft EIR Comments for Sacramento Commons, P14-012

The Board of Directors of Preservation Sacramento urges the City of Sacramento to follow the recommendations of the Preservation Commission and reject the current Sacramento Commons Draft EIR, due to the technical inconsistencies and inadequacy of the EIR, land use issues and inconsistency with the City of Sacramento General Plan, and potential legal liability due to documented inadequacies.

O7-1

- The EIR claims in several places that there is somehow debate over the eligibility of the property as a historic resource. There is no real controversy over the eligibility of the property. Only the consultant paid by the applicant questions the eligibility of the property, and that consultant's report was found inadequate when reviewed by local, state and national authorities and boards. This places the idea of controversy over its eligibility in the realm of climate change denial, or doctors who claim smoking does not cause cancer; the only ones holding that opinion are those paid to promote that opinion.
The property was formally determined eligible for listing in the National Register of Historic Places, and only prevented from listing because of the owner's notarized objection, which prevents listing in the National Register but not a determination of eligibility. It was subsequently listed in the California Register as the result of this determination. It is clearly eligible for the Sacramento Register due to its verified eligibility and the strength of the nominating documents.
The Draft Environmental Impact Report (DEIR) explores four project alternatives. Only the "no project" alternative meets the requirements of the City of Sacramento's General Plan, as the rest violate the city's municipal code, Section 17.64.100, prioritizing preservation of historic resources as a method to sustain and revitalize neighborhoods, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability and urban character.
Because the three project alternatives presented assume any alteration of the property is a negative impact equal to 100% demolition, all three alternatives are technically inadequate as they are all set up to fail. The EIR's conclusion that any new development on the site represents an unavoidable negative impact equal to complete site demolition is clearly false, as many

O7-2

O7-3

O7-4

O7-5



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

nearby examples of new infill construction alongside historic districts or adjacent to historic buildings (including 700 K Street, R Street WAL, Tapestri Square etc.) demonstrate. As presented, the project alternatives represent *the most perverse possible* interpretation of provision of project alternatives; a deliberate avoidance of alternatives that simultaneously achieve city goals regarding infill housing, historic preservation and retention of existing affordable housing stock.

- There are clearly ways to create new housing and infill development within a historic district in ways that meet the Secretary of the Interior’s Standards and City of Sacramento guidelines regarding infill in historic neighborhoods, including building on parking lots or the existing parking structure footprint. The developer has not explored any alternatives with this approach.
- The Preservation Commission’s comments on the EIR reflect the failure of the project to follow the city’s General Plan regarding historic resources. The city is obligated to consider the effects of proposed projects on historic resources, and Capitol Towers clearly qualifies. This project claims to support one part of the General Plan and city code while clearly violating another.
- Construction and piledriving activity is a potential negative impact on a nearby historic resource, the Heilbron House. The EIR minimizes the potential effects of piledriving on the historic building but other examples of piledriving near similar historic resources have resulted in negative impacts due to vibration and construction activity. There is no provision for mitigation of potential damage to the Heilbron House as a result of project activity.
- Completion of the project as proposed violates another element of the city’s General Plan, specifically the Housing Element’s instructions regarding affordable housing. Demolition of the garden apartments means the loss of 220 reasonably priced apartments that are affordable to working people at market rate, recently restored, currently inhabited and economically viable as they are currently built. The proposed replacement housing is far more expensive, meaning that those displaced by demolition would not be able to afford the new project’s rents. Thus approval of this project means a loss of affordable housing in the central city that can only be replaced by later public subsidy in another project.
- The City of Sacramento’s General Plan land use element prioritizes retention of existing affordable housing: see page H ES -3 of the Sacramento 2030 General Plan Housing Element, adopted December 17, 2013: “Recognizing the importance of preserving and maintaining existing housing resources, the City will pursue opportunities for targeted rehabilitation investment. Targets for rehabilitation funding will include properties in distressed neighborhoods with substantial blight; properties in areas with limited new growth potential, but where economic diversity is low; and properties left vacant due to foreclosure. In addition to this targeted strategy, the City will continue to promote the preservation of existing affordable housing citywide.”
- Based on the above criteria, Capitol Towers and Villas as it exists is not blighted and vacant, nor is it located in a part of the city with limited growth potential, as evidenced by the abundance of

O7-5
cont.

O7-6

O7-7

O7-8

O7-9

O7-10

O7-11

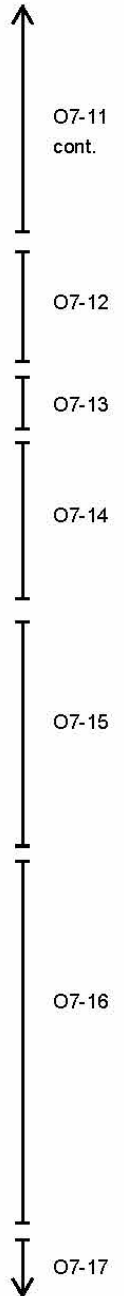


PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

recent, underway and proposed projects in downtown Sacramento. The property’s rents are within affordability thresholds and provide economic diversity to the neighborhood. Thus there is no overriding reason to focus new development on the project site, and construction of the project would actually create greater income inequality in the neighborhood. The speculative nature of the project also creates the potential risk of blight if the project’s construction schedule does not match projections and the existing buildings fall into disrepair due to new owners’ intent to demolish them for future projects.

- The developer has claimed that a fundamental reason for the new project is the density of the existing Capitol Towers site, approximately 44 units per acre, compared to the property’s land use category that recommends a density of 60-450 units per acre. But this land use category is not a strict limitation on densities allowed in the site, and is intended as an aggregate of neighborhood density. When the other two properties on the “superblock” are included (500 N Street and Pioneer Tower) the overall density is 59 units per acre. By comparison, the downtown Entertainment & Sports Complex, a similarly sized development project under the same land use category, is planned for a maximum total density of 550 units, or 55 units per acre, and currently only 69 units of housing are planned for the site, less than 7 units per acre. This zoning category also includes office and commercial buildings with no residents. Thus, the existing density of Capitol Towers is not a barrier to its continued existence and viability.
- The existing Capitol Towers superblock is consistent with the goals of the city’s General Plan to increase central city population, and it is in fact the most densely populated neighborhood in the central city aside from the Main Jail. If the entire central city was populated to the same density as Capitol Towers, it would contain approximately 100,000 people, a threefold increase. Thus, the existing Capitol Towers site already embodies the principles expressed in the General Plan, unlike nearby vacant parking lots. Thus, the project proposed is unnecessary for the site to be consistent with the General Plan.
- The EIR has chosen not to explore off-site alternatives that would prevent adverse effects of historic resources, despite the project’s proximity to multiple large, vacant parcels and lots that contain no historic resources, are also zoned for high residential density, and are adjacent to transit lines. While the lead agency is not required to consider off-site alternatives, failure to do so gives an inaccurate perspective of the project and ignores the city’s existing commitment to protecting historic and cultural resources. Several nearby sites where potential off-site projects could be located include the ¾ vacant city block across the street from the site between 7th, 8th, O and P Street, the city block between 3rd, 4th, R and S Street, the city block at 3rd, 4th, L and Capitol, and the projected footprint of the Docks Project west of Front Street along the Sacramento River. All are currently zoned for high density residential development, close to existing or planned transit lines, and currently have no residents.
- The developer is not a builder, they are a real estate investment trust. They do not plan on being the builder of this property. This proposal is a Planned Unit Development, intended to entitle





PRESERVATION SACRAMENTO

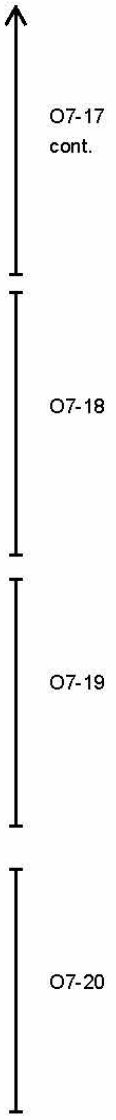
(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

the land for high-rise use, not a formal development plan to actually construct the buildings. However, there is no long-term requirement for a subsequent purchaser of that land to follow the PUD if they decide that another use is more beneficial to them, they only need to submit a new plan to the city that could ignore this plan entirely by seeking new entitlements. Sacramento Commons is a “flip” of the existing property based on potential future value that sacrifices the existing, occupied, densely populated, well-maintained and economically viable apartment complex on the site so Kennedy Wilson can profit from the speculative future value of the land underneath the buildings.

- The city of Sacramento should not repeat mistakes of the redevelopment era, when the central city’s population was reduced from 58,000 in 1950 to 28,000 in 1970. This loss of population was primarily due to the deliberate destruction of existing neighborhoods, including recently built and economically viable buildings, in the name of higher-intensity urban development and urban renewal. The net result of redevelopment that indiscriminately destroyed existing housing was an enormous failure, with the notable exception of the project site, Capitol Towers. This site was the one location where high-density, modern, urban and transit-oriented housing was constructed, an award-winning project that is still economically viable in its current form.

In a city with such an abundance of surface parking lots, vacant lots, vacant office buildings and other opportunity sites already zoned for high density residential housing, there is an abundance of space for high-density residential housing in the urban core without resorting to the unnecessary and wasteful measure of destroying an existing neighborhood that embodies the principles of the General Plan in its current form. The developer must be instructed to return with an alternative plan that either utilizes another site or one that utilizes and enhances opportunity sites within the existing project area, such as building upon its parking lot or parking structure to increase residential density without destroying the existing neighborhood.

One potential alternative, proposed by Sacramento Modern and other groups, involves siting new mid-rise infill units on the existing Capitol Towers surface parking lots, and/or building a new high-rise tower incorporating an expanded parking structure on the existing Capitol Towers parking structure on 7th Street. This alternative would allow an increase in population density of the existing Capitol Towers superblock while avoiding demolition of the historic resources, whose restoration could be facilitated by use of the NPS Historic Preservation Tax Credit, or, assuming the legislation is passed and signed, the proposed California Historic Rehabilitation Tax Credit.



William Burg

President, Preservation Sacramento Board of Directors



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Note: The emails below were submitted by members of Preservation Sacramento and the general public in response to the Sacramento Commons project and its Draft EIR. They are submitted below as public comment on the Sacramento Commons EIR.

Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Theresa Safley

Email Address: tj_lea@yahoo.com

Phone Number: [\(916\) 670-3400](tel:(916)670-3400)

What do you think about the Sacramento Commons Project?: The Preservation Commission support Capitol Towers listing on the Sacramento Register, and push the Planning Commission to require the developers incorporate the historic buildings and landscape into their new plans. The Planning Commission find a more creative solution than demolition and replacement of a viable, fully inhabited complex. Requesting the developer revisit their Capitol Tower plans. Looking at other sites located nearby including parking and vacant lots and other underutilized locations, as higher priority sites for residential development.

07-21

07-22

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Kate Lenox

Email Address: klenox@earthlink.net

Phone Number: [\(916\) 201-0225](tel:(916)201-0225)

What do you think about the Sacramento Commons Project?: The city needs to adhere to the General Plan and protect its cultural resources. We shouldn't lose an historic mid-century development, and people shouldn't lose their homes, so a developer can make more money. More likely than not, none of the people who currently live in Capitol Towers will be able to afford to live in the new development. The city shouldn't be forcing people out of their homes. Alternates should be sought to preserve the homes, the architecture and the landscaped grounds.

07-23

07-24

07-25

1

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Who is your council member?: "District 3 Jeff Harris"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Carrie McGann

Email Address: carriemcgann4re@aol.com

Phone Number: [\(805\) 527-8598](tel:8055278598)

What do you think about the Sacramento Commons Project?: I agree with all of the suggestions listed above by Preservation Sacramento and I oppose demolition of Capitol Towers. Demolition would displace people and gentrify the area. The proposed development would erase an era of Mid-Century Modern design in Sacramento history. Also, Sacramento is the city of trees, the current landscaping with its heritage trees is a perfect example of something Sacramento has long been known for. Please preserve this unique urban oasis.

I 07-26
I 07-27
I 07-28

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: dean haakenson

Email Address: dean.haakenson@dbo.ca.gov

Phone Number: () -

What do you think about the Sacramento Commons Project?: I do not want to see efforts at Historic Preservation get in the way of expedient urban infill development, and the construction of the most affordable housing as possible, to make Sacramento a dense city... BUT, I think it is important, and adds lots of asthetic and cultural character to an environment to have old things remain where they are... so, as much as we can do to maintain that balance, yes, please preserve old structures... if for no other reason than to save on the WASTE OF SENDING VIABLE BUILDING MATERIALS TO REFUSE

I 07-29
I 07-30
I 07-31
I 07-32

2

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Karen Jacques

Email Address: threegables@macnexus.org

Phone Number: [\(916\) 452-2631](tel:9164522631)

What do you think about the Sacramento Commons Project?: I think that it is completely inappropriate to demolish Capitol Towers, a much loved, well maintained historic neighborhood that is on the California Register and has been deemed eligible for the national register in the name of greater density or any other alleged benefit. It should be noted that at 58.5 dwelling units per acre, Capitol Towers is currently has the greatest residential density of any blocks in the CBD and that there are many blocks and parcels where high residential density can be achieved without destroying an historic resource.

O7-33

O7-34

I also think that we cannot afford to lose the 198 trees, including four heritage trees, that would be destroyed. Trees absorb carbon dioxide, help clean our filthy air and provide badly needed shade. While new trees are proposed to replace those removed, there is no guarantee that any of them will ever be planted and, even if they are, many will not survive our increasingly hot summers and many will be planted on top of podiums and will, therefore, be small ornamentals.

O7-35

The garden apartments, all of which are proposed for demolition provide housing that is much more affordable than any of the proposed new market rate housing and we, therefore cannot afford their loss. They are excellent rental choices for families and, if we are to reduce the number of people who commute to the Central City for work, we need to have housing that attracts families.

O7-36

The applicant is a real estate investment trust, not a developer. Its' goal is to make money by getting entitlements and then sel off parcels. Because of this, there is no guarantee that Sacramento Commons will ever be built as proposed or that, in the end, there will be any coherency in design or landscaping between what different developers build. In this volatile economy, where many city residents have still not recovered from the economic crash, there may not even be a market for all the high end apartments and condos proposed.

O7-37

In conclusion, I fear that, if Sacramento Commons is approved, we will lose an important historic resource and end up with a partially built-out super block that lacks the coherency and sense of place that the current super block has. Cities that aspire to be world class don't demolish significant historic resources. They take pride in them and they retain them.

O7-38

Who is your council member?: "District 4 Steve Hansen"

3

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Jennifer Stanley

Email Address: stansylph@aol.com

Phone Number: [\(916\) 456-6538](tel:9164566538)

What do you think about the Sacramento Commons Project?: SAFE Capitol Towers! All of it, Trees, Tower, Garden Apts.! This is already a great community in downtown! There are several locations in the area that are vacant and could be utilized as infill projects. It makes no sense to uproot an existing housing and a thriving community.

O7-39

Who is your council member?: "District 3 Jeff Harris"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Stephanie Goodner

Email Address: sgoodner@gmail.com

Phone Number: () -

What do you think about the Sacramento Commons Project?: I think it disregards what the people want and what has already been promised. There is plenty of history and culture here that should be preserved, not destroyed.

O7-40

Who is your council member?: "District 4 Steve Hansen"

(Sent via [Preservation Sacramento](#))



4

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Pati Brown

Email Address: patijane@gmail.com

Phone Number: [\(916\) 718-1665](tel:9167181665)

What do you think about the Sacramento Commons Project?: As the former tourism communications director of Palm Springs, a bastion of architectural heritage and preservation, I searched out a Modern apt complex that was architecturally unique and sustainable when I moved to Sacramento in 2001. When I moved into Capital Towers, the 13th floor (yes, lucky 13), the complex was a rare gem. Construction allowed for a sustainable urban living experience beyond what could be found elsewhere in the city. My car was used infrequently due to a grocer, a dry cleaner, a pub, a restaurant and hair salon being on-site. The entire complex provided a unique sustainable urban living environment. The rediscovery of Modernist architecture in Palm Springs has revitalized it, making it a tourist mecca for those loving good design. Festivals (Modernist week) have emerged, real estate grown in value. Let Sacramento be more than just 1800's buildings and bungalows. Preserve the urban setting of Capitol Towers en situ as an mid-century example of sustainable living from respected architects and landscape designers of their time. It is a wonderful architectural layer in the city that should not be lost.

Pati Brown, former Director of Marketing & Planning, Capital District State Museums and Historic Parks.

O7-41

O7-42

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Dale Kooyman

Email Address: kooyman801@gmail.com

Phone Number: [\(916\) 443-5543](tel:9164435543)

What do you think about the Sacramento Commons Project?: This project should not be approved as proposed. This is very poor planning but typical of small town Sacramento mentality wanting to be perceived as big city. This is a classic example of old old greedy thinking disregarding needs of its residents and thinking only of the developer adding tremendous amounts of money to his own pocket.

O7-43

5

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Is far too much "building" for this small park-like area at a time when modern building concepts promote central cities needing such green spaces. There is no logical reason to remove all these trees. It will add to pollution of the central city which is already the most polluted of the city and greater area. Further it will degrade the health of those children and adults who whole live there now and are expected to move there. IT will raise the temperature of the area and require use of more energy to air-condition all residential units.

I 07-44
I 07-45
I 07-46
I 07-47

Studies have shown that persons who can view trees from their windows live healthier lives and recover from illnesses and post surgery faster than those who remain in cold isolated areas with no view of nature.

I 07-48

Much better places to build these kind of high-rises are along transit lines like the downtown plaza where they can just walk downstairs to go to, shop in various boutiques in the Plaza, walk a few feet to the Arena; along J Street in the block where the Scandinavian furniture store used to be(large enough to replace the troublesome liquor store) on the SW corner diagonally across from Chavez Park; K Street just west of the cathedral , eat/drink in restaurants and buy groceries in grocery markets where they won't need to incur the expense of owning cars—like the Golden Gateway Project I lived in in SF. That is City Living not this proposal.

I 07-49

Who is your council member?: "District 4 Steve Hansen"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 15 (7 days ago)

to me

Name: Richard Herrera

Email Address: rherrerlucero@yahoo.com

Phone Number: [916.519.1200](tel:916.519.1200)

What do you think about the Sacramento Commons Project?: Like many of us SacMod members & supporters of preserving of historic bldgs., they should be saved & preserved for future generations of Sacramentans, tourists & new comers.

We have lost & are currently losing many midcentury structures rapidly in the Sacramento Region. Sacramento if it wants to be a World Class City it needs to save its historic bldgs particularly its major midcentury structures such as the Capital Towers & the Century Theater Dome Complexes in the Arden-Acade neighborhood-section which I am currently working on to save them. If anybody as questions or suggestion I can be contacted at [916.519.1200](tel:916.519.1200) or email: rherrerlucero@yahoo.com
Thank you, Richard Herrera.

I 07-50

Who is your council member?: "District 5 Jay Schenirer"

6

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Randi Kay Stephens

Email Address: randikaystephens@gmail.com

Phone Number: [\(916\) 267-5710](tel:9162675710)

What do you think about the Sacramento Commons Project?: I think the current use is more appropriate for the area.

I 07-51

Who is your councilman?: "District 4 Steve Hansen"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Kylie jackson

Email Address: stormy1995@gmail.com

Phone Number: () -

What do you think about the Sacramento Commons Project?: .

Who is your council member?: "Not sure, but I live in the city limits"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

7

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Name: Paula Boghosian

Email Address: historicconsultants1977@gmail.com

Phone Number: (916) 488-

What do you think about the Sacramento Commons Project?: The project should not be allowed. The proposed project is just designed to elevate the value of the property which will then be sold at an elevated price - and we'll start all over.

07-52

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Susie LaPointe

Email Address: bearwme@surewest.net

Phone Number: (916) 718-2512

What do you think about the Sacramento Commons Project?: Please don't destroy our history! Capitol Towers is still serving a very good purpose in downtown. Not everything has to be "Kings New".

07-53

Who is your council member?: "District 3 Jeff Harris"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Laura west

Email Address: junk@fathers.com

Phone Number: (916) 441-4453

8

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

What do you think about the Sacramento Commons Project?: I think it and all the art work should stay!

O7-54

Who is your council member?: "District 4 Steve Hansen"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Linda dishman

Email Address: linda@dishman.com

Phone Number: [\(323\) 662-9945](tel:(323)662-9945)

What do you think about the Sacramento Commons Project?: The City should require the developer to look at preservation alternatives. This is an important historic resource and should be saved. I grew up in Sacramento and believe that it's Post-War architecture tells a really important story.

O7-55

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Emily Elders Balestrini

Email Address: emily@balestrini.net

Phone Number: [\(916\) 532-9196](tel:(916)532-9196)

What do you think about the Sacramento Commons Project?: Capitol Towers provides a significant link between the middle of the last century and the time we're in now. Simple, graceful, useful structures. Please do not demolish them to build something shoddy, ugly, contemporary, without character, and unaffordable.

O7-56

O7-57



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Who is your council member?: "I live in the outside the City, but I care about Capitol Towers"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Sarah singleton

Email Address: sarahbell_us@yahoo.com

Phone Number: [\(916\) 479-3227](tel:(916)479-3227)

What do you think about the Sacramento Commons Project?: please save the original Sacramento Commons. There are plenty of empty lots and other places where new construction for homes would be welcomed. Leave this gem and its residents alone. The buildings, the trees, the sculptural wall are all a big part of why downtown is cool--diversity, greenery and artistic vision.

O7-58
O7-59

Who is your council member?: "District 5 Jay Schenirer"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Carmela Ruby

Email Address: books.ruby@sbcglobal.net

Phone Number: [\(916\) 453-1174](tel:(916)453-1174)

What do you think about the Sacramento Commons Project?: I oppose it as one more imposition on downtown-river neighborhood that betrays its history. The City Council should for once challenge development for profit that has cost us taxpayers plenty. Development that causes density is not grace.

O7-60
O7-61

Who is your councilman?: "District 3 Jeff Harris"



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Kathy Les

Email Address: kathy.les321@gmail.com

Phone Number: () -

What do you think about the Sacramento Commons Project?: I wish to see the historic integrity of the buildings and landscaping kept intact. I also wish to see the buildings listed on the Sacramento Register so that all future remodeling will be subject to historic review.

07-62

Who is your councilman?: "District 5 Jay Schenirer"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Louise Mehler

Email Address: lmehler247@gmail.com

Phone Number: [\(916\) 456-4876](tel:(916)456-4876)

What do you think about the Sacramento Commons Project?: Contrary to the intent of the sponsoring organization, I am not inherently outraged by the proposal to replace Capitol Towers with denser development. Some issues do need to be addressed with care, though. Most importantly, current residents need to be treated with respect and consideration. Someone should also investigate whether the existing layout provides significant services (e.g. green space) to the surrounding community. (A resident of Pioneer Towers claimed to depend on this, leading to the thought that Pioneer Towers provides an example of the sort of development we do not want--featureless storage space for humans, offering no amenities to area residents.) Contribution to convenience and comfort for everyone in the neighborhood should be an important design consideration for any project.

07-63

07-64



11

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Nancy Olsen

Email Address: nanucktucktuck@gmail.com

Phone Number: [\(916\) 718-2584](tel:9167182584)

What do you think about the Sacramento Commons Project?: Hello City Planners:

Having (reluctantly) moved to Sacramento from Los Angeles, I have become a MAJOR city booster! The easy lifestyle, quaint Midtown, beautiful nearby neighborhoods, wonderful local restaurants: there is so much to admire about my adopted home!

And a large part of what makes this such a lovely city is its historic buildings. Lose those, and a good part of the city's charm is lost as well. Let's take a note from other cities that have maintained older structures and, with them, the beauty of historic architecture. The Capitol Towers, in particular, represent the VERY HIP mid-century modern that so many are now looking to inhabit.

In the '60s and '70s, Sacramento razed so many of its stately Victorians; let's not make the mistake of tearing down more of our city's fantastic landmarks.

With respect,

Nancy Olsen, PhD
Language and Literature Division
Sacramento City College

Who is your councilman?: "District 4 Steve Hansen"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 14 (8 days ago)

to me

Name: Melissa Mourkas

Email Address: mmourkas@mac.com

Phone Number: [\(916\) 508-0755](tel:9165080755)

12

Preservation Sacramento - Formerly known as Sacramento Old City Association



PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

What do you think about the Sacramento Commons Project?: Mid-century Sacramento landmark Capitol Towers is threatened by a development project that could easily be located on one of several nearby vacant sites instead of a fully occupied, densely populated, economically viable architectural landmark. This historic neighborhood is the product of some of the leading designers of its time and has stood the test of time remarkably well. I believe the Preservation Commission should recommend to City Council to list Capitol Towers on the Sacramento Register as an historic district. The Planning Commission should recognize the intrinsic value of an historic district listed on the California Register of Historic Places and send this poorly considered proposal back to the drawing board. Capitol Towers and Garden Apartments already meets sustainability and transit-friendly goals of the General Plan. The Sacramento Commons project, on the other hand, is in direct conflict with the following Land Use Goals: Goal LU 2.1: City of Neighborhoods: Policy LU 2.1.2-Protect Established Neighborhoods; LU 2.4 City of Distinct and Memorable Places: Policy 2.4.1: Unique Sense of Place and Policy 2.4.2 Responsiveness to Context. Policy CC.HCR 1.1 Preservation, "The City shall support programs for the preservation of historically and architecturally significant structures which are important to the unique character of the Central City". Capitol Towers and Garden Apartments already embodies each of those goals and policies of the General Plan. Capitol Towers and Garden Apartments should be preserved and celebrated for what it has provided for this city.

O7-66

Who is your councilman?: "District 6 Eric Guerra"

(Sent via [Preservation Sacramento](#))



Squarespace <no-reply@squarespace.com>

Apr 16 (6 days ago)

to me

Name: Margaret Buss

Email Address: bussmlou@gmail.com

Phone Number: [\(916\) 448-6246](tel:(916)448-6246)

What do you think about the Sacramento Commons Project?: I am distressed that the city would permit a project that would destroy essential features of this National-Register eligible property, a rare example of collaboration amongst some of the giants of mid-century modern architecture: Wurster, Bernardi, & Emmons, Lawrence Halprin, and Overhoff. The landscape and the architecture work as a group. However, good the design of the new project, to break them up and take away key elements would be akin to putting a modern apartment house in the middle of the Old Sacramento National Register District or the grounds of the Memorial Auditorium or Capitol Park. It would destroy a unique resource for the sake of a new development that could be placed elsewhere and might, in fact, be a better location. I strongly urge you to ask the developer to consider other sites. The Commons project could be a wonderful complement to Capitol Towers, doubling the vibrant infill. Thank you for your consideration.

O7-67

O7-68

Who is your council member?: "District 3 Jeff Harris"

RESPONSE TO COMMENT O7-1

The commenter urges the City to reject the DEIR due to alleged inconsistencies and inadequacies.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The DEIR proposes mitigation measures and alternatives that may reduce or avoid the significance of such adverse impacts. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact. Please see Master Response 2.3.4.2 and 2.3.4.5 for responses related to historic resources impacts and General Plan consistency.

RESPONSE TO COMMENT O7-2

The commenter references the DEIR's reference to assessments relative to the historic status of the project site early in the environmental document's scoping, prior to the release of the DEIR.

The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes. The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. Please see Master Response 2.3.4.3 regarding the timing related to evaluating the property as an historical resource for CEQA purposes as discussed in the DEIR.

RESPONSE TO COMMENT O7-3

The commenter references the historic status of the project site.

The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes.

RESPONSE TO COMMENT O7-4

The commenter discusses EIR alternatives and asserts lack of consistency with the General Plan and City Code related to historic resources.

See Master Response 2.3.4.5 relative to General Plan consistency related to various goals and policies of a General Plan. Neither the proposed project nor the project alternatives are inconsistent with Chapter 17.604 (Historic Preservation) of the City's Planning and Development Code. Chapter 17.604 recognizes the value of historic resources and benefits of preservation and rehabilitation of historic

resources. (See, e.g. City Code, Sec. 17.604.100). However, Chapter 17.604 also addresses proposed demolition or relocation of buildings or structures that are 50 years old or older. Furthermore, the City Code expressly provides for a process that could allow the appropriate City decision-maker (here the City Council), when specified findings can be made, to approve proposed development projects located in an historic district or involving a landmark (as defined in the City Code) that would require demolition of a landmark or contributing resource. (See City Code, Sec. 17.808.180(A)(2)).

RESPONSE TO COMMENT O7-5

The commenter references the adequacy of alternatives analysis related to reduction of impacts.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, and Master Response 2.3.7.4 for an analysis of impacts of the alternatives.

RESPONSE TO COMMENT O7-6

The commenter references additional alternatives ideas.

Please see Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements on alternatives. Please see Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, including discussion of an alternative that would allow new development in existing parking areas or the site of the existing parking structure as suggested by commenter.

RESPONSE TO COMMENT O7-7

The commenter suggests that the project is inconsistent with City preservation policies.

Please see Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan and related policy considerations.

RESPONSE TO COMMENT O7-8

The commenter claims that the DEIR does not analyze vibration impacts on the Heilbron House.

Please see Section 4.9 of the DEIR, which specifically discusses and analyzes vibration impacts related to the Heilbron House. The historic Heilbron House located at 704 O Street, is approximately 100 feet east of the project site. The Capitol Towers building, which was constructed in 1966, is located approximately 60 feet from the nearest construction site, as measured from the closest point. The historic Heilbron House located at 704 O Street is located approximately 100 feet east of the

construction site. As indicated in Table 4.9-12 and Table 4.9-13 (pages 4.9-20 and 4.9-21 of the DEIR), the estimated vibration levels at this location is anticipated to be below the significance threshold of 0.2 in/sec PPV, even with the use of the worst-case approach to pile installation (impact) at the upper (not typical) range. No mitigation is required for potential impacts that are less than significant. (See CEQA Guidelines, § 15126.4, subd. (a)(3)). However, Mitigation Measure 4.9-3b identifies methods to reduce vibration impacts and incorporation of this mitigation have the benefit of further reducing vibration from project construction.

RESPONSE TO COMMENT O7-9

The commenter discusses housing affordability.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. Chapter 3 of the EIR, however, provides an analysis of housing in the Central City area, including housing cost. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O7-10

The commenter identifies a General Plan policy related to affordable housing.

Chapter 3 of the EIR provides an analysis of housing in the Central City area, including housing cost. Please see Master Response 2.3.4.5 regarding consistency with the General Plan. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The proposed project is not inconsistent with the City's Housing Element Strategy to rehabilitate and preserve existing housing. This strategy concerns the City's intent to provide rehabilitation investment funding to properties in distressed neighborhoods with substantial blight and to promote preservation of existing affordable housing. The proposed project is not seeking rehabilitation investment funding, the project site includes market rate housing, and the proposed project would result in a net increase in residential units in downtown Sacramento consistent with the City's Housing Element Strategy to shift towards an infill focus. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment..." Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O7-11

The commenter references income inequality and disrepair.

Please see Response to Comment O7-10, above and Master Response 2.3.6.1 in relation to economic feasibility. Additionally, the project applicant has an economic incentive to maintain and lease existing residential units until demolition is necessary for project construction. Therefore, if the proposed project

is approved, no evidence suggests the project applicant would stop maintaining existing residential units on-site. Please see Section 2.7 of the EIR, which describes the proposed phasing of demolition and construction of the project (DEIR pages 2-22 through 2-24). Similarly, project construction will not result in blight or urban decay in the surrounding neighborhood. Construction activities are common in an urban setting and no evidence suggests residential or commercial properties surrounding the site would become unmarketable as a result of project construction. CEQA does not require an EIR to evaluate every asserted “possibility,” and the mere possibility of an unintended consequence does not constitute a “legal or factual basis” to conclude an EIR is deficient. (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 222; see also *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145). Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT O7-12

The commenter references the density of the existing project site.

Pursuant to the 2030 and 2035 General Plans, density is evaluated in consideration of all parcels included in a proposed project. (See, e.g., 2035 General Plan, LU 2.1.4). The 500 N Street and Pioneer Towers parcels are not included in the proposed project. Including only parcels included in the proposed project, the current density of the project site is approximately 40 units per acre. Even if the density of 500 N Street and Pioneer Towers are considered, the superblock falls below the minimum residential density contemplated in the 2030 and 2035 General Plans of 61 units per acre. Commenter is correct that the General Plan density range of 61 to 450 units per acre does not require the City to approve additional density on the project site. However, the existing density on the project site and on the superblock constitute relevant planning consideration for the City in evaluating the need for and merits of the proposed project. Please see Master Response 2.3.11 in relation to density. Please refer to page 2-4 of the City’s General Plan, which identifies areas of the City according to the level of anticipated change. The project site is in an area the City has designated “Improve and Evolve,” which is defined in this way: “These areas are expected to experience significant change through infill, reuse, and redevelopment...”

RESPONSE TO COMMENT O7-13

The commenter references the density of the existing project site and adjacent properties.

See Response to Comment O7-12. The project does not involve the City’s determination of consistency with density requirements for parcels that are not a part of this proposed development project. Please see Master Response 2.3.11 in relation to density.

RESPONSE TO COMMENT O7-14

The commenter references the density of development in the vicinity of the project site.

Please see Response to Comment O7-13, above, as well as Chapter 3 of the EIR, which provides an analysis of housing in the Central City area. Please see Master Response 2.3.4.5 regarding consistency with the General Plan. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment..." Please see Master Response 2.3.11 in relation to density.

RESPONSE TO COMMENT O7-15

The commenter references the density of development in the vicinity of the project site.

Please see Master Response 2.3.11 in relation to density. Chapter 3 of the EIR provides an analysis of housing in the Central City area. Please see Master Response 2.3.4.5 regarding consistency with the General Plan. Please see Master Response 2.3.10.1 for a discussion related to the project's consistency with relevant land use policies. Please refer to page 2-4 of the City's General Plan, which identifies areas of the City according to the level of anticipated change. The project site is in an area the City has designated "Improve and Evolve," which is defined in this way: "These areas are expected to experience significant change through infill, reuse, and redevelopment..."

RESPONSE TO COMMENT O7-16

The commenter suggests off-site alternatives be explored.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, and Master Response 2.3.7.5 for information on consideration of off-site alternatives.

RESPONSE TO COMMENT O7-17

The commenter describes the types of entitlements sought in this application.

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

RESPONSE TO COMMENT O7-18

The commenter references actions by the City of Sacramento from 1950-1970 relative to loss of population in the central city.

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

RESPONSE TO COMMENT O7-19

The commenter suggests that there are other sites that could accommodate the project, or provide an alternative plan enhancing density on the proposed project site.

Please refer to Master Response 2.3.7.5 for information on consideration of off-site alternatives and Master Response 2.3.7.6 for information on consideration of additional on-site alternatives.

RESPONSE TO COMMENT O7-20

The commenter suggests an on-site alternative that builds new residential units on existing parking lots or site of existing parking garage.

Please refer to Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O7-21 THROUGH 68

The commenter has compiled a number of form email messages that were sent to Preservation Sacramento and have been re-submitted by the commenter as comments on the project and EIR. These comments largely reiterate topics raised in Comments O7-1 through O7-20 above, and mention the historic status of the site, the need for additional alternatives, affordability of housing, historic architecture and landscaping, the loss of trees and tree canopy, aesthetics, construction and demolition waste, density of existing development, heat island effect, the loss of green space, and consistency with the General Plan.

Please see Master Response 2.3.4.1 for information on historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of the project's historic resources impacts, Master Response 2.3.4.3 regarding disagreement among experts in an EIR, Master Response 2.3.4.4 for additional mitigation considered for historic resources impacts, Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan and related policy considerations.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an

alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements on alternatives.

Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

The 2013 CALGreen Code (Title 24, Part 11 of the California Code of Regulations) requires all construction contractors to reduce construction waste and demolition debris by 50%. Existing City regulations require all contractors to comply with the Construction and Demolition Debris Recycling Ordinance (Title 8, Chapter 8.124 of the Sacramento City Code) by reducing project waste entering landfill facilities by 50% by weight through recycling.

Please see Master Response 2.3.11 for information related to density of development. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

Please see Appendix B of the DEIR, which details urban heat islands and heat island effects (DEIR, Appendix B, pages 3.3-12 and 3.3-13). The California Attorney General, in its guidance on how to address heat island effects through general plan and other policies (The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level), recommends the adoption of a heat island mitigation plan, which could include requirements for cool roofs, cool pavements, and strategically placed shade trees. According the Attorney General's guidance, darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas. The City's General Plan includes policies and implementation programs that implement the recommendations included in the Attorney General's guidance and directly and indirectly address urban heat islands. See DEIR, Appendix B, pages 3.3-12 and 3.3-13, describing how the proposed project would comply with the heat island strategies directed by the General Plan and Central City Urban Design Guidelines. The proposed project would result in a

substantial reduction in the existing quantity of darker colored roofs located on-site, since “cool” (lighter colored) roofs are a part of the prescriptive requirements of California's energy code, the Title 24 Building Energy Efficiency Standards (CEC 2015). Cool roofs reduce the need for air conditioning and the urban heat island effect (CEC 2015). The project would also remove existing surface parking lots, and would incorporate project features that further ensure, as compared to existing conditions, that the proposed project would result in no impact with respect to urban heat islands.

See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy. As discussed in the DEIR (see Section 4.10 in particular), there are City parks and other publicly accessible parks and urban open spaces located near the project site. To determine potential impacts to parks and recreational facilities, the DEIR considers relevant regulatory requirements of the City Code and General Plan for parkland requirements, parkland dedication requirements, and in-lieu fee requirements, based on the number of new dwelling units and residents that could be accommodated by implementation of the proposed project. To address parkland impacts caused by projects that generate additional resident and employee populations within the City, the Sacramento City Code provides standards and formulas for the dedication of parkland and payment of in-lieu fees (Title 16, Chapter 16.64), and imposes a park development impact fee on new projects within the City (Title 18, Chapter 18.44) for both residential and non-residential development. The proposed project will comply with its Parkland Dedication Requirement. The Sacramento Central City Urban Design Guidelines includes requirements to implement the 2030 General Plan and PRMP for small public spaces. According to the guidelines, new development should provide a range of open space types for its users and visitors, that are open to the street or public right-of-way and accessible to all citizens; and include hard and soft landscaping, areas for sun and shade, benches, and water features, where appropriate. The proposed project provides a number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space. Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or

accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

Please see Master Response 2.3.4.5 for information related to General Plan consistency.

COMMENT LETTER O8 –SACRAMENTO MODERN



April 20, 2015

Submitted via e-mail

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

**Re: Draft Environmental Impact Report for the Sacramento Commons Project
(P14-012) (SCH#2014042032)**

Dear Mr. Johnson:

On behalf of Sacramento Modern (SacMod), thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Sacramento Commons Project (Sacramento Commons).

O8-1

SacMod is a 501(c)(3) non-profit organization founded in 2010; we are dedicated to preserving modern art, architecture, and design in the Sacramento region. We do this by conducting home tours, bike tours, walking tours, film screenings, preservation campaigns, researching, writing, and educating the public about modernism.

O8-2

Capitol Towers is a historic district pursuant to Federal and State law. Since the Notice of Preparation for Sacramento Commons in September 2014, Capitol Towers Historic District has been formally determined eligible to be listed on the National Register of Historic Places and is on the California Register of Historical Resources. The City of Sacramento Preservation determined it should be a landmark and voted in favor of placing it on the Sacramento Register of Historic and Cultural Resources.

O8-3

Capitol Towers Historic District was built from 1959 to 1965. The award-winning original design for this rare and intact mid-20th century established community includes the interplay of high-rises, individual low-rise garden apartments, green spaces, recreational

O8-4

A 501(c)(3) non-profit organization dedicated to promoting, preserving and protecting modern art, architecture and design in the Sacramento region.

Gretchen Steinberg 4910 South Land Park Drive, Sacramento, CA 95822
gretchen@SacMod.org
SacMod.org

areas, and car-free bicycle and pedestrian areas. It is an urban oasis and early example of mixed-use development in the heart of downtown Sacramento.

↑ O8-4
cont.

Capitol Towers has been acclaimed for its thoughtful and people-oriented design and planning features from conception through completion. It was the first redevelopment project constructed by many of its talented design team that included Wurster, Bernardi, and Emmons, Edward Larrabee Barnes, DeMars & Reay, and Lawrence Halprin, and reflects their social and aesthetic philosophies. In particular, Capitol Towers embodies the design and planning approach of Wurster, Bernardi, and Emmons applied to a large urban property, and is considered by Lawrence Halprin to be his first urban plaza.

┌ O8-5

But Capitol Towers Historic District is more than a collection of low-rises, a high-rise, trees, landscaping, and the sculptural wall. It is more than the impressive list of master architects and the designers involved in making it. It is a beautiful and intact neighborhood that continues to be successful even 50 years after it was completed. It includes open, park-like green spaces and gathering places. It is a historic district worth preserving for future generations to experience and enjoy. The neighborhood is already one of the most densely populated residential areas in downtown Sacramento.

┌ O8-6

Sacramento Commons disingenuously and incorrectly identifies itself as a “sustainable communities project” while eviscerating Capitol Towers Historic District. The proposed project as described in the DEIR violates local, state, and federal public policies and needlessly exposes taxpayers to litigation arising out of these violations.

┌ O8-7
┌ O8-8

Furthermore, the cornerstone of Sacramento Commons DEIR relies on Sacramento Area Council of Government (SACOG)’s “Consistency Determination” letter — which fails to take into account the historical resources on site and pre-dates the formal finding that Capitol Towers has been determined eligible to be listed as a historic district on the National Register of Historic Places and is listed on the California Register of Historical Resources.

┌ O8-9

Sacramento Commons uses greenwashing to sell the wrong product in the wrong place. The Applicant, Kennedy Wilson, is unlikely to deliver the currently proposed project after receiving entitlements and flipping the properties pursuant to its track record.

┌ O8-10

Capitol Towers Historic District is a thriving, vibrant, established community that already embodies the standards, principles, and intentions that Sacramento Commons seeks to achieve. The buildings are inhabited, recently rehabilitated, and fully economically viable.

┌ O8-11

The items set forth in the DEIR for Sacramento Commons *must* be considered in light of the neighborhood’s historical status. Sacramento Commons’ planned demolition and redesign of the historic district will have devastating impacts on numerous levels that *CAN and SHOULD be avoided*.

┌ O8-12

Capitol Towers Historic District and neighborhood's density units per acre, according to our calculations, is 59.8. This is remarkably close to complying with the Central Business District minimum density of 61 units pursuant to the 2030 General Plan that is intended for *new* developments. As a matter of fact, Capitol Towers Historic District and neighborhood is *already* one of the densest areas of downtown Sacramento, second only to Sacramento County Jail, according to U.S. Census data. Sacramento Commons seeks to shoehorn more density in an area that essentially conforms with the 2030 General Plan.

O8-13

Capitol Towers Historic District already meets or can accommodate Sacramento Commons DEIR's project objectives without demolition. In particular, the project objective of adding further density can be achieved on site *without* harming the majority of historical resources. Wedging more density by destroying viable housing stock in a historic district does not make sense. Why would the City be in favor of destroying the second most densely populated area in downtown Sacramento?

O8-14

Furthermore:

- 1) there are dozens of other projects that have received entitlements by the City that achieve the City's goal of density. SacMod counted a total of at least 26,146 new or entitled units in or close to Central City and another 21,946 units nearby in Natomas, South Sacramento, and West Sacramento;
- 2) there are other more suitable sites — that do not contain an established historic district and park neighborhood — that would benefit from such development.

O8-15

For instance, "The Docks" area would be an ideal location for Sacramento Commons due to its proximity to the waterfront and the proposed streetcar line.

O8-16

Sacramento Commons DEIR's version of mitigation — retaining the existing Tower, relocating the sculptural wall and recordation with various interpretive plaques and exhibits after the demise of Capitol Towers Historic District — is insufficient. This very type of mitigation has been successfully challenged in court. "Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers." *Architectural Heritage Association v. County of Monterey*, 122 Cal.App.4th 1095, 1119 (2004), quoting from *League for Protection of Oakland's etc. Historic Resources v. City of Oakland*, 52 Cal.App.4th 896, 909 (1997). The gross inadequacy of the Applicant's proposed mitigation here is perhaps best stated in *Architectural Heritage Association*, supra, 122 Cal.App.4th at 1119:

O8-17

"As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level."

Simply put, Applicant does not seek to mitigate negative impacts on a historic district, it eradicates any sense of community, neighborhood, or civic pride. It destroys a uniquely "Sacramento" style of city living that continues to serve as the model for an urban core.

↑
O8-17
cont.

According to CEQA law — as it *correctly* applies to Sacramento Commons — project alternatives *MUST* be carefully examined. During the CEQA process it is incumbent upon the City to provide the necessary leadership, guidance, and commitment to ensure that CEQA law is upheld. Design problems warrant design solutions. Preservation *and progress* can be achieved at the same time through compromise and ingenuity.

O8-18

Background

Kennedy Wilson (KW / Applicant), a real estate investment services company, purchased Capitol Towers around May 2012. In December 2013, KW presented their plans to demolish and rebuild parts of the neighborhood. KW hired agents, including AECOM (Architecture, Engineering, Consulting, Operations, and Maintenance) to assist with the entitlement process.

O8-19

On February 18, 2014, SacMod board members attended a public meeting during which representatives from KW and AECOM discussed their proposed plans to develop the Capitol Towers neighborhood into "Sacramento Commons." During this meeting, KW refused to have a meaningful dialogue with residents of the neighborhood and community about their concerns, which included a clear advisement on the existence of historical resources from members of the preservation community.

O8-20

KW's perfunctory meetings to announce the Sacramento Commons project without allowing for meaningful input and dialogue has resulted in opposition from neighborhood residents and the preservation community.

O8-21

In the following months, KW and its agents have continued to misinterpret and abuse CEQA law in an effort to dismiss and deny that Capitol Towers contains historical resources.

O8-22

SacMod is opposed to the specific proposed actions listed in the March 2015 DEIR and Draft Planned Unit Development (PUD) Guidelines to:

- demolish the historical low-rise apartments and the majority of the established tree canopy;
- re-zone the historic district;
- chop the historic district into six smaller and separate parcels;
- relocate the historical sculptural wall by artist Jacques Overhoff; and
- significantly alter the historical high-rise's appearance.

O8-23

Despite unanimous validation from the Keeper of the National Register, the California State Historical Resources Commission, and the City's Preservation Commission and

↓
O8-24

Director, Sacramento Commons' DEIR refuses to fully acknowledge Capitol Towers Historic District, citing that "experts disagree."

08-24
cont

Of note, the only voice of disagreement is a discredited historical analysis — by the Applicant's hired historical consultant.

In fact, the proposed Sacramento Commons project will:

- destroy a highly successful established community and model for livable downtown housing that is densely populated, high-occupancy, and has been mixed-use for over 50 years. Applicant has a demonstrated track record of flipping properties and virtually no demonstrated track record of development.

08-25

- displace hundreds of middle income renters in favor of higher income renters, forcing them to the suburbs and facilitating longer commutes. This paradoxically will result in a net increase in greenhouse gasses, not a decrease as the project's proponents claim.

08-26

- negatively impact the quality of life for seniors and persons with disabilities who live in adjacent buildings in the neighborhood.

08-27

- destroy the majority of the property's urban tree canopy of old growth trees which is critical for the health and well-being of all city residents and visitors. These trees are a vital contributor to cooling Downtown's microclimate and help remove pollution.

08-28

In essence, Sacramento Commons decimates Capitol Towers Historic District — an established park neighborhood and successful pedestrian / bicycle-friendly mixed-use residential community. Capitol Towers Historic District's award-winning design includes large open vistas and park-like green spaces / gathering places — unlike what is being proposed by Sacramento Commons. Of note, most of Sacramento Commons' purported improvements and amenities already exist in Capitol Towers Historic District or can be easily added without wasteful and needless demolition.

08-29

Alternatives that respect the District's historical resources *MUST* be considered.

08-30

Capitol Towers Historic District is eligible for and should receive recognition by the City of Sacramento City Council as a local landmark by placing the district on the Sacramento Register of Historic and Cultural Resources so that it obtains the proper stewardship it merits.

08-31

Capitol Towers Historic District's Status Has Been Firmly Established at Local, State, and Federal Levels — and Among National Experts

Even though DEIR 4.4-17 states “While disagreement exists between historical experts concerning the historical value of the project site,” there is overwhelming evidence of consensus and agreement among numerous experts that Capitol Towers is a historic district. In fact, there is unanimous validation among experts at local, state, and federal levels — and among national experts and organizations — as demonstrated below:

- 1) On August 20, 2014, the analysis within the evaluation by Applicant’s historical expert JRP Historical Consulting, LLC, was unanimously and vociferously discredited by architects and professional historic preservationists during [testimony at the City of Sacramento’s Preservation Commission](#).
- 2) On October 16, 2014, the City of Sacramento’s Preservation Commission wrote a letter to Mayor Kevin Johnson that stated: “After reviewing the nomination and hearing public testimony, the Commission voted unanimously to send a letter in support of the nomination of Capitol Towers for listing in the National Register of Historic Places.”
- 3) On November 7, 2014, the California State Historical Resources Commission unanimously determined that Capitol Towers is eligible to be listed on the National Register and forwarded their findings to the Keeper of the National Register.
- 4) On December 31, 2014, the Keeper of the National Register determined that Capitol Towers was eligible for the National Register of Historic Places (National Register).
- 5) On January 16, 2015, California State Historic Preservation Officer Carol Roland-Nawi wrote: “As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.”
- 6) On February 19, 2015, the City of Sacramento’s Preservation Director: “held a public hearing, reviewed the nomination application submittal materials, took public comments, and:
 - “made a preliminary determination regarding the eligibility of the resources, concurring with the nomination proposal, that Capitol Towers is eligible for listing in the Sacramento Register as a Historic District, including the proposed Contributing Resources;
 - nominated the Capitol Towers as a Historic District including its’ Contributing Resources for listing in the Sacramento Register, to be forwarded to the Preservation Commission for its consideration and recommendation to the City Council;

O8-32

- made recommendations, to be forwarded to the Preservation Commission, regarding the significant features or characteristics of the nominated resources; and,
- forwarded the nomination to the Preservation Commission for its consideration and recommendation to the City Council on the nominated historic district, contributing resources, and features and characteristics, for listing in the Sacramento Register....”

7) On April 15, 2015, the City of Sacramento Preservation Commission:

- determined Capitol Towers Historic District should be a landmark and voted in favor of placing it on the Sacramento Register of Historic and Cultural Resources;
- voted against the applicant’s request for demolition;
- recommend that the City of Sacramento Planning and Design Commission deny approval for the Sacramento Commons as it is currently written. In particular, the Preservation Commission determined that project alternatives should include decreased density options and alternative sites.

In addition to Capitol Towers Historic District being vetted at four levels of expert review as outlined above, there is additional consensus from multiple national experts and organizations.

This includes letters of support for Capitol Towers Historic District from experts such as:

- Barry Wasserman, FAIA; Former California State Architect; Professor Emeritus, California State Polytechnic University, Pomona, Department of Architecture.
- Wayne Donaldson, FAIA; appointed in 2010 by President Barack Obama as Chairman of the National Advisory Council on Historic Preservation.
- Richard Peters; FAIA; Professor Emeritus of Architecture at the University of California, Berkeley; noted author and expert on the work of William Wurster.
- Charles Birnbaum, FASLA, FAAR; coordinator of the National Park Service Historic Landscape Initiative (HLI); noted author and landscape historian; Visiting Professor at the Columbia University Graduate School of Architecture Planning + Preservation.
- Alan Hess, AIA; noted author and architectural historian.
- Pierluigi Serraino, AIA; noted author and architectural historian.

Their letters — and other letters of support — are attached to this response.

Additional facts and information regarding Capitol Towers Historic District can be found

O8-32
cont.

O8-33

O8-34

in an article, "Capitol Towers - Sacramento's Modernist Gem," published Winter 2015 in California Garden & Landscape History Society's quarterly journal, *Eden*. (Also attached.)

↑
O8-34
cont.

This article was written by Flora Chou, LEEP AP, and national board member of Docomomo US, the United States chapter of Docomomo International, a non-profit organization dedicated to the documentation and conservation of buildings, sites and neighborhoods of the modern movement. Ms. Chou also wrote the nomination for Capitol Towers Historic District that was accepted by the Keeper of the National Register.

↑
O8-35

Capitol Towers Historic District Includes Landscaping and Additional Contributing Elements

The historical resources in Capitol Towers Historic District are not simply limited to buildings. The site's landscape design is also an integral part. The District also includes contributing resources such as:

- the central plaza;
- secondary courtyards;
- landscape courts;
- small scale features;
- swimming pool;
- circular fountain;
- spatial organization;
- building placement and relationships;
- circulation;
- landscape features;
- views and vistas; and,
- the sculptural wall by Jacques Overhoff;

↑
O8-36

Sacramento Commons' proposed move of the historical sculptural wall is unnecessary and exposes it to the potential for irreparable damage. SacMod cautions that potential harm may occur should there be an attempt to relocate it, and asks the Applicant and City to provide appropriate expert consultations before such an attempt is made.

↑
O8-37

Tree Canopy

Sacramento Commons removes the majority of Capitol Towers Historic District's greenspaces and trees — and replaces it with cement and younger, and less robust vegetation.

↑
O8-38
↓

The tree canopy is the first Sacramento asset that Mayor Kevin Johnson mentions in his ["Mayor's Message" on the City of Sacramento's website](#):

"... We have so much to be proud of, like our unique and diverse neighborhoods, our thousands of beautiful trees...."

On September 4, 2014, Ray Tretheway, President of the Sacramento Tree Foundation wrote to the Planning and Design Commission:

"The City of Sacramento needs to aggressively address Urban Heat Island effects through the expansion and protection of our urban forest canopy. The 10 warmest years on record have occurred since 1998 (NOAA State of the Climate Global Analysis 2012). To address this trend, the City needs to redouble its efforts to aggressively mitigate and reduce the adverse impacts of Urban Heat Islands. These impacts include air quality issues, water and energy usage and public health issues. An aggressive expansion of our urban tree canopy will make direct contributions to the long-term livability of our city and the health of all city residents...."

We desire a City where greenspaces and trees are valued for the benefits they provide and are planned for as part of the city's infrastructure. Green spaces and green canopy create a sense of calm and sense of place, making city life more sane and secure.

Infill development is important but should not occur at the expense or elimination of the City's richest, defining legacy: the greenspaces and tree canopy that defines the essence of our public realm...."

O8-38
cont.

SacMod's research indicates that extraordinary measures by the Capitol Towers Historic District design team were taken to preserve pre-existing heritage trees on site. The Commons project should not harm Sacramento's urban tree canopy, which is a vitally important contributor to cooling Downtown's microclimate. [Trees help remove pollution](#), which is an important public health benefit. In a recent article, the research and innovation director for the Sacramento Tree Foundation recently explained the [additional public benefits associated with our urban trees](#).

O8-39

[Testimony from a former City of Sacramento Arborist for Urban Forest Services at the July 24, 2014 City of Sacramento's Planning and Design Commission](#) should receive full attention. The arborist warned that Sacramento Commons, as planned, would create a substantial impact on the environment by creating an urban heat island. The removal of over 200 trees (including heritage trees) on site would result in the loss of oxygen and public health benefits. The arborist also pointed out that replacement trees have failed to thrive in other Sacramento developments and therefore are not an effective alternative/mitigation strategy.

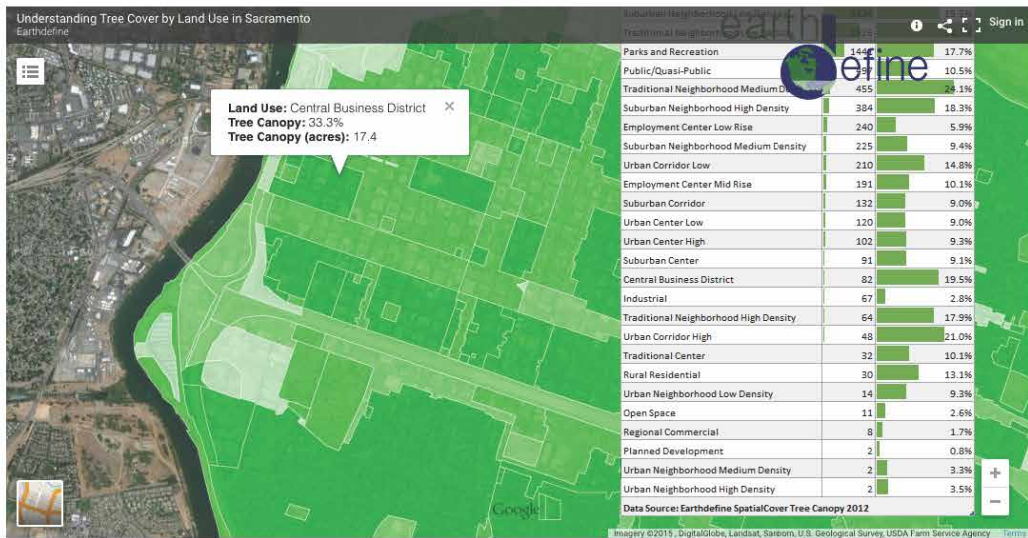
O8-40

“Understanding Tree Cover by Land Use in Sacramento”

According to [Earthdefine](#), Capitol Towers Historic District, located in the Central Business District, has a tree canopy of 33.3%. Per Earthdefine’s “Understanding Tree Cover by Land Use in Sacramento,”:

“Sacramento’s urban forest covers 16.5% of its area with a total tree canopy cover of 10,506 acres. This map shows the distribution of tree cover between different land use classes. Suburban low density neighborhoods contain most of the trees in Sacramento while traditional low density neighborhoods have the highest average percent tree cover. The table lists the average values for tree cover for each land use class.”

Per Earthdefine, the urban forest coverage for the Central Business District is 19.5%.



O8-41

Why would the City of Sacramento be in favor of destroying the 33.3% tree canopy and park neighborhood in Capitol Towers Historic District?

O8-42

Sacramento Commons is NOT Exempt From Full CEQA Review

SacMod challenges the misinterpretation of CEQA law by the Applicant and Applicant’s agents. Sacramento Commons inappropriately categorizes as a Sustainable Communities project but it does not qualify.

O8-43

Nor does the Sacramento Commons project meet the criteria for housing infill. Thus, the project does not qualify for or comply with the streamlining provisions for “infill projects” set forth in CEQA law.

O8-43
cont.

This project must bear the full scrutiny and review mandated by CEQA law. There is no applicable exemption to CEQA for this project.

Sacramento Commons is NOT a Sustainable Community Project (Public Resources Code Sections 21155, et seq., do NOT Apply)

Applicant improperly seeks to characterize this project as a “transit priority project” (TPP) under Public Resources Code Sections 21155, et seq., in an attempt to evade application of CEQA law. Sacramento Commons is not a TPP. Capitol Towers Historic District and neighborhood — as it was built over fifty years ago — *already* meets TPP qualifications.

As attorney Brian Turner with the National Trust for Historic Preservation (NTHP) correctly points out in his Notice of Preparation letter to the City dated September 5, 2014 (Attached): “The square footage, density, and proximity to a major transit facility already qualify this existing development as a Transit Priority Project.”

O8-44

It therefore is of little significance that Sacramento Commons espouses to achieve TPP goals. Public policy should not reward the destruction of one TPP site for the creation of another. The net effect would be an increase, not decrease, in greenhouse emissions (as opposed to developing a TPP in an otherwise noncompliant location).

Sacramento Commons essentially seeks to avail itself of the benefits conferred on a TPP through the destruction of a historical and architecturally significant site that managed to achieve the goals and benefits of a TPP long before such classification was statutorily conceived.

Moreover, even if Sacramento Commons was considered a TPP, the project is not exempt from CEQA law because it has a significant effect on a historical resource (destruction of Capitol Towers Historic District and neighborhood). Pursuant to Public Resources Code Section 21155.1, a TPP project may be exempt from CEQA law ONLY IF it meets certain specifically defined criteria. One such criteria is that the project “not have a significant effect on historical resources pursuant to Section 21084.1.” Public Resources Code Section 21155.1(a)(5).

Pursuant to Section 21084.1, the project site is deemed a historical resource as a result of being listed in the California Register of Historical Resources.

Public Resources Code Section 21084.1 specifically states: “A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources.”

O8-45

The Sacramento Commons project most certainly has a significant effect on historical resources. Therefore, Public Resources Code Section 21084.1 prevails and makes the project ineligible to be a Transit Priority Project.

↑
O8-45
cont.

Finally, if the Sacramento Commons project is considered a TPP, which it assuredly is not, it is NOT a sustainable communities project. The project site exceeds the maximum acreage (8 acres) to qualify as a sustainable community. Public Resources Code Section 21155.1(b)(1). The project also exceeds the maximum residential units allowed by law (200 units). Public Resources Code Section 21155.1(b)(2). And it appears that Sacramento Commons will result in a net loss of affordable housing, contrary to the goals and requirements set for sustainable communities. Public Resources Code Section 21155.1(b)(3). A sustainable communities project must also assure adequate levels of low-income housing (20%) and/or open space (5 acres per 1,000 residents); assurances not made by Applicant here. See Public Resources Code Section 21155.1(c). Therefore, Sacramento Commons is NOT an exempt sustainable communities project.

O8-46

Sacramento Commons is NOT an Infill Project Entitled to Special Streamlined CEQA Review (Public Resources Code Section 21159.21, et seq., do NOT Apply)

Public Resources Code Sections 21159.21, *et seq.*, provide streamlined environmental review for certain housing projects. Applicant improperly seeks to avail itself of the streamlined review procedures provided for in the Act. But even the most cursory review of the statute makes clear that it does not apply to Sacramento Commons. As with the TPP exemption, streamlined review is available ONLY IF: “The project does not have a significant effect on historical resources pursuant to Section 21084.1.” Public Resources Code Section 21159.21(g).

Again, this site is deemed a historical resource pursuant to Public Resources Code Section 21084.1 as a result of its listing on the California Register of Historical Resources. Thus, the special housing project exemption to CEQA law does not apply.

In complete disregard of the historical resource status of the project site, Applicant insists that Sacramento Commons is an infill project entitled to streamlined review under Public Resources Code Section 21159.24. Section 21159.24 is inapplicable where, as is the case here, the project fails to satisfy the initial criteria set forth under Section 21159.21. See Public Resources Code Section 21159.24(a)(3). Applicant cannot ignore the historic district’s status. Any exemption is negated as a result of Capitol Towers’ eligibility on the California Register of Historical Resources.

O8-47

Even if Applicant was entitled to streamlined review under Public Resources Code Section 21159.24(a) — which it is not — new information relative to the historic eligibility of the site must be subject to CEQA review. See Public Resources Code Section 21159.24(b)(3). Applicant is not permitted to ignore the historical resources, nor may the City do so.

Finally, the project is not truly “residential” for purposes of streamlined review. Section 21159.24(d) defines “residential” as a project either consisting solely of residential units or residential with not more than 25% of the space dedicated to “primarily neighborhood-serving” businesses. Applicant readily admits the project is not intended solely for residential purposes. Nor though will the business use be “primarily neighborhood-serving.” It is believed and understood from on-site investigation conducted by SacMod that Applicant will force out most of the truly local businesses serving the needs of the residents and replace them with franchises aimed at generating business from customers off site and the greater downtown area.

O8-48

Regardless of whether the project is residential, infill, transportation-oriented, or otherwise, the simple fact remains that this project is subject to the full scope of review afforded by CEQA law because Capitol Towers Historic District and neighborhood is a historical resource. Significant impacts to the historical resource, as intended by Applicant, must be mitigated.

O8-49

Applicant is NOT Exempt From Considering Alternative Locations and Densities as Mitigation

In a final effort to avoid responsible stewardship of the historical resource, Applicant contends it need not consider offsite alternatives or changes in density to mitigate the significant impact the proposed project will have on Capitol Towers Historic District and neighborhood. [DEIR 5.1.1 “Pursuant to both Public Resources Code section 21155.2(c)(2) and 21094.5(b)(1) this EIR is not required to evaluate an offsite alternative even if adequate offsite locations were available and the project proponent could obtain control of such locations.”]

However, this too is a flawed assertion by the Applicant. It again seeks to rely upon sustainable communities classification as a basis for avoiding consideration of all means of mitigation. As previously discussed, the project does not qualify as a sustainable community project or TPP. Therefore, Public Resources Code Section 21155.2(c)(2) is inapplicable. Similarly, the offsite mitigation limitation provided for in Public Resources Code Section 21094.5 is intended to promote establishment of a sustainable community project. Offsite mitigation need not be considered IF “a sustainable communities environmental assessment could not be otherwise adopted.” Public Resources Code Section 21094.5(b). That is not an issue here, the site already qualifies as a sustainable community and TPP. If Applicant’s approach were adopted, every existing TPP could be readily altered, modified or destroyed regardless of the environmental and historical resource impacts under the guise of re-qualifying as a sustainable community. Nothing could be less sustainable.

O8-50

Appendix A — SACOG’S “Consistency Determination” Letter — is Invalid on Numerous Counts

On December 8, 2014, SACOG (Sacramento Area Council of Governments) wrote that it determined that Sacramento Commons is “consistent” with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) [Attachment 8 Appendix A of Sacramento Commons DEIR].

This determination is invalid because:

1. SACOG’s analysis, based on modified computations from a worksheet dated July 31, 2012, completely ignores the existence of the historical resources on the proposed Sacramento Commons project site;
2. SACOG’s letter pre-dates the Keeper of the National Register of Historic Places determination on December 31, 2014 that the site is eligible to be listed on the National Register and — consequently — is automatically listed on the California Register of Historical Resources.
3. SACOG’s determination relies on the misinterpretation of CEQA law by the Applicant and Applicant’s agents that inappropriately categorizes Sacramento Commons as a Sustainable Communities project.

O8-51

Capitol Towers Historic District and Neighborhood Already Embodies the Standards, Principles, and Intentions that Sacramento Commons Seeks to Achieve

SACOG MTP/SCS

Capitol Towers Historic District and neighborhood — as it was built over fifty years ago — *already* meets the key “Blueprint” principles that are the foundation for the SACOG’s Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

These principles are:

- providing a variety of transportation choices;
- offering housing choices and opportunities;
- taking advantage of compact development;
- using existing assets;
- mixed land uses;
- preserving open space, farmland and natural beauty through natural resources conservation; and
- encouraging distinctive, attractive communities with quality design.

O8-52

As NTHP Attorney Brian Turner notes in his September 5, 2014 letter to the City, Capitol Towers Historic District:

“... already embodies the seven interlocking principles of the Sacramento Area Council of Governments Blueprint including compact development, housing and transportation choices, mixed use development, quality design and conservation of natural resources....”

O8-53

Former State Architect Barry Wasserman, FAIA, testified to the State Historical Resources Commission on November 7, 2014 that Capitol Towers is, in fact, an early and groundbreaking model for mixed use planning:

“When I was state architect and in charge of developing the Capitol area plan, which has received international recognition and has held up over the last 25 years, Capitol Towers was an example of the kind of residential development and spacial development that fit the climate that we used as a underpinning for all that we did afterwards.... One of the things that I emphasize as a teacher is the importance of the space between buildings being just as important as the buildings themselves. In this case, Wurster's buildings are significant because they really represent the architecture of Central California of that time. But the spaces between the buildings, the landscape design is absolutely an example of what we should be doing in the future. It's what we tried to do in the Capitol area, it's what I'd like to see continue in all sustainable development in Sacramento.”

O8-54

Indeed, MTP/SCS 2035 Sacramento Area Council of Governments Draft Environmental Impact Report (Chapter 7 – Cultural Resources – Page 7-52) favors mitigation that acknowledges historic districts and adaptive re-use — something that Sacramento Commons DEIR refuses to consider:

“If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. Adaptive re-use or other measures developed consistent with the Secretary of the Interior's Standards will reduce impacts to a less than significant level unless such measures are unable to avoid materially altering the physical characteristics creating the resource's historical significance in an adverse manner.”

O8-55

2035 GENERAL PLAN

Capitol Towers Historic District and neighborhood — as it was built over fifty years ago — *already* meets standards for the 2035 General Plan for development in the Central Business District.

O8-56

According to the 2035 General Plan Final MEIR dated February 24, 2015:

“In adopting the City of Sacramento 2035 General Plan, the City of Sacramento seeks to achieve the following objectives, consistent with the objectives stated in the current 2030 General Plan.

- Character of Place. Preserve and enhance Sacramento’s quality of life and character as a city with diverse residential neighborhoods, an extensive urban forest, and role as the center of California’s governance.
- Smart Growth. Encourage future growth in the city inward into existing urbanized areas and the central business district to foster infill development, as well as encourage density of development and integration of housing with commercial, office, and entertainment uses that fosters increased walking and reduced automobile use.
- Live More Lightly. Strive to meet the intent of Assembly Bill 32, California Global Warming Solutions Act of 2006, by reducing carbon emissions that contribute to global warming by encouraging “green” building practices, use of solar energy systems, and developing a land use pattern that supports walking, biking, and public transit.
- Maintain a Vibrant Economy. Support a diversity of business and employment opportunities by retaining existing and attraction of new businesses; maintain and expand recreational, arts, and cultural facilities; and nurture diverse community events and celebrations.
- Healthy Cities. Preserve and enhance land use patterns and densities that foster pedestrian and bicycle use and recreation through expanded parklands, sports, and athletic programming as well as provide incentives for expanding the availability of organic foods, and protecting residents from crime and natural or terrorist acts.
- Sustainable Future. Accommodate growth that protects important environmental resources as well as ensures long-term economic sustainability and health, and equity or social wellbeing for the entire community.”

O8-56
cont.

Capitol Towers Historic District and neighborhood already embodies all of these core principles with its diverse housing choices; extensive urban forest; mixed-use planning and award-winning design for smart growth; high density; proximity to transit and car-free bicycle and pedestrian areas; open, park-like green spaces and gathering places.

O8-57

In particular, SacMod would like to address the key issue of sustainability among the 2035 General Plan MEIR core policies: there is nothing less sustainable than destroying perfectly good, functional, historical buildings in an established community. Simply adding density after demolishing a livable community does not make a project more sustainable. Merely labeling a project sustainable does not necessarily make it so.

O8-58

Many of the proposed concepts expressed in Sacramento Commons DEIR would result in an increase of energy and resource consumption — and are simply a repackaging and reselling of attributes and amenities that already exist or can be further enhanced on the historic site.

O8-59

As NTHP Attorney Brian Turner notes in his September 5, 2014 letter to the City, Capitol Towers Historic District:

“... Indeed, the existing Capitol Tower and Garden Apartments offer an outstanding example of what is prescribed by the 2030 General Plan for development in the CBD: a mixture of mid- and high-rise sited to positively define the public streetscape, public parks and open space areas within walking distance of local residents, broad sidewalks appointed with appropriate pedestrian amenities, and consistent planting of street trees providing shade and enhancing character and identity.”

O8-60

Additionally, Mr. Turner advised the City:

“The National Trust’s Preservation Green Lab has evaluated the environmental impacts of building reuse compared to demolition and new construction for a variety of building types, notably in our publication [The Greenest Building: Quantifying the Environmental Value of Building Reuse](#). This study found that building reuse typically offers significant environmental savings over new construction -- even when that new construction is energy efficient. Indeed, building reuse can offer climate change savings and reductions in resource depletion when compared to new construction.”

O8-61

Per that study’s Executive Summary:

“It is often assumed that the CO2-reduction benefits gained by a new, energy efficient building outweigh any negative climate change impacts associated with the construction of that building. This study finds that it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process.”

O8-62

How will the City of Sacramento test the applicant’s assertion that the project is “sustainable” to make sure that there is factual evidence and expert scientific evaluation to support this claim?

O8-63

DEIR Project Objectives were Already Met Before Sacramento Commons was Conceived

Capitol Towers Historic and neighborhood — as it was built over fifty years ago — already meets the Project Objectives outlined in Sacramento Commons DEIR:

The project objectives for the Sacramento Commons project are to:

- ▶ intensify an existing urban downtown residential community close to urban amenities (e.g., shopping, services, transit, entertainment, and cultural attractions);

Capitol Towers Historic District already achieves this goal, which can be further intensified without destroying historic resources.

- ▶ support investment and reinvestment in downtown Sacramento, particularly with provision of more residential uses;

- ▶ intensify an existing infill development project with a new project that includes additional residential uses near the major employment centers of downtown Sacramento;

These goals can be achieved through proactive stewardship of the existing Historic District consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties — and can be further intensified without destroying the majority of historic resources.

- ▶ provide high-density residential uses that utilize surrounding transit services and provide access to a variety of transportation modes;

Capitol Towers Historic District already achieves this goal.

- ▶ enhance pedestrian movement through the central portions of the project site;

Capitol Towers Historic District already achieves this goal, which can be further intensified without destroying historic resources.

- ▶ provide additional housing choices for Sacramento's diverse population, and supporting retail and other commercial services for the residents and guests of the proposed development;

Capitol Towers Historic District already has a large variety of housing choices and thereby achieves this goal.

- ▶ provide open space areas that support uses on-site and provide places for community gathering, activity, privacy, and connectivity;

O8-64

O8-65

O8-66

O8-67

O8-68

O8-69

Capitol Towers Historic District already achieves this goal.

↑ O8-69
cont.

- ▶ provide development that is consistent with the City of Sacramento’s General Plan and the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS); and

O8-70

Capitol Towers Historic District already achieves this goal.

- ▶ incorporate sustainability features that help the City and region achieve its sustainability targets, while enhancing the livability of the community.

O8-71

This goal can be achieved without destroying the Historic District.

PUD Guideline Improvements and Amenities

Capitol Towers Historic District *already has* — or can easily integrate — the improvements and amenities touted by Sacramento Commons without destroying historical resources. These include: open promenades; gathering areas; street lighting, furnishings, amenities; public art; retail spaces; signage; specialty market; for-sale condos; water efficiency; energy efficiency; climate-appropriate planting; low-impact design features; retail kiosk; live-work units; fixed and movable seating areas; bicycle parking facilities; a rooftop garden; shade structure; and water run-off management.

O8-72

Density of Capitol Towers Historic District and Neighborhood

Capitol Towers Historic District and neighborhood encompasses four city blocks.

It includes:

- 1) Capitol Towers Historic District - 409 units - 10.13 acres
(source: SacCommons DEIR)

Parcel 00603000040000
Parcel 00603000030000
Parcel 00603000020000
- 10.13 acres per DEIR

- 2) Bridgeway - 134 units (source: SacCommons DEIR)
Parcel 00603000070000 (42689 sq ft - source: SacCounty Assessor)
- 0.98 acres

- 3) Pioneer - 198 units (source: SacCommons DEIR)
Parcel 00603000050000 (55757 sq ft - source: SacCounty Assessor)
- 1.28 acres

Total Units = 741 units

Total Acres = 12.39 acres

Current units per net acre calculation = 59.8

This number — 59.8 for the established Capitol Towers Historic District and neighborhood — is remarkably close to complying with the Central Business District minimum density intended for new developments (61 units per net acre pursuant to the 2030 General Plan). As a matter of fact, Capitol Towers Historic District and neighborhood is *already* one of the densest areas of downtown Sacramento, second only to Sacramento County Jail, according to U.S. Census data.

Sacramento Commons seeks to shoehorn more density in an area that already and essentially conforms with the 2030 General Plan.

Why would the City be in favor of destroying the second densest area of downtown Sacramento?

O8-73

City of Sacramento has Already Granted Entitlements Elsewhere to Achieve Density Objective

Table 1: SACRAMENTO COMMONS : COMPETING DENSITY PROJECTS *

Name	Location	# Units	Source
16 Powerhouse	16th & P	50	CADA
515 T Street	515 T Street	14	Sac. Business Journal
700 K Street	700 K Street	137	Sac. Business Journal
1500 S Street	1500 S Street	76	Sac. Business Journal
Whole Foods	21st & L	140	Sac. Business Journal
2500 R Street	2500 R Street	34	Sac. Business Journal
Broadway Triangle	39th & Broadway	29	Sac. Business Journal
Cathedral Square	11th & J	233	Sac. Business Journal
Crystal Ice Blocks	16th/17th & R	150	Sacramento Bee
Curtis Park Village	Sutterville & 24th Street	510	Petrovich Development
Downtown Plaza	5th/7th & J/K	550	Sac. Business Journal
Eviva	16th & N	118	Sac. Business Journal
Hall of Justice	813 6th Street	42	Sac. Business Journal
Hyatt Place (Marshall)	1122 7th Street	15	Sacramento Bee
i15	1431 I Street	96	Sac. Business Journal
La Valentina	12th & D	81	Domus Development
Legado de Ravel	16th & O	84	CADA
McKinley Village	East Sac/Bus I-80	336	McKinley Village
Mercy Housing	7th & H Streets	150	Sac. Business Journal
Pacifica Senior Artists	700 16th	160	Sac. Business Journal
Sutter Park	East Sac/F Street	125	Sac. Business Journal
Tapestri Square	2010 20th Street	58	Sac. Business Journal
The Arbors @ Oak Park	3820 Broadway	56	Sac. Business Journal
The Creamery	D & 10th	117	Sac. Business Journal
The Docks	Front Street	1155	City of Sacramento

O8-74

(TABLE 1: CONTINUED FROM PREVIOUS PAGE)

Name	Location	# Units	Source
The Metropolitan	10th & J	320-380	Sac. Business Journal
The Mill @ Broadway	2630 5th	968	Thomas Law
The Ridgeway	912/914 12th Street	22	Sac. Business Journal
The River District (includes Township 9 + Twin Rivers)	south of the American River and north of the Railyards above Downtown Sacramento	8144	City of Sacramento
Union Pacific Railyards	north of Downtown and south of the River District	12000	Mosaic Partners
Warehouse Artists Lofts	11th & R	116	CADA

O8-74
cont.

TOTAL # NEW / ENTITLED UNITS IN OR CLOSE TO CENTRAL CITY = 26,146

ADDITIONAL PROJECTS NEARBY *

Name	Location	# Units	Source
Delta Shores	I-5 & Beach Lake Road South Sacramento	5200	Merlone Geier
Mutual Housing	Stockton Blvd South Sacramento	120	Sac. Business Journal
Greenbriar	Natomas	3000	Thomas Law
North Natomas	Natomas	2119	City of Sacramento
Bridge District	West Sacramento	4000	The Bridge District
Capitol Yards	West Sacramento	270	City of West Sacramento
Delta Lane	West Sacramento	71-177	Sac. Business Journal
Landmark Lofts	West Sacramento	60	Sac. Business Journal
Pioneer Bluff incl Stone Locke	West Sacramento	5000 2000	SACOG

O8-75

TOTAL # NEW / ENTITLED UNITS NEARBY = 21,946

* not necessarily complete lists; table data are known projects as of 4.15.15

Sacramento Commons DEIR is Inconsistent with City of Sacramento and Regional Policies

Sacramento Commons is inconsistent with the following City of Sacramento policies:

2030 General Plan Policy LU 1.1.5 Infill Development.

“The City shall promote and provide incentives (e.g., focused infill planning, zoning/rezoning, revised regulations, provision of infrastructure) for infill development, redevelopment, mining reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian- and bicycle-friendly neighborhoods, increase housing diversity, ensure integrity of historic districts, and enhance retail viability.”

O8-76

Capitol Towers Historic District is an established and successful mixed use residential community; pedestrian and bicycle-friendly; is already Transit Priority Project compliant; and is inhabited, recently rehabilitated, and fully economically viable. Why would the City be in favor of destroying an established and successful mixed use community that complies with the City’s goals as stated above?

2030 General Plan Policy LU 2.1.1: City of Neighborhoods.

“Recognizing that Sacramento’s neighborhoods are the basic living environments that make-up the city’s urban fabric, the City shall strive through its planning and urban design to preserve and enhance their distinctiveness, identity, and livability from the downtown core to well integrated new growth areas.”

2030 General Plan Policy LU 2.1.2: Protect Established Neighborhoods.

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

O8-77

Capitol Towers Historic District is an established park neighborhood. Does the City only believe this applies to single family homes? It should apply to apartment communities as well. Why would the City be in favor of destroying an established park neighborhood? Why wouldn’t the City be encouraging a sense of community and creating more civic pride that is associated with a historic district?

2030 General Plan Goal LU 2.3: City of Trees and Open Spaces.

“Maintain multi-functional “green infrastructure” consisting of natural areas, open space, urban forest, and parkland, which serves as a defining physical feature of Sacramento, provides visitors and residents with access to open space and recreation, and is designed for environmental sustainability.”

O8-78

Sacramento Commons removes the majority of Capitol Towers Historic District’s 33.3% tree canopy with old-growth, established greenspaces and trees — and replaces it with cement and younger, and less robust vegetation. Why would the City of Sacramento be in favor of destroying the 33.3% tree canopy and park neighborhood at Capitol Towers Historic District?

2030 General Plan Goal LU 2.4: City of Distinctive and Memorable Places.

“Promote community design that produces a distinctive, high-quality built environment whose forms and character reflect Sacramento’s unique historic, environmental, and architectural context, and create memorable places that enrich community life.”

O8-79

2030 General Plan Policy LU 2.4.1: Unique Sense of Place.

“The City shall promote quality site, architectural and landscape design that incorporates those qualities and characteristics that make Sacramento desirable and memorable including: walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.”

O8-80

2030 General Plan Policy LU 2.4.2: Responsiveness to Context.

“The City shall require building design that respects and responds to the local context, including use of local materials where feasible, responsiveness to Sacramento’s climate, and consideration of cultural and historic context of Sacramento’s neighborhoods and centers.”

Capitol Towers Historic District is an established, distinctive, and memorable community that reflects Sacramento’s unique historical, environmental, and architectural context. The historic district is a rare example of urban planning and design from the redevelopment era and, in particular, Northern California Regionalism that directly responds to Sacramento’s climate. These are expressed in its broad overhangs, shade trees, and celebration of outdoor living. It was envisioned and pioneered at the human scale, with landscape and architecture designed to enhance the livability for residents, neighbors to the site, and the larger community, thereby providing a public benefit to the entire City of Sacramento. Why wouldn’t the City be encouraging a unique sense of place and creating more civic pride that is associated with this historic district?

O8-81

2030 General Plan Goal HCR 1.1: Comprehensive City Preservation Program.

“Maintain a comprehensive, citywide preservation program to identify, protect, and assist in the preservation of Sacramento’s historic and cultural resources.”

2030 General Plan Policy HCR 2.1.1 Identification.

“The City shall identify historic and cultural resources including individual properties, districts, and sites (e.g., archaeological sites) to provide adequate protection of these resources.”

2030 General Plan Policy HCR 2.1.2 Applicable Laws and Regulations.

“The City shall ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented, including the California Historical Building Code and State laws related to archaeological resources, to ensure the adequate protection of these resources.”

2030 General Plan Policy HCR 2.1.8 Historic Preservation Enforcement.

“The City shall ensure that City enforcement procedures and activities comply with local, State, and Federal historic and cultural preservation requirements.”

2030 General Plan Policy HCR 2.1.14 Demolition.

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

2030 General Plan Policy CC.HCR 1.1 Preservation

“The City shall support programs for the preservation of historically and architecturally significant structures which are important to the unique character of the Central City.”

As described in great length in the earlier part of SacMod’s response, Capitol Towers is a historic district pursuant to Federal and State law. It has been formally determined eligible to be listed on the National Register of Historic Places and is listed on the California Register of Historical Resources. The City of Sacramento Preservation Director and Preservation Commission determined it should be a landmark and voted in favor of placing it on the Sacramento Register of Historic and Cultural Resources.

What has the City done to ensure that project alternatives and measures are taken to preserve the historical resources in Capitol Towers Historic District? These would include exploring decreased density options and alternative sites. How has Applicant

O8-82

demonstrated that they need the proposed number of units for the project? Is the proposed Phasing indicated in the DEIR realistic? How has the City ensured that viable project alternatives have been thoroughly explored and considered? Most certainly, Sacramento Commons DEIR has failed to do so.

↑
O8-82
cont.

2030 General Plan Policy LU 5.6.2 Family-Friendly Downtown.

“The City shall promote the CBD as a family-friendly area by requiring the development of a variety of housing types, daycare and school facilities, family-oriented services, and parks, plazas, and open spaces that will safely and comfortably accommodate those who wish to raise a family.”

↑
O8-83

Sacramento Commons, as described by the Applicant during separate meetings with community groups, is not being built to be family-friendly. Their target demographic is young, single, higher-income, and childless.

2030 General Plan Policy H-3 5.6.2 Preservation Options (Affordable Housing).

“In addition to identifying units at risk of converting to market rate housing, Government Code Section 65583(a)(8)(B) requires a comparison of costs to replace lost units through construction or rehabilitation to the cost of preserving the existing units. Preservation of the at-risk units can be achieved in several ways, including 1) facilitating a transfer of ownership of these projects to affordable housing organizations; 2) purchasing of affordability covenants; and 3) providing rental assistance to tenants.”

↑
O8-84

What measures is the Applicant and City taking to ensure that preservation of similarly affordable housing for displaced Capitol Towers residents is achieved?

Policy CC.H 1.1 Mixed Use Buildings.

“The City shall provide the opportunity for mixture of housing with other uses in the same building or on the same site at selected locations to capitalize on the advantages of close-in living. The City of Sacramento General Plan, Land Use and Urban Design section contains key urban form characteristics envisioned for development within the Central Business District:

- 1. A mixture of mid- and high-rise buildings, creating a varied and dramatic skyline with unlimited heights;
- 2. Lot coverage generally not exceeding 90%;
- 3. Buildings are sited to positively define the public streetscape and public spaces;
- 4. Building facades and entrances directly addressing the street and a high degree of transparency;
- 5. An interconnected street system providing for traffic and route flexibility;

↑
O8-85
↓

- 6. Vertical and horizontal integration of residential uses;
- 7. Public parks and open space areas within walking distance of local residents;
- 8. Parking is integrated into buildings or placed in separate structures;
- 9. Minimal or no curb cuts along primary streets;
- 10. Side or rear access to parking and service functions;
- 11. Broad sidewalks appointed with appropriate pedestrian amenities, including sidewalk restaurant/café seating;
- 12. Street design integrating pedestrian, bicycle, transit and vehicular use and incorporates traffic-calming features and on-street parking.”

O8-85
cont.

Capitol Towers Historic District already embodies these principles.

**Sacramento Area Council of Governments MTP/SCS 2035 DEIR-
Mitigation Measure CR-1: Conduct historical resource studies and identify and
implement project-specific mitigation.**

“If the Historical Survey Report indicates that NRHP, CRHR or locally listed or eligible historical resources exist in the project study area, the implementing agency should consider avoidance as the primary mitigation measure. If avoidance is possible, mitigation is complete, and the impact to historical resources would be less than significant (LS).

If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. Adaptive re-use or other measures developed consistent with the Secretary of the Interior’s Standards will reduce impacts to a less than significant level unless such measures are unable to avoid materially altering the physical characteristics creating the resource’s historical significance in an adverse manner. If the implementing agency determines these measures cannot avoid such material alterations to the physical characteristics creating the resource’s historical significance, then the impact would remain potentially significant (PS).”

O8-86

As previously discussed, Capitol Towers Historic District already embodies the nine goals of Sacramento Commons’ DEIR. It is therefore possible to mitigate impacts to a lesser degree than what is offered in the DEIR. The DEIR fails to recognize and inappropriately dismisses other viable project alternatives.

Applicant has a Demonstrated History of “Flipping” Properties and has Virtually NO Development Experience

Evidence of Applicant’s track record of flipping a property and abandonment after receiving entitlements can be found in its [presentation](#) dated April 13, 2013, on page 10 – a “Case Study” in Hawaii – The Kohanaiki Golf & Ocean Club, which: “consists of a 450 acre site fronting over 1.5 miles of the Kona Coast of the Big Island of Hawaii.

- Originally acquired by Kennedy Wilson in 1997
- Company gained entitlements in 2004
- Kennedy Wilson sold its interest in the property in 2007; the new owners then invested approximately \$300 million for zoning, engineering, entitlement, and construction
- Kennedy Wilson reentered partnership in 2011 at a significantly reduced basis.”

O8-87

KW has virtually no experience doing development. Per the [Beverly Hills Planning Department](#), KW’s development experience has been limited to minor improvements, including a request for a Development Plan Review to allow a rooftop lunchroom with outdoor seating and associated amenities; façade remodel; landscaping; a sign accommodation for a ground sign; and a sign accommodation to allow business identification signage. Only a handful of model homes at luxury resort Kohanaiki have been completed since KW’s repurchase.

Stewardship Issues

While the fate of Capitol Towers Historic District is being decided, SacMod calls upon the City to ensure that KW proactively maintain and provide necessary repairs to the neighborhood so that “demolition by neglect” does not occur.

O8-88

SacMod has received disturbing reports by Capitol Towers residents about practices such as:

- renting out Villas without disclosure to tenants the site is slated for demolition;
- rent increases with concurrent demise of services;
- site notice for the proposed project was posted but then was removed within 24 hours.

Project Alternatives

As previously demonstrated, the majority of ideas for improvements expressed by the applicant either already exist at the site or can be accomplished without demolition or destruction of the historical buildings, the historical structures, the historical landscaping, and the historical master plan. Demolition and/or alteration of these historical resources would be a significant and *avoidable* impact. Applicant’s DEIR

O8-89

erroneously asserts that it can dismiss alternatives that address density and alternatives sites. There are many viable alternatives.

As acknowledged in DEIR 5-2, CEQA guidelines "... state that 'the discussion of alternatives shall focus on alternatives to the project or its location [that] are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly' (CEQA Guidelines, Section 15126.6[b]). Ironically, Sacramento Commons DEIR fails to comply with this guideline. Throughout the entitlement process, Applicant has refused to consider such alternatives.

O8-89
cont.

1) No Project Alternative

Ideally, Sacramento Commons could be built on a more suitable and nearby available non-historical site that would benefit from such development. KW can modify the project for a site that is not currently inhabited by a historical resource. KW can build the project elsewhere in a vacant or available lot that needs enhancement, thereby actually fulfilling the true goals envisioned and promoted by TPP and infill policies.

Sacramento Commons' DEIR has chosen not to explore off-site alternatives that would prevent adverse effects of historical resources, despite the project's proximity to multiple large, vacant parcels and lots that contain no historical resources, which are also zoned for high residential density, and are adjacent to transit lines.

We suggest "The Docks" area would be an ideal location for Sacramento Commons due to its proximity to the waterfront and the proposed streetcar line. This location has already been approved for high rise residential. Additional nearby sites where potential off-site projects could be located include the 3/4 vacant city block across the street from the site between 7th , 8th , O and P Streets; the city block between 3rd, 4th, R and S Streets; and the city block at 3rd, 4th, L and Capitol. All are close to existing or planned transit lines, vacant, and zoned for high density residential use.

O8-90

Furthermore, the majority of ideas for improvements expressed in the currently proposed Sacramento Commons development either 1) *already exist* at the site — or 2) can be accomplished without wasteful and needless demolition.

The No-Project Alternative is the only alternative that meets the requirements of the City of Sacramento's General Plan. The rest of the alternatives in Sacramento Commons' DEIR violate the City's Municipal Code Section 17.64.100, prioritizing preservation of historical resources as a method to sustain and revitalize neighborhoods, enhance the city's economic, cultural and aesthetic standing, its identity and its livability, marketability, and urban character.

2) Historic Stewardship Alternative

KW can embrace and respect the existing historic district's design and become an award-winning example of historic stewardship. KW can rehabilitate Capitol Towers Historic District within the with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. Adaptive re-use or other measures developed consistent with the Secretary of the Interior's Standards will reduce impacts to a less than significant level unless such measures are unable to avoid materially altering the physical characteristics creating the resource's historical significance in an adverse manner.

KW can meet most of the expressed objectives in the March 2015 DEIR and March 2015 Planned Unit Development Guidelines by using already existing historical assets or by adding amenities to the existing historical assets. These objectives can be achieved by *enhancing* what is there, not destroying it.

Furthermore, the Applicant is eligible to receive tax credits and incentives to do improvements and repairs — thanks to the status of the Historic District. There are benefits and incentives that official National Register designation provides should the Sacramento Commons project choose to make use of these benefits. Tax credits and deductions include a 20% Federal tax credit for the rehabilitation of historical income-producing properties in accordance with national standards. These incentives are available to Kennedy Wilson as the owner of the historic district. For more about the Federal Historic Preservation Tax Credit Program, please see http://ohp.parks.ca.gov/?page_id=25007. If [AB 771](#) passes, the historic district could also receive additional tax credits. For more about Historic State Tax Credits, please see http://ohp.parks.ca.gov/?page_id=27495

O8-91

3) Adding Density to the Existing Historic District Alternative per SOI Standards

On site, improvements and density could be achieved at the historic district in a manner that is more respectful and sensitive to the original master plan and design. A balance of increased density and retention of historical resources could be achieved.

There are ways to create new housing and infill development within a historic district that meet the Secretary of the Interior's Standards and City of Sacramento guidelines regarding infill in historic neighborhoods. The Applicant and Applicant's agents have not explored any alternatives with this approach.

For instance, there is opportunity for residential density, parking, and additional retail/commercial areas and perhaps even a boutique hotel where Parking Garage structure and adjacent parking lots on the East side of the Historic District are located. This minimizes impacts to resources within the Historic District. Depending on the skill, intelligence, and finesse of the approach and design, the advantages in the Historic Stewardship could apply.

O8-92

4) **Carey & Company Sacramento Commons Preservation Alternatives 1 & 2 (DEIR Appendix D) 15-Story / 24-Story Core Retention Alternatives**

Carey and Co.'s November 5, 2014 Preservation Alternatives 1 and 2 (DEIR Alternatives 2 and 3) allow for some retention of the Historic District while allowing for demolition of historic resources.

While we consider these alternatives the least desirable of Alternatives 1 through 3 mentioned in our response above, there are some great ideas — such as the restoration of architectural features from the original Capitol Towers site — that should be considered and encouraged.

These proposed alternatives did not incorporate residential areas above parking levels and miss the opportunity for retail and commercial areas on the ground floors, but could be modified to do so. This would minimize the footprint of parking additions to the site.

Carey and Co.'s proposed alternatives could be improved so that density could be added while substantially lessening impacts on historical and cultural resources. For example, the Site B Tower (DEIR Figure 5-2) is currently proposed to have a north/south alignment and replaces a significant amount of the historical low-rise apartments. If it was reoriented to the east and west and moved slightly south to the existing parking lot, it would be a better design that responds to the Sacramento climate (less heat gain) and would not require demolition of existing historical resources.

O8-93

Conclusion

SACRAMENTO COMMONS DOES NOT OFFER SUFFICIENT PUBLIC BENEFITS TO JUSTIFY THE DEMOLITION OF CAPITOL TOWERS HISTORIC DISTRICT.

The demolition of Capitol Towers Historic District is unnecessary. It would be the loss of a highly successful, established, mixed-use community and park neighborhood that has been a model for livable downtown housing for over 50 years. It is a thriving, vibrant, livable and established community that already embodies the standards, principles, and intentions that Sacramento Commons seeks to achieve. The buildings are inhabited, recently rehabilitated, and fully economically viable.

Capitol Towers Historic District and neighborhood is *already* one of the densest areas of downtown Sacramento, second only to Sacramento County Jail. Sacramento Commons seeks to shoehorn more density in an area that essentially conforms with the 2030 General Plan. The neighborhood's overall density is 59.8 units per acre.

Furthermore, the Applicant has claimed that a fundamental reason for the new project is to increase density of the existing Capitol Towers Historic District site, from

O8-94

O8-95

O8-96

approximately 44 units per acre, compared to the property's land use category that recommends a density of 60-450 units per acre. But this land use category is not a strict limitation on densities allowed in the site, and is intended as an aggregate of *neighborhood* density. By comparison, the downtown Entertainment & Sports Complex, a similarly sized development project under the same land use category, is planned for a maximum total density of 550 units, or 55 units per acre, and currently only 69 units of housing are planned for the site, less than 7 units per acre. This zoning category also includes office and commercial buildings with no residents.

O8-96
cont.

The Applicant, Kennedy Wilson, is unlikely to deliver the currently proposed project after receiving entitlements and flipping the properties pursuant to its track record. The Applicant is not a builder, it is a real estate investment trust. It does not plan on being the builder of this property. This proposal is a Planned Unit Development, intended to entitle the land for high-rise use, not a formal development plan to actually construct the buildings. However, there is no long-term requirement for a subsequent purchaser of that land to follow the PUD if they decide that another use is more beneficial to them — they only need to submit a new plan to the city that could ignore this plan entirely by seeking new entitlements. Sacramento Commons is a “flip” of the existing property based on potential future value that sacrifices the existing, occupied, densely populated, well-maintained and economically viable apartment complex on the site so Kennedy Wilson can profit from the speculative future value of the land underneath the buildings.

O8-97

The demolition of Capitol Towers Historic District unnecessarily destroys a vital contributor to the City's urban forest. Our urban forests are linked to the overall health and wellness of our residents. While other major cities such as New York and Chicago are seeking innovative ways to add park space to their urban cores (for example [High Line](#), [Pier 55 Park](#), [Millennium Park](#)), Sacramento Commons significantly reduces the greenspace and tree canopy in the Sacramento Central Business District. Additionally, there would be loss of park space and open space at human scale in an established neighborhood that is already pedestrian and bike friendly — and near bus stops and light rail.

O8-98

The demolition of Capitol Towers Historic District and replacement with new construction for Sacramento Commons would increase usage of water, [a scarce natural resource during drought conditions](#).

O8-99

Sacramento Commons is surprisingly car-centric. The current number of parking spaces is 390 for 409 units. This amounts to about .95 spaces for each unit. The proposed number of parking spaces is 1701 for 1,470 units. This amounts to a higher ratio of about 1.16 spaces for each unit. This adds a total of 1311 cars to the area — while at the same time — destroying the urban tree canopy that helps clean the air.

O8-100

Sacramento Commons will displace hundreds of middle income renters in favor of higher income renters, forcing them to the suburbs and facilitating longer commutes. This paradoxically will result in a net increase in greenhouse gasses, not a decrease as the project's proponents claim. Additionally, the building of new “luxury” branded

O8-101

apartments is inconsistent with Mayor Kevin Johnson's City 3.0 goals regarding income and housing inequality.

↑ O8-101
cont.

Furthermore, demolition of the historical low-rises at Capitol Towers Historic District means the loss of 220 reasonably priced apartments that are affordable to working people, recently restored, currently inhabited and economically viable as they are currently built. The proposed replacement housing is far more expensive, meaning that those displaced by demolition would not be able to afford the new project's rents. Thus, approval of this project means a loss of affordable housing in the central city that can only be replaced by later public subsidy in another project.

O8-102

The demolition of Capitol Towers Historic District and replacement with new construction is wasteful, unnecessary, and antithetical to the nature of sustainability. As discussed earlier, it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process.

O8-103

The proposed improvements outlined in Sacramento Commons' March 2015 PUD Guidelines could be achieved without destroying Capitol Towers Historic District. Capitol Towers Historic District *already has* — or can easily integrate — the improvements and amenities touted by Sacramento Commons without destroying historical resources.

O8-104

The City of Sacramento has already granted entitlements elsewhere to achieve its goal for density. SacMod counted a total of at least 26,146 new or entitled units in or close to Central City and another 21,946 units nearby in Natomas, South Sacramento, and West Sacramento.

O8-105

Sacramento Commons DEIR's version of mitigation through documentation and recordation with various interpretive plaques and exhibits after the demise of Capitol Towers Historic District is insufficient. This very type of mitigation has been successfully challenged in court.

O8-106

Finally, Sacramento Commons' DEIR violates local, state, and federal public policies and needlessly exposes taxpayers to litigation arising out of these violations.

O8-107

The Applicant and Applicant's agents have been unyielding to any compromises or alternatives from the beginning. Neighbors' and residents' concerns were dismissed and ignored. This is in great contrast with other large-scale developments in the City (for example, Delta Shores) who have taken the time to listen to and integrate the input of residents, neighbors, and the community into their projects.

O8-108

Though Applicant and Applicant's agents were advised by members of the preservation community in February 2014 regarding the existence of historical resources, they dismissed this advisement and continued to deny the existence of historical resources

↓ O8-109

even after it was formally determined eligible to be listed on the National Register of Historic Places and was listed on the California Register of Historical Resources.

↑ O8-109
cont.

In closing, SacMod urges that the City deny the entitlements currently sought by the Sacramento Commons project and to provide the necessary leadership, guidance, and commitment to ensure that CEQA law is upheld. In the excitement surrounding the developments downtown and consequent rush to get in on the action, this neighborhood has been inappropriately targeted.

O8-110

It does not make sense to destroy the most beautiful, functional, successful, dense, established residential community downtown. This historic district and neighborhood remains unparalleled in the architectural talent and planning principles it embodies even to this day. Furthermore, the historic district is mis-categorized as an "infill" project and already exemplifies the very core concepts the Commons project is seeking to achieve. The neighborhood is already walkable, livable and desirable; why ruin a perfectly nice place to live?

O8-111

Historic districts are our connection with the past and give our city character. Historic districts offer our city flexibility and stability, and provide centers of civic and economic activity. They encourage ongoing care of existing properties and recognize organic growth. Together, these are the ingredients for a vibrant and interesting cityscape. They offer a sense of place and are the cultural heart of our city.

O8-112

As [eloquently noted by Tom Mayes](#):

"Old places are deeply beneficial to people because of the way they give us a sense of [continuity](#), [identity](#) and [belonging](#), because they inspire us with awe, [beauty](#) and [sacredness](#), because they tell us about [history](#), [ancestry](#) and [learning](#), and because they foster [healthy, sustainable communities](#)....

.... as Donovan Rypkema, real estate consultant and principal of [PlaceEconomics](#) puts it, 'The good news is historic preservation is good for the economy. In the last 15 years dozens of studies have been conducted throughout the United States, by different analysts, using different methodologies. But the results of those studies are remarkably consistent—historic preservation is good for the local economy. From this large and growing body of research, the positive impact of historic preservation on the economy has been documented in six broad areas: **1) jobs, 2) property values, 3) heritage tourism, 4) environmental impact, 5) social impact, and 6) downtown revitalization.**'"

O8-113

Let's break the cycle of wasteful and needless destruction of beautiful and historical structures. Let's retain vibrant established communities such as Capitol Towers that breathe life and a sense of place into our City.

O8-114

This is a long, complicated process, but SacMod seeks to facilitate a measured, rational, and reasonable outcome for Sacramento Commons. Preservation AND progress can be achieved through compromise and ingenuity.

08-115

Sacramento Commons should go back to the drawing board. We CAN and we SHOULD do better — for our city — for our people — and for our future.

Respectfully submitted,



Gretchen Steinberg, President, SacMod

In conjunction with the SacMod Board of Directors:

Dane Henas, Vice President

Nick Vinciguerra, Secretary

Zann Gates, Treasurer

Justin Wood, Director At-Large

Jon Hill, Director At-Large

Capitol Towers

Sacramento's Modernist Gem

Flora Chou

Despite winning many awards, the 1965 Capitol Towers is today a little-known but excellent example of modernist urban housing. Intended to be an integral element of Sacramento's first realized urban redevelopment project, its all-star design team rejected the rows of identical towers associated with typical urban renewal projects of the day. Instead they placed emphasis on human-scaled urban living, mixing earlier Garden City principles of affordable, low-rise garden apartments in a parklike setting, while introducing a modern high rise for increased density and a public plaza at the heart. The resulting mix of both vertical and horizontal building elements, linked by landscaped spaces and a now-mature tree canopy, created a well-scaled, well-planned, and highly livable community.

An important work for all the architects involved, Capitol Towers is also a key work by master landscape architect Lawrence Halprin. It was among Halprin's earliest urban plazas and shows some early exploration of themes that became Halprin signatures in the years that followed: the collaborative design process, the way people move through public spaces, and most importantly, the civic plaza integrated with art and the built environment. Capitol Towers was Halprin's first exploration of this design trademark, which he would further develop at places like Ghirardelli Square and Embarcadero Plaza in San Francisco.

A proposed new development threatens to erase what has been a beloved and livable community for more than 50 years and a rare example of an urban garden apartment complex designed by a stellar group of the most talented designers of their time.

Urban Renewal

In the years following World War II, massive urban renewal projects sought to rehabilitate deteriorating city centers by replacing "blighted" downtowns with modern urban cores. By the time California had the tools in place for urban renewal in

the mid-1950s, a backlash was mounting against the "bleak towers" and "box-like buildings, no better than the slums they replaced," that defined redevelopment projects elsewhere.¹ In 1958, the same year New York developer James Scheuer was selected to develop Capitol Towers, he wrote:

We have now been warned that unless urban renewal is radically improved it will die aborning through lack of public support. The public will simply refuse to make the necessary capital investment, not only in terms of money but in terms of the inconvenience and dislocation which are unavoidable costs of redevelopment... there is no reason why redevelopment projects cannot be exciting and attractive. Why must all buildings in a project be identical?²

Capitol Towers was Scheuer's and his design team's response. Designed and constructed in phases between 1958 and 1965, Capitol Towers is a unique collaboration by some of the most distinguished and highly regarded modern designers of the period. Leading the team was Wurster, Bernardi and Emmons, whose principals William Wurster, Theodore Bernardi, and Donn Emmons were instrumental in defining the look and feel of Bay Region Modernism. Joining them was the architectural team of Vernon DeMars and Donald Reay, fellow San Francisco architects also influential in the Bay Region Modernism movement. Rounding out the team was Edward Larrabee Barnes, a New York-based architect and former Wurster employee who would go on to a distinguished design career.

Combining Garden City planning principles with Le Corbusier's "ideal city" high-rise planning from earlier in the twentieth century, Capitol Towers is a 10-acre superblock (equaling four city blocks) just south of Sacramento's Capitol Mall. The 409 rental units are housed in eight two- or three-story garden apartment buildings and one 15-story tower. Automobiles are confined to the perimeter parking courts and a parking structure. The pedestrian-only interior extends from the existing

street grid along walkways that divide the site into four quadrants. At the core of the site, the walkways intersect to open into a central plaza at the heart of the community. A striking sculptural wall by artist Jacques Overhoff anchors the plaza and divides it from the complex's swimming pool. Toward the center is the tower, which houses restaurants and retail at its ground floor.³

The design of the low-rise garden apartments was kept deliberately simple, as is typical for Bay Region Modernism. Staggered unit modules, deep overhangs, and open breezeways varied the design. Between the buildings, courtyards and landscaped courts were shared by the community. Balancing the public open spaces, each apartment has a private outdoor space in either an upper floor balcony or an enclosed ground floor patio. The balconies of the garden buildings typically overlook the shared lawns, while the enclosed patios are at the opposite side of the buildings to maximize privacy. Each tower unit also has a balcony.

Halprin's Landscape Plan

Lawrence Halprin (1916-2009) was one of the most prolific American landscape architects of the postwar years. His work exhibits an attention to human scale, user experience, and social impact. Capitol Towers came about during a transitional period from private residential, shopping mall, and college campus commissions to the larger-scale public and urban projects for which he is best known. As he later recalled, the Capitol Towers project shows Halprin exploring early iterations of

Opposite top: Central plaza with sculptural wall and swimming pool on the other side.

Opposite bottom: Main walkway and landscape into Capitol Towers flanked by staggered garden apartment buildings and on axis with the central plaza and sculptural wall in the background.

Images courtesy Page & Turnbull, 2014.

08-116



O8-116
cont.



Winter 2015 • Vol. 18, No. 1 page 9

themes that would later become his design signatures:

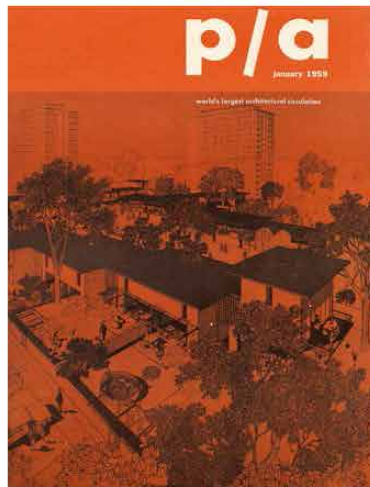
I was now working closely with some world-class architects and ... getting a great deal of experience. I designed my first urban plaza at the center of the Sacramento project [Capitol Towers], and brought in the sculptor Jacques Overhoff to work on an enclosing cast concrete wall. I was developing street details for these larger commissions and I was learning about graphics from the great graphic designer Saul Bass.⁴

Although budget constraints simplified Halprin's initial plans, landscaping was a defining element of the site planning for Capitol Towers. The low-rise buildings with shared lawns front the main walkways as if along a street. They also enclose more intimate courtyards in less trafficked areas, and their backs are around the service and parking courts. Landscaped courts with grids of trees or low plantings are found at each parking court and at the tower base, marking the transition into the site's pedestrian interior. Some existing site trees were saved and incorporated, and the design team fought to save street trees from proposed street widening by the city.⁵

While Capitol Towers engages the city beyond its site, the central feature is the internal plaza at the core. With a grid of London plane trees and a low circular fountain at the southeast corner, the plaza is a quiet gathering place enlivened by Overhoff's robust sculptural wall. In his 1963 book *Cities*, Halprin uses the plaza of Capitol Towers to illustrate his text on minor plazas, which encapsulates how he viewed plazas:

At the confluence of streets there are often small spaces which should be developed as handsome and colorful incidents in the heart of the city. A small plaza can contain, in a relatively casual way, sculpture, fountain, art exhibits, cafes, and benches which are human in scale, intimate, and usable. A local plaza gives a sense of place and becomes a focus for its neighborhood. It can be a rallying place for neighborhood activities and establish a quality and character for its inhabitants.⁶

Capitol Towers appears frequently throughout *Cities* as Halprin examines the elements that constitute successful urban spaces. In addition to the minor plaza, Capitol Towers' walkways are an example of a pedestrian mall, Overhoff's "great frieze, cast in concrete ... and tilted into place" illustrates when more solid barrier walls are needed to screen noise and views between busy public spaces and recreation areas, and a detailed notational system of walking through Capitol Towers is included to demonstrate Halprin's process for examining "the kinesthetic experience."⁷ He later



expanded his notation system as part of his RSVP Cycle and his constant fascination with movement through space. The street furniture Halprin designed for Capitol Towers—a globe light standard, wood-slat benches, a kiosk, among others—also make appearances in *Cities*.

The design of Capitol Towers was recognized early on with awards from *Progressive Architecture*, the Northern California Chapter of the AIA, and the Governor's Design Awards Program.⁸ Some changes have occurred over the last 50 years, including the loss of Halprin's light standard and the kiosk, but overall, Capitol Tower's primary spatial relationships, residential buildings, and key landscape features remain intact.

Under Threat

As with other garden apartment complexes, the abundance of open space and the relatively low scale that make Capitol Towers such a unique, livable place also make it vulnerable to calls for higher density. In December 2013, current owners Kennedy Wilson proposed to demolish all the low-rise buildings and much of the landscape in order to build over 1,200 new units and a hotel. The new buildings range from eight-story mid-rises to several buildings over 20 stories tall. More than 1,700 parking spaces would be in two large parking structures in the center of the site. Capitol Towers' original tower, axial walkways, and the central plaza would remain but would become unrecognizable.

A local preservation organization, Sacramento Modern, has been leading the advocacy effort to save Capitol Towers, and has been joined by the City of Sacramento

Preservation Commission and the State Historic Resources Commission, which voted in November to recommend Capitol Towers for the National Register of Historic Places. However, this does not prevent demolition, and the city's political leadership has not committed to saving Capitol Towers. The Draft Environmental Impact Report, expected early in 2015, will consider Capitol Towers a historic resource and should include preservation alternatives. ■

Endnotes

1. James H. Scheuer, "Letters to the Times: To Beautify Housing," *New York Times*, July 8, 1958. For more on the delayed urban redevelopment in California and in Sacramento, see Daniel S. Maroon, "Redevelopment in the Golden State: A Study in Plenary Power under the California Constitution," *Hastings Constitutional Law Quarterly*, Vol. 40:2, Winter 2013, 453-474 and Richard Trainor, *Floor, Fire and Blight: A History of Redevelopment in Sacramento*, (Sacramento: Sacramento Housing & Redevelopment Agency, 1991).
2. Scheuer, "Letters to the Times."
3. Two additional towers at the superblock's corners are located where towers were planned, but they were constructed in the 1970s and 1980s by different developers and design teams, and are not part of Capitol Towers.
4. Lawrence Halprin, *A Life Spent Changing Places* (Philadelphia: University of Pennsylvania Press, 2011), 108.
5. Newspaper articles and correspondences from 1958 in Sacramento Redevelopment Correspondence folder (014.I.A.6000) from Lawrence Halprin Collection, The Architectural Archives, University of Pennsylvania, Philadelphia, Pennsylvania.
6. Lawrence Halprin, *Cities*, Revised edition, (Cambridge, MA: MIT Press, 1972), 27.
7. Halprin, *Cities*, 21, 131, and 212-213.
8. Wurster, Bemardi, and Emmons, *Wurster, Bemardi and Emmons, Inc., Architects* (San Francisco, CA: Wurster, Bemardi and Emmons, Inc., 1967), 30.

Flora Chou is a cultural resources planner at Page & Turnbull's Los Angeles office. Prior to joining Page & Turnbull, she was a preservation advocate for the Los Angeles Conservancy, helping to implement the organization's advocacy efforts to protect historic resources. Flora holds a master's degree in historic preservation from Columbia University and is a LEED-accredited professional. Since 2012, she has served on the national board of Docomomo US, a national nonprofit organization that advocates for the buildings and sites of the modern movement.

Above: *Capitol Towers and Gardens* featured on the cover of *Progressive Architecture*, January 1958.

O8-116
cont.

BARRY L. WASSERMAN FAIA

**Community Facilitation
Urban Design
Architecture**

October 24, 2014

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

Dear Ms. Roland-Nawi,

I wish to add my voice to those supporting the nomination of the Capitol Towers complex in downtown Sacramento to the National Register of Historic Places. The nomination packet submitted by Sacramento Modern clearly establishes the historic significance of Capitol Towers using applicable National Register Criteria A. and C.

The Capitol Towers complex is a non- replicable study resource for the general public and design professionals as they continue to deal with the national issue of providing central city housing solutions to deal with our nations ongoing housing need.

The complex is a significant example how privately sponsored urban redevelopment was utilized to support the public good. It is also an example of the design work of a significant group of design professionals who have been recognized nationally for their career work.

As the former California State Architect (1978-1984) who directed the development of the Sacramento Capitol Area Plan I can attest to the significance of this complex as a precursor to the basic principles of livability for urban infill that supported the Plan and its subsequent success as a revitalization of its 42 acres of downtown Sacramento.

As a former Principal of Lawrence Halprin Associates I can attest to the significance of the urban and landscape design of the complex to the body of work of Lawrence Halprin.

O8-117



P. 2

Memory of the best of our past is to be revered and preserved. As Winston Churchill said "We shape our buildings and they shape us". In this case the complete Capitol Towers complex serves to provide an ongoing testimony to the impact good urban design can have on our community.

Capitol Towers was far reaching in its time and continues to be significant in the present. Sacramento and California cannot afford to see it lost. It deserves to be added to the National Register of Historic Places.

Sincerely,

Barry L. Wasserman, FAIA



O8-117
cont.

Crain, Amy@Parks

From: David Crowe
Sent: Monday, October 20, 2014 10:50 AM
To:
Cc: Crain, Amy@Parks;
Subject: In Support of Capitol Towers and Garden Apartments, Sacramento

RE: In Support of Capitol Towers and Garden Apartments, Sacramento

October 19, 2014

Dear Ms. Roland-Nawi:

My wife and I moved into Capitol Towers when we first moved to Sacramento in 2006. We wanted to experience high-rise living and took a 10th floor unit on the north side with a view of the Capitol. Our stay there drives us to speak out about the unique virtues of the development.

Capitol Towers is not only of historical significance, but also a valuable teaching environment for developers, planners, architects and the general public. It's a testament of what good urban housing can and should be. To walk through the square block park is to experience a sense of place, a respite from the hurried city that surrounds it. Truly, a place its residents can relax in and enjoy the outdoors within walking distance of downtown and light rail. Its lone tower set back amongst the low-rise apartments is allowed to be the viewing platform to the city that it was meant to be. And the units themselves are spacious, open and light-filled with walls of glass that promote indoor/outdoor living that is rare in contemporary urban development.

Now, developer financial-driven housing is based on what will pencil-out, not the livability of what is left behind. As an architect, I understand times have changed and real estate is at a premium in the area, but what hasn't changed is why we should be building housing. Capitol Towers reminds us that housing is for people not only for investment. There are lessons to be learned from this place. Lessons about light and air, privacy, and breathing room. Once the infill begins, and density devours the gardens, the opportunity to experience and learn from what once was a thoughtful development will be lost forever. Please, let it be.

Thank you for your consideration.

08-118

Sincerely,

David Crowe

docomomo_us

documentation and conservation

of buildings, sites and neighborhoods of the
modern movement

Northern California Chapter

PO Box 29226
San Francisco, CA 94129
info@docomomo-noca.org
www.docomomo-us.org

October 13, 2014

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Re: Capitol Towers Nomination

Dear Ms. Roland-Nawi,

I am writing to express support for the nomination of Capitol Towers in Sacramento, California, to the National Register of Historic Places. DOCOMOMO/NOCA is the Northern California chapter of the international non-profit organization Documentation and Conservation of the Modern Movement, established nearly 25 years ago to provide leadership, education, and advocacy assistance to people committed to saving places and collectively shaping the future of America's stories.

As the first privately-sponsored redevelopment project in California, the Capitol Towers site is a significant example of Modern planning, landscape and architectural design. It represents the successful collaboration of multiple noted mid-20th century architects and designers: Wurster, Bernardi, and Emmons; Edward Larrabee Barnes; DeMars & Reay; and Lawrence Halprin; who together created a pedestrian-oriented housing complex that remains a unique and innovative example of the redevelopment era.

Large-scale Modern sites are increasingly facing development pressures, and continue to be lost even as their age exceeds the 50 year threshold. For example, Parkmerced, a significant modern housing complex in San Francisco, was found to be eligible for listing on the National Register, but was never officially listed and was approved for demolition in 2011. The submitted Capitol Towers National Register nomination is a thorough and well-researched document. Board members of the Northern California Chapter of DOCOMOMO US concur with the findings of the nomination that Capitol Towers is an important example of its type, period and the work of masters and is worthy of designation on the National Register. Please feel free to contact us for more information, or if you have specific questions or concerns.

Sincerely,



Justin Greving
President, DOCOMOMO/NOCA

Page 1

O8-119

Crain, Amy@Parks

From: Judith Lamare
Sent: Wednesday, October 15, 2014 1:58 PM
To: Illa Collin
Cc: OHP, CALSHPO@Parks; caru.bowns@gmail.com; kathleenforrest@hotmail.com; eric@bbse.com; Huck, Mark@Parks; jon.marschack@att.net; chad.moffett@meadhunt.com; Matthew Piner; gretchen steinberg; Crain, Amy@Parks; rnpreservation@gmail.com; Roberta Deering; Jim Pacht; Carr Kunze
Subject: Re: 10/15/14 Item 6, Capitol Towers and Villas

Dear City of Sacramento Preservation Commission, State Historic Preservation Officer and State Historic Preservation Commission:

Below is transmitted an email I received from former Sacramento County Supervisor Illa Collin, expressing her support for the preservation of the Capitol Towers and Villas. She asked me to forward this to you. Illa Collin served decades as a county supervisor, but also she has been very important as a key leader for the Sacramento environmental community. She has been recognized with many awards for protecting Sacramento's natural resources. Because of her huge contribution to Sacramento's civic life, I am very touched by her story below which attributes her move to Sacramento to the Capitol Towers and Garden Apartments. In her email below she explains what Capitol Towers and Villas has meant to her personally.

Statement submitted by Illa Collin, 7423 Braeridge, Sacramento, CA 95831

My husband and I moved to California in 1957 and settled in the Bay Area in Oakland where he had a job as insurance adjuster and I was a teacher in Piedmont. He then went to UC Berkeley to study law at Boalt. When he passed the Bar exam he went to work for the California Farm Bureau and quickly became a lobbyist and rented one of the Garden units under consideration for designation for Historical Preservation. I began receiving calls from Assemblymen and Senators encouraging me to agree to move to Sacramento as they wanted my husband to accept a position with the Revenue and Taxation Committee of the Assembly. To me Sacramento was just that horrible hot and grimy place we had to crawl through on our annual trip to Portland. At that time we had 3 young daughters and I did not want to move to the hot, miserable valley and Sacramento. The calls kept coming and they suggested I bring the girls and live with Don for at least a weekend and then see how I reacted to the idea. I did agree to that and it was Fall and maybe not so miserable in the Valley. We stayed in that Garden apartment unit and could not believe such an oasis existed in Sacramento!! Trees and grass and a City that had a real sense of place. We explored the City and found parks and trees right in the downtown area and also discovered Land Park and the Zoo and pony rides. All of which enchanted the girls. So staying there in that incredible oasis in the Garden unit was the key to our decision to move to Sacramento. To have such a treasure downtown deserves recognition.

08-120

Emailed by:
JUDITH LAMARE

Crain, Amy@Parks

From: Judith Lamare
Sent: Thursday, October 16, 2014 9:47 AM
To: Crain, Amy@Parks
Cc: gretchen steinberg; Carr Kunze; Roberta Deering; Michael Galizio
Subject: Re Capitol Towers and Villas, bio/tribute to Illa Collin

Amy

Could we append this tribute to Illa Collin's email that I sent yesterday regarding Capitol Towers and Villas?

It is by Congresswoman Doris Matsui on the occasion of Illa's retirement as a county supervisor in 2007. It notes her role in creating the Sacramento Tree Foundation and the American River Parkway Foundation among other achievements.

Link: http://capitolwords.org/date/2007/01/24/E192-3_retirement-of-supervisor-illa-collin/

Rep. Doris Matsui



DCA

Madam Speaker, I rise in tribute to Sacramento County Supervisor Illa Collin and her esteemed career. Supervisor Collin built a lasting legacy in Sacramento County and her presence on the board of supervisors will be deeply missed. As her friends, family and coworkers all gather to celebrate her career, I ask my colleagues to join me in honoring the dedicated service of one of Sacramento's finest leaders. Illa Collin was first elected to the Sacramento County Board of Supervisors in 1978. She immediately made her presence known by tirelessly working to strengthen neighborhoods and revitalize urban corridors. Through her 28 years on the board of supervisors, she has preserved much of Sacramento County's natural beauty and open space. Supervisor Collin has consistently been praised for her environmental record and leadership. She helped create the Sacramento Tree Foundation and the American River Parkway Foundation. She has received the Outstanding Service Award from the California Parks and Recreation Society as well as the Outstanding Public Official Award from the National Association of County Parks and Recreation Officials. In 2005, Supervisor Collin received the Environmentalist of the Year Award from the Sacramento Chapter of the Sierra Club. Supervisor Collin performed an instrumental role in the women's movement. From 1973 to 1975, Illa helped lead the League of Women voters in Sacramento and in 1977 she became the first woman to serve as the President of the State Reclamation Board. She has also received the Hannah G. Solomon Award from the National Council of Jewish Women for improving the lives of women, children, and families. Prior to her service on the board of supervisors, Illa worked to improve Sacramento on a number of fronts, including social services and community planning. Now, after seven terms, Illa will be departing from the board of supervisors. The people of Sacramento will miss her leadership, experience and dedication. Our community has been fortunate to be graced by the presence of such an extraordinary woman. Madam Speaker, I am proud to honor one of Sacramento's most distinguished citizens, Illa Collin. Her success and steady voice has been an inspiration to Sacramento residents throughout the years. I ask all my colleagues to join me in thanking Illa Collin and wishing her continued success and happiness in her future endeavors.

08-121

A Letter from Neighbors

October 14, 2014

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

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

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

Dear Members of the Commissions:

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

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

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

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

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

O8-122

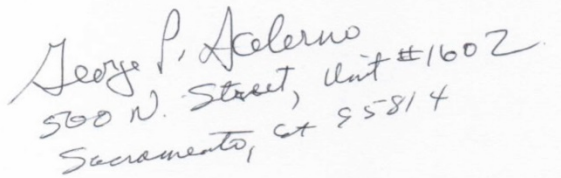


One of the most significant aspects of these buildings and surrounding open space is that they create a comfortable, pleasing yet utilitarian anchor to high rise living. Demolition and construction will tear apart a strong and vibrant downtown community and most importantly, we will fail to preserve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

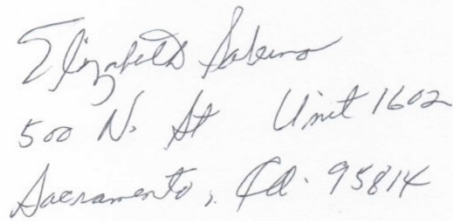
We implore the Commissions to support the nomination.

Neighbors of Capitol Towers and Villas

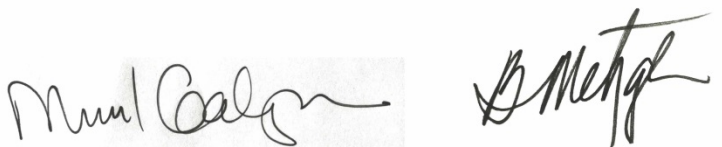
O8-122
cont.



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



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



Michael Galizio and Bobbie Metzgar, 500 N, APT 1004



Peter Kmeto, 500 N, APT 610



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



Julie Mumma, 500 N, APT 806



Tommy Leong, 500 N, APT 605



JD Rowell, 500 N, APT 504



Kenneth Wemmer, 500 N, APT 1209

And Residents of Pioneer Tower, 515 P Street

We implore the Commissions to support the nomination.

Robert L. Drew
 Judy Kay Stanley
 [Signature]
 Anna Brown
 Amy-sha Wolf
 Jeanne Johnson
 Margie Pina
 Gert Adaloff
 Mary Crookus
 Yvonia Guittare
 Angie Pora
 Mervtha M. Willhove
 NUVEZ EVA
 Evelyn Hopkins
 Mary Ann Millhane
 Shirley Ingram
 Maria L. Cardenas
 Bonnie Danker
 Judi Gheza
 Gloria Williams
 Jola Ramsey

[Signature]
 Malcolm Allen

Crain, Amy@Parks

Subject: FW: Capitol Towers & Garden Apartments, Nomination for NRHP Listing
Attachments: CA SHPO CapTwrs 100914.pdf

From: Pachl & Lamare
Sent: Friday, October 10, 2014 6:05 AM
To: ;
Cc: OHP, CALSHPO@Parks; gretchen.steinberg; Roberta Deering; Kimberly Anderson; Brian Sehnert; Peters, Richard;

Subject: Re: Capitol Towers & Garden Apartments, Nomination for NRHP Listing

Excellent letter. Thank you very much.

Jm Pachl

On Oct 9, 2014, at 10:49 PM,

Dear Dr. Roland-Nawi and staff,

Attached please find a PDF of my letter of support for the nomination of Capitol Towers and Garden Apartments to the National Register of Historic Places, pursuant to the Historical Survey prepared by Page and Turnbull of August 27, 2014.

In addition to the relevant factors identified in the Page and Turnbull survey, I have noted in the attached letter additional facts that I believe to be relevant and which should be considered in support of the nomination by the Office and California Historic Resources Commission.

If you have any questions in regards to the points that I have raised, please feel free to contact me by e-mail at the above

Thank you very much for your careful consideration of this matter.

Respectfully,

Carr Kunze

O8-123

CARR KUNZE

October 9, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816

via: calshpo@parks.ca.gov

RE: Capitol Towers and Garden Apartments, Nomination to the National Register of Historic Places, Letter of Support

Dear Dr. Roland-Nawi and staff,

This letter is submitted in support of the nomination of Capitol Towers and Garden Apartments to the National Register of Historic Places. I wish to fully support the nomination submitted by Sacramento Modern based upon the Historical Survey prepared by Page and Turnbull of August 27, 2014.

In addition to the factors considered by the Page and Turnbull survey in regards to Criteria A and B, I will note additional considerations herein below, principally:

- Capitol Towers and Garden Apartments represents an important post WW II introduction of the Bay Area style, (or more appropriately, Northern California Regionalism) to large scale, market rate, multifamily housing.
- Capitol Towers and Garden Apartments is among a select group of urban renewal projects in the nation that were designed by teams comprising architectural masters—the greatest architects of the mid 20th century. There are perhaps no more than 5 to 10 such developments in the country. Some of these, particularly those which have rental tenures, are now threatened with demolition or serious degradation. Their loss would be a serious loss from the architectural, planning, and urban design history of the country and era. These impending losses have gone substantially under-recognized as to their critical relevance to US urban design history.
- Capitol Towers and Garden Apartments is the work of two clearly identified masters: Edward Larabee Barnes, and Lawrence Halprin and most likely a third, W. W. Wurster and thereby, meets Criterion B as well. In addition, the collective team, each member having substantial reputations and works of significance in California, the eastern U.S., and Great Britain, should be considered as a collective work of masters.

08-124

- Capitol Towers is a vitally important part of the architectural and historic fabric of downtown Sacramento. It represents a major example of Bay Area or Northern California Regionalism in mid-20th Century architecture and of urban design by the architect and firm that were considered the leader of this architectural movement.¹

The design is a collaborative effort by a team of architects, planners, and landscape architect that were internationally renowned. Two members, William Wilson Wurster and Edward Larabee Barnes, were given AIA Gold Medals—an honor reserved for the greatest architects, internationally, of their era.² Wurster was born and raised in Stockton and was the second Californian so recognized after Bernard Maybeck. Lawrence Halprin, the project’s landscape architect was also internationally recognized as one of the US’ most innovative leaders in his field of the era.

William Wilson Wurster and his practice, Wurster, Bernardi, and Emmons, have received more national awards from the American Institute of Architects for their work in California than any other architectural practice since 1949 to this date.³

Importantly, Capitol Towers is an early example applying Northern California Regionalism to market-rate multifamily housing. It incorporates elements not previously brought together for multifamily housing: garden patios, balcony porches, with sun-screening provided by large roof overhangs and trellises over the larger sliding glass door openings⁴. At the same time, Wurster’s team

O8-124
cont.

¹ Bay Area Regionalism was recognized as a ‘softer approach’ to modernism, utilizing greater informality and typically native materials and forms. W.W. Wurster was first identified as leading this movement by architectural critic and urban historian Louis Mumford (“The Skyline: The Status Quo”, *The New Yorker*, October 11, 1947, pp. 106, 109). Also recognizing Wurster’s leadership of this school are former California State Historian Kevin Starr, (*California*, 2005, p. 295), and architectural historian Kenneth Frampton (*Modern Architecture, a critical history*, 1980, 2007, p. 320) among others.

² In the decade preceding Wurster’s award in 1969 were in order by year from 1959: Walter Gropius (Bauhaus founder), Ludwig Mies van der Rohe, Le Corbusier, Eero Saarinen, Alvar Aalto, Pier Luigi Nervi, Kenzo Tange, Wallace K. Harrison, and Marcel Breuer. Frank Lloyd Wright was gold medalist in 1949. Following Wurster were: R. Buckminster Fuller, Louis Kahn, Pietro Belluschi, Richard Neutra, and Philip Johnson.

³ AIA records begin in 1949. Wurster/WB&E received 8 Merit or Honor Awards. Frank Ghery has received 7. Anshen & Allen: 6; Richard J. Neutra/Neutra & Alexander/Neutra & Neutra: 6; John Carl Warnecke & Assoc.: 6; Joseph Esherick/Esherick Homsey Dodge & Davis: 5.

⁴ Some of these elements could be found earlier, but usually in more parsimonious form such as smaller balcony areas, extensions of 2nd floor exterior walkways, or small utility yards for storing garbage or hanging out laundry. WB&E’s introduction of large overhangs and trellis screening at Capitol Towers, appear upon review of earlier publications, to be the first time such elements are used together with the more ample and

incorporated motifs that trended away from other modern architecture: tall vertical windows harkening to the vernacular properties of gold-rush, Old Town and Victorian architecture that reduce heat-gain/loss, accommodating the Central Valley's climate.

Capitol Towers is a prime example of Wurster's and the team's approach to a more humanistic architecture, dedicated to its users rather than serving as a monument to the designer. This was an attitude that was shared by the team as noted in their work and respective biographies. At the time of entering into the contract for Capitol Towers and assembling the design team, Wurster and his wife, the eminent housing reformer of the era, Catherine Bauer, had just returned from a sabbatical to Europe and Asia. Wurster had revisited old friends and colleagues in Europe: Alvar Aalto of Finland and Kay Fisker of Denmark and others who shared the Wursters' regionalist and humanistic values as applied to multifamily housing, where Scandinavians had taken a leadership role.

Indeed, if as the writer and statesman Johann Wolfgang von Goethe, had once noted, "architecture is like frozen music", then Capitol Towers should be regarded as the Wurster/WB&E team's apotheosis to Aaron Copeland's "Fanfare for the Common Man". It creates a respectful, understated, informal series of receding planes in structures that step back and form public and private garden spaces for use by its residents, neighbors, and the local public. It brings, art, landscape architecture, architecture, and urban design to a level rarely experienced in California or national multifamily residential architecture.

In many respects, Capitol Towers surpasses the more formal and somewhat rigid structuring of buildings and spaces that characterized much of the urban renewal planning of the era, including the earlier concepts proposed by Richard Neutra. The Sacramento Redevelopment Authority had exercised great vision to turn from Neutra to the W.B.&E team's regional sensibilities.

Great architecture is not just about buildings: their rooms, arrangement, and facades, it is also about space—the quality of interior spaces, as well as the spaces which the buildings form. The search by architects for those limited opportunities to create great spaces has continued over the epochs. One thinks of what many have considered the most beautiful of these: St. Marks Square in Venice, but other great spaces have been created elsewhere. From a residential form giving standpoint, the out-door rooms created by J. Wood, the elder and John Wood the younger at the Circus and Crescent of Bath, England, respectively come to mind.

considered design of balconies and private garden spaces in large scale garden apartment developments—including here, the reversal of floor plans to assure garden patio area privacy.

O8-124
cont.

Urban renewal gave several architectural teams the opportunity to create a new generation of grand urban spaces. The results were often stultifying and rigid when carried out in the rectilinear patterns of some internationalists. Yet, a few would stand out. In this regard, Capitol Towers and Garden Apartments truly 'broke the mold' of the era with its complement of intimate as well as larger yet informal spaces—a tribute to this special collection of humanistic, regionalist designers.

W.B.&E's and Barnes' approach to modernism is easily misunderstood. One of the books reviewing Wurster's work is entitled "An everyday modernism: the houses of William Wurster"⁵. Wurster's work was at times maligned, particularly by the 'internationalists', but more often appreciated for achieving its quintessential 'artlessness'—a casualness that would become characteristic of much of Northern California's domestic architecture. However, this architecture requires close examination of the details referenced above to appreciate what distinguishes it from lesser works that would imitate and follow from it.

There may be some contention as to whether Capitol Towers represents the work of a master. As noted above, I believe that it can ultimately be established that it is the work of three masters. While it has been difficult to establish W. W. Wurster's own hand in the project, as referenced earlier, it is unlikely given his then recent return from Europe and interactions with designers of comparable stature that he did not so engage in the project's design. His keen interest in multifamily housing together with that of his wife, Catherine Bauer, as well as this project representing an opportunity to expand upon ideas he had been fostering for more than a decade would argue heavily for his involvement and influence despite the absence of notes.

The design work of the other two primary recognized masters, Edward Larabee Barnes and landscape architect Lawrence Halprin is more clear.

Nonetheless, an issue in preservation is raised as we go forward. While being able to definitively identify a project as the 'work of a master' may be a measuring stick against works of earlier centuries, it may be a terribly inappropriate one in the latter part of the 20th century, and as we move into the 21st, in view of how the process of architectural design transpires in large offices that engage in the larger and more complex projects. By such a standard, there would be very little 'great' or historically significant architecture to come out of the 21st century given the process and structure of architectural offices these days.

Moreover, a 'master' has several ways of being engaged in the design process. This can be accomplished through sketches (which are often not saved), or verbally in exchanges with associates who are participating in the design decision-making, or via a process of critique of the ideas of junior designers who

⁵ Marc Teib, ed., S.F. Museum of Modern Art in assoc. with U.C. Press, 1995.

O8-124
cont.

are working alongside or are bringing back for review the proposal. Is the master's signature on the most recent electronic adjustment or conceptual development that is being shared across multiple computers? Which is the master's adjustment and that of the partner or senior designer?

Skidmore, Owings, and Merrill received much of the credit for the iconic Lever House in New York City, yet most know that Lever House was designed by Gordon Bunshaft of their firm. How much credit should Le Corbusier get for the UN building versus Oscar Niemeyer? And, we know that Wesley Peters, Aaron Green, or Fred Langhorst often had considerable roles in designing and carrying out Frank Lloyd Wright's later works. If we go back far enough, how much credit should Raphael receive for painting the "School of Athens" in the Vatican, when he engaged several members of his atelier of 50 in executing the work?

In regards to Capitol Towers being the work of a master, consideration should be made for the evolving collaborative design process.⁶ Wurster may well have been more involved than the evidence shows—with sketches just lost, or the commentary, critiques, and exchanges not recorded. Indeed, as referenced above, here was Wurster's opportunity with his great interest in housing to engage in a design for the everyday person; to explore, interpret, and re-assert ideas that he had just shared with his eminent European colleagues. If not so, why indeed after the initial phase's design was completed would the City go on to appoint him to the Capitol Building and Planning Commission of Sacramento?

Sacramento has comparatively little in the way of nationally noted examples of architecture, particularly in regards to that of the mid-20th century. Thus a loss of Capitol Towers would be a blow to this very limited cultural resource inventory. A review of the National AIA's list of Honor and Merit awards for California, dating from 1949 to present shows Sacramento as receiving 3 such awards (2 of which were for renovations), while San Francisco has 20, Los Angeles 24, San Diego 5, and seven other cities, including Berkeley, Santa Monica, Pasadena, and Mill Valley had received 4 awards over the last 65 years.

A more comprehensive but very dated survey (1973)⁷ identified some 35 structures in Sacramento as architecturally noteworthy. These ranged from the

⁶ The 'collaborative' design process in modern architecture was advanced by Walter Gropius, Bauhaus founder and later, chair of architecture at Harvard. Wurster would engage in graduate study at Harvard at the time, while going on to become dean of architecture at MIT while Gropius was next door. Wurster would carry on the collaborative approach in his own practice, which would serve as the mentoring grounds for not only Barnes, but also many architects who would gain recognition while extending and reinterpreting Northern California Regionalism in architecture.

⁷ David Gebhard, Roger Montgomery, Robert Winter, John Woodbridge, Sally Woodbridge, *a guide to Architecture in San Francisco & Northern California*, 1973, pgs. 394-403. No comparable region-wide survey appears to have been subsequently made.

O8-124
cont.

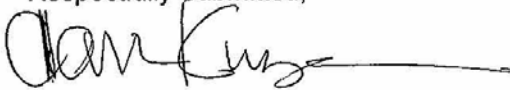
Stanford-Lathrop house, to the Capitol, Willis Polk's Western Pacific RR Station (the Spaghetti Factory, today), and yes, Capitol Towers, to Dreyfuss & Blackford's SMUD office building. Yet the same survey would identify 344 notable structures in San Francisco, 81 in Oakland, 174 in Berkeley (incl. UC Campus), 37 in Petaluma, 27 in Sausalito (Polk, Coxhead, up through many of the then current regionalists), and 30 in Stockton.

Thus, for Sacramento to lose what is one of its few, truly significant works of mid-20th century regionalism designed with particular deference to Sacramento's historic milieu and climate, with heritage trees previously preserved in a park-like setting in the heart of the city, would be a cultural loss that the city nor for that matter, the State or the fields of architecture and urban design, can ill afford.

Capitol Towers and Garden Apartments is an important milestone in the evolution of a comprehensive approach to urban environmental design, as uniquely interpreted in its Northern California milieu. It brings forward the Garden Cities movement and Radburn concepts into a new urban context and serves as a reference point for future generations of environmental designers.

I urge the California Office of Historic Preservation and the California Historic Resources Commission to endorse the nomination of Capitol Towers and Garden Apartments to the National Register.

Respectfully Submitted,



Carr Kunze, Housing Professional
B. Architecture, U.C. Berkeley
M.S. Urban Planning, Columbia University, NY.

cc:

Gretchen Steinberg, President, SacMod
Roberta Deering, Preservation Director, City of Sacramento
Anthony Veerkamp, Field Director, S.F., Nat'l. Trust for Hist. Pl.
Kris Barkley, AIA, President C.V. A.I.A.
Brian Sehnext, AIA, Director C.V. A.I.A.
Richard C. Peters, F.A.I.A., Prof. Emeritus, U.C. Berkeley
William Burg, President, Sacramento Old City Assoc.

O8-124
cont.

MELISSA E. MOURKAS

October 1, 2014

Dear Commissioners:

My name is Melissa Mourkas. I am an architectural historian and a landscape architect residing in the City of Sacramento.

I am writing in support of the National Register Nomination of the Capitol Towers and Garden Apartments.

In addition to the applicability of the Criteria as submitted by the applicant(s), I would add under Criterion C/3 *"the work of a master"*. In fact, it is this particular assemblage of well-known and highly respected modern designers that makes it unique and special, and decidedly the work of a master. To quote from page 31 of the original JRP Historic Inventory and Evaluation Report "WBE was one of the best known architectural firms in California during the 1950's to 1960's" (JRP 2014). On pages 33-34, the report goes on to note "Lawrence Halprin was one of the most well-known landscape architects in the latter half of the 20th Century. He came to prominence in the 1950's with his innovative designs for urban environments..."

EXACTLY!

I believe we should recognize the collective accomplishment that is the Capitol Towers. Capitol Towers and Garden Apartments not only won 7 or more awards at the time of its design and construction, it has withstood the test of time as a legacy to the changes occurring in the urban design at that time. It is a site plan and landscape that works. Research by SacMod, Page and Turnbull and others makes clear that the site plan in particular was in the vanguard of both mixed use super-block design and civic spatial design.

I support this nomination as both a resident of the City of Sacramento and as a Historic Preservation professional.

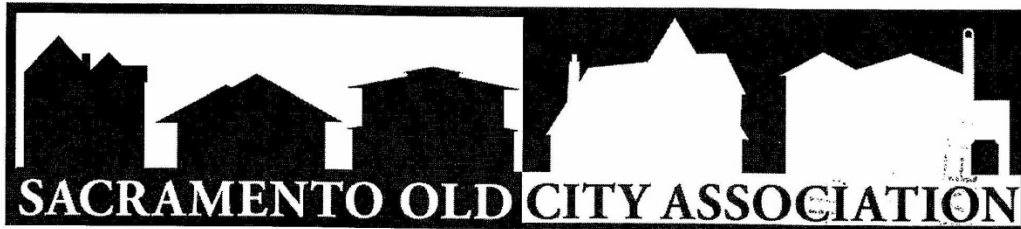
Sincerely,

Melissa Mourkas ASLA

References:

JRP 2014—JRP Historical Consulting, LLC. *Historical Resource Inventory and Evaluation Report, Capitol Towers Apartments*. May 2014.

O8-125



Sacramento Old City Association - PO Box 162140, Sacramento CA 95816 – (916)202-4815 – info@sacoldcity.org

September 24, 2014

State Historic Resources Commission
P.O. Box 942896
Sacramento, CA 94296-0001

Re: Nomination of Capitol Towers to the National Register

Dear Commission Members

Founded forty years ago, the Sacramento Old City Association is a 501©4 dedicated to good planning and the preservation of historic resources in the City of Sacramento. Our board is pleased to send this letter in support of the nomination of the Capitol Towers site, including all buildings and surrounding landscape, to the National Register of Historic Places.

Built between 1958 and 1965, Capitol Towers is one of the first redevelopment projects in the country. It was designed by some of Northern California's the most prominent Mid-Century Modern architects and played a significant role in the development of our city. We are grateful to SacMod for bringing this nomination forward and eagerly anticipate the inclusion of Capitol Towers in the National Register.

Thank-you for this opportunity to submit comments.

Sincerely,

Karen Jacques
Preservation Chair
Sacramento Old City Association

O8-126

Crain, Amy@Parks

From: Willis-Hunter, Twila@Parks
Sent: Friday, August 22, 2014 9:38 AM
To: Burg, William@Parks; Crain, Amy@Parks; Correia, Jay@Parks
Subject: FW: Preservation Project/Development Proposal

Hello Registration Unit,

Could you read the email below. Thanks.

Twila Willis-Hunter
Executive Secretary
Office of Historic Preservation
TEL: 916.445.7052
FAX: 916.445.7053
CELL: 916.869.8100
E-Mail: thunter@parks.ca.gov
WEB: www.ohp.parks.ca.gov

Note: My new email address is Twila.Willis-Hunter@parks.ca.gov.
Please update your records for future use.

From: OHP, CALSHPO@Parks
Sent: Friday, August 22, 2014 9:29 AM
To: Willis-Hunter, Twila@Parks
Subject: FW: Preservation Project/Development Proposal

From: Leslie Medina
Sent: Thursday, August 21, 2014 7:40 PM
To: OHP, CALSHPO@Parks
Subject: Preservation Project/Development Proposal

Dear Commissioners:

I am a long time resident of Sacramento - and someone who cares greatly about preservation.

Capitol Towers and Garden Apartments at the "N" Street Superblock is functioning just as it was planned and proposed many years ago as a great central city neighborhood. I want to preserve and protect the buildings, the open space and the functioning central city neighborhood.

I don't want to see Kennedy Wilson destroy the central city neighborhood as they sell parcels to developers. All KW wants is to gain approvals for the tentative subdivision map to subdivide this superblock into 6 parcels.

Our city has lost too many of its significant landmarks. Don't let this happen again.

Capitol Towers & Garden Apartments is an exemplary example of Mid-Century Modern architecture and urban garden apartment living designed as a mixed density development in a park like setting, by renowned architectural firm of Wuster, Bernardi and Emmons and completed in 1961.

Do not let these land speculators from Southern California win. Protect and preserve this central city neighborhood.

O8-127

Thank you for your consideration,
Leslie Medina

Leslie Medina

↑ O8-127
cont.

From: Hilary West |
Subject: RE: Support for SacMod Capitol Towers/Garden Apartments Preservation Nomination
Date: August 20, 2014 at 8:12 PM
To: calshpo@parks.ca.gov
Cc: SHansen@cityofsacramento.org

Dear Office of Historic Preservation Staff :

Capitol Towers and Garden Apartments at the "N" Street Superblock is functioning just as it was planned and proposed 53 years ago. It is a great central city neighborhood — and I would add, one of the few in Sacramento.

The new owners, Beverly Hills land speculators Kennedy Wilson, hired JRP Historic Preservation Consultants to evaluate the historic significance of this complex. Unfortunately, JRP's report contains dozens of inaccuracies. Further, the conclusions are based scant evidence and designed to only meet the needs of the KW's vision for Sacramento - not the facts or the public interest.

Sacramento Modern, a volunteer, non-profit organization, has completed a National Register nomination. It is honest and accurate and is based on careful review and professional study.

I am concerned that whatever KW does, they will not develop the property, they are not developers. What they will do is to acquire demolition permits to take out over 200 trees, some heritage trees, and demolish the historic garden apartments. Once they are gone — they're gone.

The result will be our city will loose a beautiful, functioning and historic neighborhood where some of Sacramento's and the Capital's interesting historical figures lived.

You have worked to save this type of important neighborhood and heritage buildings before. It's time to step-up again. I would propose to you that our state has lost too many of its significant landmarks. **This significant historic redevelopment project in a superblock will never be duplicated again.**

Capitol Towers & Garden Apartments is an exemplary example of Mid-Century Modern architecture and urban garden apartment living designed as a mixed density development in a park like setting, by renowned architectural firm of Wuster, Bernardi and Emmons and completed in 1961. Even 40 some odd years later, it is an oasis in the middle of the downtown.

Do not let these land speculators make this historic decision for us. California needs to save it's heritage. We're California, and we work to protect and preserve our history.

Hilary West

O8-128

August 19, 2014

OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816

RE: Commons Project

Office of Historic Preservation:

I am a long time resident of Sacramento - and someone who cares greatly about preservation.

Capitol Towers and Garden Apartments at the "N" Street Superblock is functioning just as it was planned and proposed many years ago as a great central city neighborhood. I want to preserve and protect the buildings, the open space and the functioning central city neighborhood.

I don't want to see Kennedy Wilson destroy the central city neighborhood as they sell parcels to developers. All KW wants is to gain approvals for the tentative subdivision map to subdivide this superblock into 6 parcels.

Our city has lost too many of its significant landmarks. Please don't let this happen again.

Capitol Towers & Garden Apartments is an exemplary example of Mid-Century Modern architecture and urban garden apartment living designed as a mixed density development in a park like setting, by renowned architectural firm of Wuster, Bernardi and Emmons and completed in 1961.

Do not let these land speculators win. Protect and preserve this central city neighborhood!

Best regards,



Jerry Coleman

O8-129

date: 20, August 2014

to: Carol Roland-Nawi, Ph.D, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

re: Letter of Support for the Nomination for Capitol Towers to the National Register of Historic Places

Dear Ms. Roland-Nawi,

My name is Pierluigi Serraino; I am a practicing architect and author of books on mid-century modern architecture. "Modernism Rediscovered" (Taschen, 2000) and "NorCalMod: Icons of Northern California Modernism" (Chronicle Books, 2006) are two titles of mine dealing with the extraordinary legacy of post-war architecture in the Golden State.

I am writing to you to support the nomination of Capitol Towers in Downtown Sacramento to National Register of Historic Places. The cast of characters that designed this project is nothing short of exceptional. William Wilson Wurster was the power broker of a great many key events in the unfolding of the modernist trajectory in Northern California. Landscape architect, Lawrence Halprin, designed the master plan for Sea Ranch. Edward Larrabee Barnes left his distinctive mark in the New York skyline through his Citi corp highrise. These are but a few of the protagonists giving their design signature to the Capitol Towers scheme.

Between 1959 and 1965, the years of construction of Capitol Towers, similar housing experiments were implemented across California. Among the most notable are the Golden Gateway Apartments in San Francisco, and Park La Brea in Los Angeles. The common denominator of these urban schemes was a balanced approach of higher density and choreographed nature. Under the mounting pressure of a rising population attracted to the mirage of California living, architects and urban planners endeavored to conceive concrete responses to the growing post-war cities.

Consciousness of the momentous importance of California Modernism is on the rise nationwide. The nomination of the Capitol Towers to the National Register of Historic Places would constitute a culturally affirming statement that modern architecture was practiced responsibly and in a learned fashion all across the state, and not just in Greater Los Angeles and the Bay Area.

pierluigi@pierluigiserraino.com
www.pierluigiserraino.com

Sincerely



Pierluigi Serraino,
AIA

**pierluigi
serraino
architecture**

08-130

Richard C. Peters, FAIA

August 4, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816

via: calshpo@parks.ca.gov

Re: Support of Nomination for Capitol Towers and Garden Apartments to the National Register of Historic Places

Dear Dr. Roland-Nawi and staff:

I wish to extend my support of the nomination to the National Register of Historic Places Registration Form for Capitol Towers and Garden Apartments, located at 1500 7th Street, Sacramento, CA 95814. I am Professor Emeritus of Architecture at the University of California, Berkeley, and co-authored with Caitlin Lempres Brostrom, "The Houses of William Wurster: Frames for Living", released in 2011.

Capitol Towers was California's first residential urban renewal project. There are extraordinarily few such projects—perhaps a handful—designed by teams of the very best architects, planners and landscape architects of the era. These developments comprise a unique approach to urban form giving. Some are now threatened with destruction just for the architectural space creating and saving function that they have performed.

As referenced in the nomination, Capitol Towers is an early example of Wurster Bernardi and Emmons' work in multifamily, market-rate housing. Wurster had earlier produced public housing and war housing designs. This development incorporates many of the ideas that Wurster had been developing in collaboration with his wife, Catherine Bauer, one of the nation's foremost housing reformers of the era. In an Architectural Forum, September, 1949 article William Wurster sets forth some of his ideas as to how the garden apartment or row house can be created with private spaces related "properly to [the] interior living room and kitchen". He noted how such a "system also permits greater density with corresponding savings in utilities and transportation" versus the urban land consuming single family dwelling that dominated post WW II urban development.

At the time of entering into the contract to assemble a team and design Capitol Towers, Wurster had just returned from an extended tour of Europe and Asia, where again he had met with and shared ideas with several close friends of

O8-131



Scandinavia, including Alvar Aalto, Kay Fisker, and others who had also been advancing concepts of creating private outdoor space in multifamily dwellings.

By this time, Wurster had already been established as the leader of what would be called Bay Area or Northern California regionalism in architecture—an approach which loosely, may also be found in the works of other regionalists, including Aalto and Fisker, as an alternative to the more strict formalism of the International Style as practiced at the time.

Capitol Towers also advances Wurster's approach to regionalism with a design particularly tailored to California's Central Valley climate with less window exposure, the use of large roof eave overhangs, trellises over the sliding glass doors, and historical recall through the verticality of the windows and their placement, reminiscent of Sacramento's vernacular structures of its gold rush era and its Victorians.

In addition to setting forth a regionalist variant of modern architecture in a multifamily venue, Capitol Towers exemplifies Wurster's and his team's concern for context. A feeling for context was a natural component of Wurster's designs and of those who worked with him. Two or three decades later, 'contextualism' would become a more formalized movement in some architectural practices.

Capitol Towers is a very important legacy in California's and the nation's history of architecture, landscape architecture and urban planning in its humanistic approach to housing. Several of its features—balconies, individual patios, trellises over large window areas—rarely used in the U.S. before, would contribute to and become a part of the vocabulary of garden apartment and townhouse design in future decades. Wurster's, Edward Larabee Barnes' and WB&E's collaborators' design comprises a form of artful understatement that easily allows it to be overlooked and misunderstood in today's urban environment. One author entitled a book on Wurster's work, not inappropriately, as an 'everyday modernism'.

Accordingly, I am pleased to endorse this nomination of Capitol Towers to the National Register of Historic Places, as researched and prepared by Page and Turnbull on behalf of Sacramento Modern.

Very truly yours,



Richard C. Peters, FAIA
Professor Emeritus of Architecture
University of California, Berkeley

O8-131
cont.

July 23, 2014

Dr. Carol Roland-Nawi – SHPO
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

RE: Supporting the National Register for the Capitol Towers & Garden Apartments

Dear Dr. Roland-Nawi and OHP Staff:

I am writing today to support the Sacramento Modern nomination of Capitol Towers and Garden Apartments to the National Register.

This project is an excellent example of the architecture of the mid-century modern period. From the Sac Mod research and other information, the project was the largest residential undertaking in Sacramento. The Capitol Towers and Apartments project was envisioned and completed by the renown architecture firm of William Wurster, Bernardi and Emmons, as well as the landscape architect Lawrence Halprin. The goal was to make the area a livable urban complex, providing green space, a swimming pool and needed features for residential living.

O8-132

Today, as you can see, it's a successful, fully mature, beautiful residential neighborhood just a stones throw from the center of downtown Sacramento and the State Capitol.

I should note that the Bridgeway Tower and the Pioneer Tower (senior living high-rise apartments) are neighbors that were built later. These two residential units were part of the original Wurster plans.

This is a unique opportunity to save the very best examples of mid-century modern innovative architecture. Let's not let this slip away just because some land speculators want to make way for poorly planned and unnecessary high-rise buildings and parking lots.

I join with my friends and neighbors and urge the State Office of Historic Preservation to recommend this nomination for the National Register and for immediate preservation.

Sincerely,



Sophia Cazanis

ALAN HESS
ARCHITECT

July 22, 2014

Carol Roland-Nawi
State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

re: Capitol Towers and Garden Apartments nomination

Dear Ms. Roland-Nawi:

I would like to express my strong support for the nomination of Sacramento's Capitol Towers and Garden Apartments complex for landmark status.

This is a design of both historical and architectural significance, under Criteria A and C. I say this as an architect and historian, author of nineteen books on Modern architecture (often focused on California), and as the architecture critic of the *San Jose Mercury News*.

First, Capitol Towers' historic character: it represents a key but neglected chapter in the story of California's contributions to good urban planning in the midcentury period. A widely held myth is that California in this period was dominated by unplanned sprawl. Capitol Towers' existence disproves this myth; it shows that good architects and good planners created well-designed, workable, and successful developments incorporating high density, diverse housing types, public art, and excellent landscaping, all well-integrated into its urban context.

Capitol Towers should be preserved as a high standard for current development to live up to. It should be celebrated, not demolished.

Second, as architecture, the designers of Capitol Towers were among the best and most distinguished of the period. Wurster Bernardi and Emmons was one of the most influential firms of the time, setting high standards for the rest of the profession. Vernon DeMars and Donald Reay were architects who brought a strong architectural sensibility to planning design. Edward Larrabee Barnes was a nationally respected designer. And Lawrence Halprin has long been recognized as the dean of American landscape architects. That such designers would devote

O8-133



their talents to this project shows their regard for the importance of urban life in California.

An important example of California's design leadership and innovation is at risk. For the sake of recognizing California's extraordinary achievements in good architectural and urban design, and for the genuine livability and urban quality that this historic complex brings to Sacramento, Capitol Towers should be given landmark status.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Hess". The signature is fluid and cursive, with a large initial "A" and "H".

Alan Hess



O8-133
cont.

ARCHITECT MILFORD WAYNE DONALDSON FAIA

July 24, 2014

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

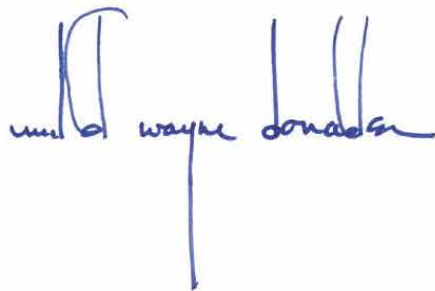
Support Letter for the Capitol Towers to the National Register of Historic Places

Dear Ms. Roland-Nawi,

Capitol Towers and Garden Apartments (Capitol Towers), constructed between 1959 and 1965 on most of a four-block area in downtown Sacramento, California, is significant under Criterion A in the area of Community Planning and Development as the first privately-sponsored urban redevelopment project in Sacramento and in California. Its initial phase of 92 garden apartment units, dedicated in 1960, represents the first implementation of federal urban redevelopment funds in the West.

Capitol Towers is also significant under Criterion C as a well-planned and well-designed example of urban redevelopment housing. Having walked through the complex several times and visiting a friend who used to live in one of the units, its pedestrian-oriented design combination of low-rise and high-rise buildings, integrated landscape features is unique. The site also maintains a strong urban presence while balancing privacy and community for its residents. In addition, it was the first redevelopment project for many of its talented design team that included Wurster, Bernardi, and Emmons, Edward Larrabee Barnes, DeMars & Reay and landscape architect Lawrence Halprin.

The Capitol Towers neighborhood has been a successful mixed-use residential community for 50 years. As past California State Historic Preservation Officer, I fully endorse the Capitol Towers to be nominated to the National Register of Historic Places.



Milford Wayne Donaldson, FAIA

08-134

Crain, Amy@Parks

From: Correia, Jay@Parks
Sent: Monday, July 21, 2014 12:21 PM
To: Crain, Amy@Parks
Subject: FW: Letter in Support of the Preservation of Sacramento's Capitol Towers

Follow Up Flag: Follow up
Flag Status: Flagged

For you...

Jay Correia
State Historian III
Supervisor, Registration Unit
California State Office of Historic Preservation
916-445-7008

From: Roland-Nawi, Carol@Parks
Sent: Monday, July 21, 2014 10:30 AM
To: Correia, Jay@Parks
Subject: FW: Letter in Support of the Preservation of Sacramento's Capitol Towers

Carol Roland-Nawi
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
916 445-7050

From: Heather David
Sent: Sunday, July 20, 2014 9:07 PM
To: Roland-Nawi, Carol@Parks
Cc: 'gretchen steinberg'
Subject: Letter in Support of the Preservation of Sacramento's Capitol Towers

Heather M. David

July 20, 2014

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Dear Ms. Roland-Nawi:

My name is Heather David. I am a California native and an advocate for the preservation of the State's mid-century modern resources. I write today in support of the preservation of Sacramento's Capitol Towers residential community.

In addition to the Capitol Towers development being an excellent example of a thoughtful approach to postwar urban renewal, the complex is as attractive and functional today as it was some 50 years ago.

The minds behind the Capitol Towers master plan were arguably some of the best and brightest of their era - William Wurster, Vernon DeMars, Lawrence Halprin, etc. No one can argue against these individual's significant contributions to Modern design, in general, and to California Modernism, in particular.

The Modern approach to urban residential living centered on increasing the quality of life through the effective use of interior space and integrating the indoors with the outdoors. In comparison, it seems that the current trend in urban "renewal" is to compromise quality of life for the pocketbooks of developers and higher tax revenues.

High density development is great for developers. It is great for tax revenues. But is it great for the people who must live in these highly constricted spaces? Please save Capitol Towers. It is not only an iconic example of postwar urban residential architecture, it is HOME to many people.

Sincerely,

Heather M. David

O8-135

PAGE & TURNBULL

imagining change in historic environments through design, research, and technology

July 16, 2014

Gretchen Steinberg
Sacramento Modern
4910 South Land Park Drive
Sacramento, CA 95822

Ms. Steinberg,

I am writing to provide a letter of support for the nomination of Capitol Towers to the National Register of Historic Places and recognition of the property as a successful urban development with character worth preserving. I do recognize Page & Turnbull prepared the nomination materials being submitted to the State Historic Preservation Office on behalf of Sacramento Modern, and therefore we are responsible for formulating a statement of eligibility. I wanted to take this opportunity, however, to reiterate a few thoughts regarding the signature historical significance of the housing development and the unique planning project situated in our own local environs in downtown Sacramento. It is, I feel, not only important relative to an historic context, but valuable to us as a community seeking the best for our downtown.

As stated in the National Register Nomination application, we find Capitol Towers to possess an exemplary representation of redevelopment housing design by a group of innovative, talented designers between 1959-1965. Specifically, the complex is comprised of a pinwheel arrangement of staggered low-rise units, a high-rise building, and service buildings interwoven into landscape elements, exterior amenities, and shaped outdoor spaces. The result is a delicately balanced environs of urban housing, shaded green zones and social interactive spaces, both private and public. The managed, skillful design is clearly evident today, in good part due to the high level of maintenance at the facility. A walk through the complex, as available to any local making their way through the City grid, is delightful.

This combination of elements in the proportion as originally conceived here are rarely found in today's development, with the extreme pressures on development ratios and financial terms. To drastically alter this site now, as is currently proposed, would be a sorrowful waste of an urban icon in Sacramento. Densification and infill is desirable in downtown Sacramento - but the action here comes at the complete destruction of a successful mixed-density urban housing development. Do we need to repeat the removal of cultural history in order to build our urban centers? Can we not learn from the ills of Redevelopment, as effected to Japanese settlements here in the 1950s, and continue to learn from the best thinking of Modern era architects and planners, as current residents, locals and design practitioners benefit from now? There are better opportunities for high-rise infill at other underutilized, non-historic sites in our city. There could be ways to incorporate some modifications to the Capitol Towers site, in a manner that protects the overall character of the planned community. The first step in doing so is to recognize and systematically identify the existing significance and character, from a local perspective and historic resource perspective. I hope our Preservation and Planning Commissioners will respond with careful consideration in this situation and support our opinion Capitol Towers is an historic property with unique urban qualities worthy of preservation. Placemaking is here at Capitol Towers in its current form.

Sincerely,



Melisa Nelson Gaudreau, Director- Sacramento Office, Page & Turnbull, Inc.

ARCHITECTURE
PLANNING & RESEARCH
PRESERVATION TECHNOLOGY

2401 C Street, Suite B, Sacramento, California 95816 | T 916.930.9903 F 916.930.9904 | www.page-turnbull.com

O8-136

July 16, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

via: calshpo@parks.ca.gov

Re: Support for Capitol Towers and Garden Apartments to the National Register of Historic Places

Dear Dr. Roland-Nawi and staff:

I am writing in support of Capitol Towers and Villas to the National Register of Historic Places. This project is part of a four block "super block," assembled and originally planned for development by the City's Redevelopment Agency. The 12 story building, Pioneer Tower, that I live in was also part of that design. Pioneer Tower is a senior living environment.

The Capitol Tower project qualifies for inclusion into the National Registry of Historic Places. What we, as local residents, cherish are the mature trees and sweeping tree canopies, as well as the well-placed Villa Apartments, the swimming pool, leisurely walkways, sparkling fountain and quietness. We seniors think of this special place as our oasis or park. We encourage you to walk through the "super block" area in order to appreciate this 50+ year old grand lady of parks.

What upsets us is that should the owners, Kennedy Wilson LLD, tear out the Villa Apartments, our heritage trees, and sheltered walkways, the downtown area will lose a unique and successful living environment created by award-winning architects. We will never acquire another, as how many property owners are willing to build another tree-canopied beauty in downtown Sacramento?

Thank you for considering the nomination.

Sincerely,


Judy Kay Stanley

O8-137

Dr Carol Roland-Nawi –SHPO
Office of Historic Preservation
1725 – 23rd Street-Suite 100
Sacramento, CA 95816

July 15, 2014

RE: SUPPORTING THE NATIONAL REGISTER FOR THE
Capitol Towers & Garden Apartments

Dear Dr Roland-Nawi and OHP Staff:

This 'super block' project is an example of the architecture of our recent past-the mid-century modern period. It was the largest residential project in the Redevelopment process in Sacramento that began in 1958. Redevelopment was 'revitalizing' the core of many other major cities in the US to eliminate slums and blight. 223 blocks were demolished on the west end of Sacramento.

The effort and concern by the renown architecture firm of William Wurster, Brnnardi and Emmons, as well as the landscape architect Lawrence Halperin, to make Capitol Towers a livable urban complex, providing green space, a swimming pool and needed amenities in this project. It is today a healthy, functioning, beautiful residential neighborhood just two and half block from the center of downtown Sacramento.

It has been modified or altered very little in the last 50 years. The Bridgeway Condominiums and the Pioneer Tower, a senior living high-rise apartments, are not part of Capitol Towers and were built later in the 60's. However, they were in the original Wurster plans.

O8-138

I urge the State Office of Historic Preservation recommend this nomination to the Keeper at the National Parks Service.

Yours in Preservation,

Kathleen Green, a Concerned Preservationist

TELEPHONE 916 453-1234
FACSIMILE 916 453-1236

3540 FOLSOM BOULEVARD
SACRAMENTO, CALIFORNIA
95816-6699

DREYFUSS & BLACKFORD

ARCHITECTS

15 July 2014

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

Re: Capitol Towers Nomination to National Register of Historic Places

Dear Mrs. Roland-Nawi:

We are writing in support of the nomination of the Capitol Towers complex in Sacramento for National Register of Historic Places. As one of the very first redevelopment projects undertaken in the 1950's, this project was significant for Sacramento and the State of California. The design, execution and realization of this project were all pioneering actions by remarkable visionaries and designers. The redevelopment of the West End in Sacramento is well documented, acknowledged as a pioneering redevelopment effort in the state. The construction of the first phase of 92 low-rise garden apartments in 1960 represented the first private investment in urban redevelopment housing in California. FHA provided the mortgage insurance and imposed certain design requirements. Capitol Towers was the only "federally assisted slum clearance development project to be constructed in the western states," according to *The Sacramento Bee*, March 27, 1958 front page article.

Capitol Towers is a durable and successful interpretation of urban renewal planning of the 1950's era, drawing from the 'City Beautiful Movement' in Europe (led by Le Corbusier) and the 'Garden City' urban planning concepts developed in the United States. Fifty years after opening, it remains very nearly intact - with mature landscape, well maintained buildings and even the original public art. That it continues to be fully leased and highly sought after is a testament to the character and quality of the design.

The design team that created this landmark was quite extraordinary. This is a rare example of early work for each of these esteemed practitioners. Wurster Bernardi Emmons; DeMars & Reay; Lawrence Halprin; Edward Larrabee Barnes - all seminal practitioners in the 20th century, shaping our western cities and influencing several generations of architects and planners. That they came together to collaborate on this ground-breaking urban project is a minor miracle in itself. Each firm went on to build highly successful portfolios of lasting influence.

The design success of this project is well documented, having received numerous regional, state and national design and planning awards. A key element of this inspired parti is the careful balance of low-rise and high-rise structures on the site. The mix of building types turned out to be crucial to the success of Capitol Towers. History shows us that many contemporary redevelopment projects with dense, monolithic high-rise buildings have not fared so well. Indeed a number of infamous projects from this period were deemed civic failures and were demolished well before their time. Capitol Towers, on the other hand, presents a vibrant and varied community with ample landscape and discreet vehicle parking. It remains a lively and desirable living place to this day. We believe this to be a unique, vital cultural and architectural example with significant historical value. As a firm, we believe it is well worth preserving in our community.

Very Truly Yours,
Dreyfuss & Blackford Architects



Kristopher Barkley, AIA, Vice President

O8-139

July 10, 2014

Dr. Carol Roland-Nawi, State Historic Preservation Officer
OFFICE OF HISTORIC PRESERVATION
1725 23rd Street, Suite 100
Sacramento, CA 95816

via: calshpo@parks.ca.gov

Re: Support Nomination for Capitol Towers and Garden Apartments to the National Register of Historic Places

Dear Dr. Roland-Nawi and staff:

I am writing in support of the nomination of Capitol Towers and Villas to the National Register of Historic Places. This project is part of a four block "super block", assembled and originally planned for development by the City's Redevelopment Agency. The condominium building in which I am an owner (Bridgeway Towers at 500 N Street) was also part of that design.

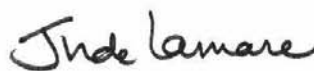
I have been the beneficiary of the long range thinking and expert architecture employed in designing this area over 50 years ago. I have lived in this community since 1989 when I purchased a condominium, and I have found it to be safe, scenic, comfortable, with housing and other amenities available to 750 households in four square blocks. The complex mixes high rise and low rise, rental and ownership units, with large trees and open lawns, and many pleasing views. This has produced a densely populated area that also is very livable, and maintains its value very well, in large part because of the presence of an urban forest with large canopy trees. This forest and associated low-rise apartments are threatened by removal.

Sacramento Modern has engaged in a heroic effort to document and educate the community, particularly your agency, about the unique and enduring values of this area. I applaud their effort to list Capitol Towers and Garden Apartments on the National Registry of Historic Places.

The historic designation recognition could help further to alert the community and our city government that healthy neighborhoods should not be disposable for the "next big thing". If they endure and thrive because they were designed and planned by leading architects, they deserve respect and protection for the values they bring to the city as a whole and the downtown area in particular.

Thank you for considering this nomination.

Sincerely,



Judith Lamare !

c: Sacramento Modern

O8-140



Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

July 14, 2014

RE: National Register Nomination of Capitol Towers, Sacramento, CA

Dear Ms. Roland-Nawi:

The Cultural Landscape Foundation would like to express our strong support for the nomination of Capitol Towers in Sacramento, California to the National Register of Historic Places.

Capitol Towers, a part of the larger Sacramento Redevelopment Agency's Capitol Mall Redevelopment Project, is an important example of the early planning work of its talented design team which included landscape architect Lawrence Halprin and architects Wurster, Bernardi and Emmons, Edward Larrabee Barnes, and DeMars & Reay. The Capitol Towers development, which won several awards upon its completion in 1965, is an early example of successful urban renewal which served as a model, both for the designer's later works and for further redevelopment projects in California.

Halprin prominently featured the development in his pivotal book *Cities*, where he highlighted elements of the project including the plaza, screening wall, and site plan. He characterized the project as "the first living space to follow the redevelopment process" and outlined the movement notation sequence (a pre-cursor to his RSVP cycles) for the project's circulation patterns. The project was also featured as an early example of urban redevelopment in *Lawrence Halprin: Changing Places*, a catalog of the landscape architect's work published in 1986. The project's success is largely due to its unique integration of architectural and landscape design elements—aided by its thoughtful incorporation of pedestrian circulation, gardens, recreational areas and a plaza at its core. The complex as a whole is a unique historic resource, and significant example of the architecture of its time.

O8-141

The Cultural Landscape Foundation's mission is to provide people with the ability to see, understand and value landscape architecture and its practitioners, thus broadening the support and understanding for cultural landscapes nationwide. Capitol Towers plays an important role in the history of Sacramento and California—serving as an example for the redesign of urban areas throughout the state in the second half of the twentieth century and I strongly urge you to approve the nomination of Capitol Towers in Sacramento to the National Register, a worthy designation for this important cultural landscape.

Sincerely,

Charles Birnbaum, Founder and President
The Cultural Landscape Foundation
1711 Connecticut Avenue, NW, Ste 200
Washington, DC 20009

July 10, 2014

Carol Roland-Nawi, State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Dear Ms. Roland-Nawi,

I am writing to offer my support for the nomination of Capitol Towers in Sacramento, California to the National Register of Historic Places. As the first privately sponsored redevelopment project in California, the site is an important example of 1960s planning, landscape and architectural design. Capitol Towers represents the successful collaboration of master designers Wurster, Bernardi, and Emmons, Edward Larrabee Barnes, DeMars & Reay and Lawrence Halprin, to create a pedestrian-oriented housing complex that offers a unique and innovative example as compared to its more car-centric counterparts of the redevelopment era. The complex is an important early example of large-scale neighborhood planning by the collaborating design team, who went on to design other noteworthy residential complexes in California in the 1960s.

Neighborhoods of the modern era are increasingly threatened as they exceed the 50 year threshold and many examples have already been lost due to development pressures. Consider the example of Parkmerced in San Francisco, a significant modern housing complex built by the Metropolitan Life Insurance Company with landscapes by Thomas Church and buildings by Leonard Schultze and Associates. Parkmerced was found to be eligible for listing on the National Register, but was never officially listed and was approved for demolition in 2011. The site presently awaits its demise. As important examples of modern-era designs are increasingly threatened, it is essential that they are acknowledged for their contribution to our shared history through designation.

The submitted National Register nomination is well-researched, well-articulated and thorough in its analysis of the site's eligibility for listing. As a planner and cultural landscape historian who specializes in modern-era landscapes, I concur with the findings of the nomination that Capitol Towers is an important example of its type, period and the work of masters and is worthy of designation on the National Register.

Respectfully,



Gretchen A. Hilyard

O8-142

April 15, 2015

Dear Chair Fuller and Preservation Commissioners:

I am writing to urge you to support Capitol Towers listing on the Sacramento Register, and ultimately the National Register. I also ask that you encourage the Planning Commission to consider the preservation of this existing community as a higher priority than increasing the quantity of high rise housing at THIS site. Please urge the Planning Commission to require the developers to incorporate the historic buildings and landscape into their new plans, and to find a way to preserve the existing community of Capitol Towers.

As a councilmember and later as Mayor, I represented this neighborhood for 19 years. I became very familiar with its residents and businesses and its assets and significance to downtown Sacramento. It's not just an apartment complex, as I'm sure you noticed if you've visited. It's a community of very satisfied residents and business owners who love and contribute to the downtown vibrancy, and have for decades. It is a site which allows the disabled residents to freely navigate from their homes to restaurants, shopping, and other services, without having to cross a street. And for the many employed residents, the adjacency of light rail and the many employers in the area, including the State, means they can get to work without driving. I found it to be one of the safest and happiest neighborhoods in the city. It seems unfair to disrupt this neighborhood just because they are renters. This wouldn't and couldn't happen in another residential block in downtown Sacramento, because the residential property owners wouldn't allow it.

I support higher density and worked hard for years to encourage more housing in the central city. I'm pleased to see the interest and demand for downtown living. But this is an existing neighborhood, and is already one of the densest housing in the central city. Its success should serve as a model for other development, not a reason to take it down. Within just a few blocks are a half dozen empty or underutilized

08-143



blocks that would be so much more appropriate for this development. The general plan specifically calls for "protection of existing neighborhoods" (see quote below), based on input from residents throughout Sacramento.

Sacramento is a special city, and part of what it makes it so special, is that we have preserved what makes it unique. One of my goals as mayor was to preserve the unique historic buildings and neighborhoods in downtown. That effort is part of what has positioned Sacramento for its current round of progress. It's part of what has attracted residents and businesses to locate here. Capitol Towers, with its stability, walkability, tree canopy, and sense of community is a special place that should also be preserved.

Thank you for considering my comments.
Heather Fargo
former Mayor of Sacramento (2000-2008)

from the City's General Plan -"Protect Established Neighborhoods"
"The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and by requiring new development, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood. (RDR)"

O8-143
cont.



April 13, 2015

Members of the Sacramento Preservation Commission
Members of the Sacramento Planning and Design Commission
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Dear Commissioners and Staff:

We strongly urge you to vote in support of the nomination of Capitol Towers and Garden Apartments (Villas) as an Historic District, including its Contributing Resources, to be listed in the Sacramento Register of Historic & Cultural Resources, Landmarks, and Historic Districts.

Preservation of some 200 mature trees on site, with replacement in kind as part of the natural life-cycle, would serve to advance Sacramento's leadership role throughout the region, state, and nation as the preeminent City of Trees. As California's capital, with its rich history, the City's preservation of this historic site would serve to expand the stature of Sacramento for its significant architectural heritage.

Development of this 11-acre site in the mid-twentieth century has become celebrated as an important example of *Northern California Regionalism* and humanism. It remains a significant achievement among the few remaining grand urban spaces of redevelopment after World War II. It was envisioned and pioneered as human scale, with landscape and architecture designed to enhance the livability for residents, neighbors to the site, and the larger community, thereby providing a public benefit to the entire City of Sacramento.

Collaboration for this design was an important accomplishment and included: landscape architect Lawrence Halprin, recognized nationally and internationally as an innovative leader in the field; and master architect Edward Larabee Barnes, recipient of Gold Medal awards from the American Institute of Architects. The inclusion of the sculptural wall by artist Jacques Overhoff contributed to the total integration of art, landscape, architecture, and urban design for affordable housing, and which, above all, contributes to "a sense of place," so vital to the human spirit. The influence on Capitol Towers by internationally recognized master architect William Wilson Wurster also is observable, although less documented, and whose contributions appear to be born out by his appointment to the Capitol Building and Planning Commission of Sacramento after completion of the initial design phase of Capitol Towers.

The City's investment in preserving Capitol Towers and its Contributing Resources as an Historic District is an investment in maintaining the City's role as a leader in livable, urban design that will continue to benefit residents through affordable housing, multi-family residences, and as a model for generations to come.

We urge that you give every consideration to its preservation and placement in the Sacramento Register of Historic & Cultural Resources.

Sincerely yours,

Caroline Goddard
President
East Sacramento Partnerships for a Livable City

O8-144

RESPONSE TO COMMENT O8-1

The commenter thanks the City for the opportunity to comment on the proposed project.

The City acknowledges this comment and has provided responses to each comment on the DEIR.

RESPONSE TO COMMENT O8-2

The commenter describes the organization's mission.

The City acknowledges this comment and has provided responses to each comment on the DEIR.

RESPONSE TO COMMENT O8-3

The commenter references the historic status of the project site.

The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes.

RESPONSE TO COMMENT O8-4

The commenter provides background on the project site and its existing attributes.

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

RESPONSE TO COMMENT O8-5

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

Please see response to Comment O8-4.

RESPONSE TO COMMENT O8-6

The commenter provides background on the project site and its existing attributes.

Please see response to Comment O8-4.

RESPONSE TO COMMENT O8-7

The commenter disagrees with the characterization of the proposed project as consistent with SACOG's Sustainable Communities Strategy.

Please see Master Response 2.3.9.4 for information on consistency with regional plans, such as the one referenced in the comment.

RESPONSE TO COMMENT O8-8

The commenter alleges that the project violates various unspecified policies.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The DEIR proposes mitigation measures and alternatives that may reduce or avoid the significance of such adverse impacts. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate or reduce those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact.

RESPONSE TO COMMENT O8-9

The commenter references SACOG's consistency determination with the Sustainable Communities Strategy relative to the timing of the project site's formal finding relative to its historic status.

SACOG prepared a "Determination of MTP/SCS Consistency Worksheet for Qualifying Transit Priority Projects and Residential / Mixed-Use Projects" (SCS Worksheet) to assist lead agencies in determining whether a proposed project is consistent with SACOG's MTP/SCS. (See SCS Worksheet, <http://sacog.org/mtpscscs/files/Determination-MTP-SCS-Consistency-Worksheet.pdf>.) As explained in the SCS Worksheet, four factors (relating to density, uses, location, and transit proximity) must be considered to determine whether a proposed project qualifies as a Transit Priority Project. (SCS Worksheet, p. 2.) Additionally, "[f]or the purposes of determining SCS consistency, the policies of the MTP/SCS are embedded in the metrics and growth forecast assumptions of the MTP/SCS. Projects consistent with the growth forecast assumptions of the MTP/SCS ... are consistent with the MTP/SCS and its policies." (Id. at p. 4.) Therefore, as demonstrated in the SCS Worksheet, a potential impact to historic resources is not a factor considered in determining SCS consistency.

The City prepared an SCS Worksheet and submitted it to SACOG for review in May of 2014. SACOG reviewed the worksheet and on June 4, 2014 submitted a letter to the City confirming that SACOG concurs with the City's determination that the Sacramento Commons project is consistent with the MTP/SCS. After June of 2014, the project applicant made several changes to the Sacramento Commons project in response to requests from the public and City staff. In November of 2014, and after the State Historical Resources Commission (SHRC) voted to recommend the Keeper of the National Register to find the Capitol Towers site eligible for listing in the National Register of Historic Places, the City prepared and submitted to SACOG an updated SCS Worksheet to address changes in density and uses contemplated as part of the proposed project.

SACOG reviewed the updated worksheet and, on December 8, 2014, SACOG concluded the proposed changes to the project were "minor" and again concurred "with the City's determination that the revised

project is consistent with the MTP/SCS for 2035.” (DEIR, Appendix A). On December 19, 2014, SACOG submitted a follow-up letter explaining that the Sacramento Commons project is located in “the largest, and most imbalanced, employment center in the region” due to the existing undersupply of housing options and, by developing housing in this employment center, the proposed project “would allow for shorter commutes, and more commutes by biking, walking, and transit.” (FEIR, Appendix D Finally, on May 12, 2015, after the Keeper made a formal determination that the property is eligible for listing in the National Register of Historic Places and the property was listed in the California Register of Historical Resources, SACOG submitted a letter to the City that concluded the proposed project, based on its “mixed-use redevelopment plan, its location in a neighborhood that provides a surrounding mix of uses – retail, residential, office, and its close proximity to transit – will assist in implementation of the Blueprint and the MTP/SCS.” (Ibid.) Please see also Master Response 2.3.9.4 for information on regional plans, such as the one referenced in the comment.

RESPONSE TO COMMENT O8-10

The commenter believes the project is in the wrong location.

Please refer to Master Response 2.3.7.5 for information on the EIR’s consideration of off-site alternatives.

RESPONSE TO COMMENT O8-11

The commenter provides background on the existing project site and its existing attributes.

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

RESPONSE TO COMMENT O8-12

The commenter references the historic status of the project site and suggests impacts from the proposed project could/should be avoided.

Please see response to Comment O8-3. Please also see Master Response 2.3.4.1 for a summary of historic resources impacts, Master Response 2.3.4.3 for a discussion of mitigation measures identified by the Preservation Commission, Master Response 2.3.7.2 for a discussion of the City’s process to develop alternatives, Master Response 2.3.7.5 for information about off-site alternatives, Master Response 2.3.7.6 for information on additional on-site alternatives, Master Response 2.3.7.7 for description of a rehabilitation alternative, and Master Response 2.3.1.4 for a discussion of mitigation to address historic resources impacts.

RESPONSE TO COMMENT O8-13

The commenter discusses the existing density of development on-site.

Please see Master Response 2.3.11, which provides information on density.

RESPONSE TO COMMENT O8-14

The commenter suggests that adding further density without demolition on the project site could meet project objectives.

Please see Chapter 5 of the DEIR, which evaluates alternatives to the project. Please refer to Chapter 2 of the DEIR, which identifies the project objectives (see DEIR, page 2-6). Please see Master Response 2.3.7.2 for a summary of the City's process to develop alternatives and Master Response 2.3.7.6, which includes a discussion of additional on-site alternatives that, as the commenter notes, would add density on-site and attempt to reduce adverse impacts compared to implementation of the proposed project.

RESPONSE TO COMMENT O8-15

The commenter references other development projects and suggests that there may be alternative sites.

The City provides a comprehensive discussion of population and housing in Chapter 3 of the DEIR, including information about other developments. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for encouraging infill development in the Central City area. Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-16

The commenter describes another potential off-site location for the proposed project.

Please see the Response to Comment O8-15, above.

RESPONSE TO COMMENT O8-17

The commenter suggests that the project's historic mitigation is inadequate.

Please see the Response to Comment O8-3, above. Please see also Master Response 2.3.12.1 for a discussion of feasible mitigation and Master Response 2.3.12.4 for information about mitigation to address historic resources impacts.

RESPONSE TO COMMENT O8-18

The commenter suggests alternatives must be considered.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-19

The commenter summarizes the property owner's history with the property.

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

RESPONSE TO COMMENT O8-20

The commenter summarizes public outreach and review opportunities.

The City of Sacramento circulated an NOP with a public response period from August 6, 2014, through September 5, 2014. In addition, the City invited additional comments on the scope of the EIR at a public meeting held on August 27, 2014. Comments submitted at the hearing and those received during the NOP comment period are included in Appendix B of the DEIR. The City has provided the DEIR for public review at the City of Sacramento Community Development Department and on the Community Development Department's Web site. The City has responded in writing to each comment on the Draft EIR that relates to an environmental issue relevant to the project. The City of Sacramento is responsible for certifying that the EIR has been adequately prepared in compliance with CEQA. After certification, responsible agencies may use the EIR in making their determination whether to approve any discretionary actions for which they have jurisdiction.

Extensive outreach with neighbors, residents and other community stakeholders has been undertaken as part of the Sacramento Commons project in order to obtain input on the proposed project. Over three months before its formal application process was commenced with the City of Sacramento, the applicant held its first community meeting. Since that time, additional meetings have occurred with the community, neighbors and other stakeholders, in addition to two hearings before the Planning and Design Commission and Preservation Commission. The meetings the applicant has held up until this time with community groups and other interested parties is documented below:

MEETING

DATE

Meeting with Sacramento Area Council of Governments – SACOG	11/7/13
Meeting with Sacramento Air Quality Management District – SMAQMD	11/7/13
First community meeting	12/16/13
Meeting with Walk Sacramento and SABA	12/17/13
Second community meeting	2/18/14
Meeting with Walk Sacramento and SABA	4/24/14
Meeting with Downtown Sacramento Partnership	4/24/14
Meeting with Capitol Area Development Authority – CADA	4/25/14
Meeting with Downtown Sacramento Partnership	5/28/14
Meeting with Sacramento Regional Transit District	6/11/14
Third community meeting	6/11/14
Meeting with SACOG and Caltrans and City staff	7/16/14
Meeting with 500 North property owners	8/20/14
Meeting with 500 North resident	8/20/14
Meeting with Residential Housing Foundation (owners of Pioneer Tower)	8/25/14
Meeting with neighbors	10/7/14
Meeting with Central Valley AIA Board of Directors	10/7/14
Meeting with Walk Sacramento and SABA	11/6/14
Meeting with neighbor	12/18/14
Meeting with Sacramento Tree Foundation	1/6/15
Meeting with ECOS	3/9/15
Meeting with SACOG and Caltrans and City staff	4/16/15
Meeting with Downtown Sacramento Partnership	4/29/15
Meeting with Residential Housing Foundation (owners of Pioneer Tower)	4/29/15
Meeting with Residential Housing Foundation (owner of Pioneer Tower)	5/28/15

Based on input received from the community at these meetings, as well based on input received at the scoping meeting for the project's EIR (and the comments received during the public review period on the Notice of Preparation for the DEIR), the applicant made a range of revisions to the project plans. These revisions were discussed at the Planning and Design Commission's review and comment on the project (April 30th, 2015), and are identified below:

Initial development of Site Plan

- ▶ Located low rise buildings adjacent to existing high-rises
- ▶ Created large central north/south axis
- ▶ Created urban east/west axis with live work spaces at grade
- ▶ Oriented largest width of building facing the street
- ▶ Created urban street front along 5th
- ▶ Substantially preserved existing large trees

Site plan revisions subsequent to Second Community Meeting (February 18, 2014)

- ▶ Increased spacing between high-rise and low-rise (above podium level) to a minimum of 40'
- ▶ Included planting and trees as buffer between buildings
- ▶ Moved buildings back on 5th to preserve existing street trees

Site plan revisions subsequent to Scoping Meeting (August 27, 2014)

- ▶ Reorganized building footprints to recognize existing easements
- ▶ Increased building separation between Pioneer and Bridgeway Towers to 74' from 40' (this increase is for 37% of the building face fronting the towers)
- ▶ Increased the width of O Street walkway between the mid-rise buildings to 44'
- ▶ Provided for the possibility of a neighborhood market
- ▶ Provided ground floor bicycle parking in parking garages
- ▶ Revised Landscape Plan to retain additional healthy trees on site
- ▶ Revised Landscape Plan to provide additional native trees at corner park on 7th and P Streets

- ▶ Created Central Plaza with kiosk
- ▶ Moved the sculpture wall north adjacent to the existing Capitol Towers
- ▶ Reconfigured the hotel/condo tower further away from Bridgeway Tower
- ▶ Added landscaping to roof of parking garages

RESPONSE TO COMMENT O8-21

The commenter summarizes public outreach and review opportunities.

Please see the Response to Comment O8-20, above.

RESPONSE TO COMMENT O8-22

The commenter suggests that the historic status of the project site was mischaracterized.

Please see the Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-23

The commenter expresses opposition to the proposed project elements and PUD Guidelines that would impact existing attributes of the project site.

Commenter's opposition is noted and the comment will be provided to the City Council as part of this FEIR for consideration. Please see the Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-24

The commenter cites DEIR's discussion of disagreement among historic experts.

Please see the Response to Comment O8-3, above. The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes. The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. Please see Master Response 2.3.4.3 regarding the timing related to evaluating the property as an historical resource for CEQA purposes as discussed in the DEIR.

RESPONSE TO COMMENT O8-25

The commenter references the existing site conditions and characterizes the history of activities by the project applicant.

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

RESPONSE TO COMMENT O8-26

The commenter references housing affordability, commuting, and GHG emissions.

Chapter 3 of the EIR provides an analysis of housing in the Central City area, including housing cost. The infill and mixed-use nature of the project in the City's downtown area would place residents within a close proximity to jobs and commercial amenities, which would facilitate more walking and biking trips, thereby eliminating some vehicle trips and associated greenhouse gas (GHG) emissions. Similarly, the project's transit-oriented location would make using public transit feasible to reach jobs in both the downtown area and the region. The distances of vehicle trips generated by the proposed project would also be reduced and the project site's proximity to amenities and jobs would further reduce vehicle miles traveled (VMT) in the region. The relationships between density, mix of land uses, urban design, and the quality of the non-automobile transportation network, on one hand, and VMT, on the other, are complex. There is extensive academic literature showing that VMT can be reduced with density, land use mix, a connected transportation network, access to employment and regional destinations, and transit-supportive development patterns, among other factors (see work by Reid Ewing, Robert Cervero, Susan Handy, Lawrence Frank, and Gary Pivo, among others).³ These factors have varying levels of influence on travel demand.

According to the Sacramento Area Council of Governments (SACOG), the project site's location within Center/Corridor Community Type and within the City's Central Business District help to minimize VMT (and associated GHG emissions) due to the presence of higher intensity development, greater accessibility to employment and services, better transit service, and enhanced pedestrian/bike amenities relative to other Community Types. Because of these characteristics, residents of Center/Corridor community areas are estimated to generate 29% less VMT per capita than the regional average and more than twice as many person trips by transit, walk, or bicycle modes compared to the regional average (SACOG 2014). The reduction in VMT associated with the location of the project site has been established through the travel demand analysis that SACOG performed to support the MTP/SCS. The regional VMT per capita in 2008 was estimated to be 26 miles per day. For the traffic analysis zone that includes the Sacramento Commons project site, the average per-capita VMT in 2008 is approximately 9 miles per day. In 2035, forecast regional average per-capita VMT is 24 miles per day, whereas the project site and vicinity would have an average of approximately 5 miles per day (SACOG 2011, Chapter 5B, p. 84). Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

³ Ewing, Reid and Robert Cervero. 2001. "Travel and the Built Environment" Transportation Research Record, 1780, Paper No. 01-3515. U.S. Environmental Protection Agency. 2013 (June). Our Built and Natural Environments: A Technical Review of the Interactions among Land Use, Transportation, and Environmental Quality. Handy, Susan, Kevan Shafizadeh, and Robert Schneider. 2013 (February). California Smart-Growth Trip Generation Rates Study. University of California, Davis for the California Department of Transportation. Frank, Lawrence and Gary Pivo. 1994. Impacts of Mixed Use and Density on Utilization of Three Modes of Travel: Single-Occupant Vehicle, Transit, and Walking. Transportation Research Record, 1466.

RESPONSE TO COMMENT O8-27

The commenter references negative but unspecified impacts on seniors and persons with disabilities in the vicinity of the project site.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project, including adverse effects on seniors and persons with disabilities, as relevant to CEQA.

RESPONSE TO COMMENT O8-28

The commenter references impacts to trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other regarding environmental benefits of trees.

RESPONSE TO COMMENT O8-29

The commenter characterizes impacts of the proposed project on the existing project design and historic structures.

Please see Master Response 2.3.4.1 for information on historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of the project's historic resources impacts, Master Response 2.3.4.3 regarding disagreement among experts in an EIR, Master Response 2.3.4.4 for additional mitigation considered for historic resources impacts, Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan.

RESPONSE TO COMMENT O8-30

The commenter states that alternatives to address historic resources impacts must be considered.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master

Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-31

The commenter references the project site's historic status.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-32

The commenter references the project site's historic status.

Please refer to Response to Comment O8-3, above. The first page of the Cultural Resources of the DEIR (page 4.4-1) establishes that the property is an historical resource for CEQA purposes. The DEIR provides explanation that preparation of the environmental document for the proposed project was begun before there was any completed nomination or formal determination of eligibility for historic listing of the proposed project site. Please see Master Response 2.3.4.3 regarding the timing related to evaluating the property as an historical resource for CEQA purposes as discussed in the DEIR.

RESPONSE TO COMMENT O8-33

The commenter references support letters for the determination of the project site's historic status.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-34

The commenter references a publication with more information about the history of the project site.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-35

The commenter references a publication with more information about the history of the project site.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-36

The commenter references the project site's historic characteristics.

Please refer to Response to Comment O8-3, above. Relocation of historical structures is a preservation method that has been used successfully within Sacramento and throughout the globe to avoid demolition of historic structures. (See International Association of Structural Movers, <http://www.iasm.org/about/>; see also Preservation Brief 15 “Preservation of Historic Concrete”, <http://www.nps.gov/tps/how-to-preserve/briefs/15-concrete.htm>). The Overhoff sculptural wall is made up of eight distinct concrete relief panels that can be successfully moved as individual panels. Mitigation Measure 4.4-2(c) requires Overhoff sculptural wall relocation to be completed in consultation with the City’s Preservation Director and the Director of the Sacramento Metropolitan Arts Commission. As part of the consultation, the City’s Preservation Director and the Director of the Sacramento Metropolitan Arts Commission will require all work be undertaken by a qualified expert with extensive experience. Please see Chapter 3 of the Final EIR for a description of revisions to the DEIR, including reference to the required expertise.

RESPONSE TO COMMENT O8-37

The commenter references the movement of the historic sculptural wall.

Please refer to Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-38

The commenter references impacts to trees.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City’s significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees. See also Response to Comment O6-47 regarding urban heat islands.

RESPONSE TO COMMENT O8-39

The commenter discusses on-site trees.

Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-40

The commenter suggests that testimony from a former City of Sacramento Arborist for Urban Forest Services at the July 24, 2014 City of Sacramento's Planning & Design Commission should receive full attention.

The comment does not identify any specific inadequacy of the DEIR in addressing adverse physical environmental effects of the proposed project. Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-41

The commenter provides information on tree coverage in the Central Business District.

The impacts of the proposed project, including those related to trees, are comprehensively evaluated in the DEIR for decision maker consideration. Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-42

The commenter asks whether or not the City would be in favor of removing 33% of the tree canopy on the project site.

Please see Response to Comment O8-38, above.

RESPONSE TO COMMENT O8-43

The commenter disagrees with the use of CEQA streamlining provisions in the DEIR.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-44

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-45

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-46

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-47

The commenter disagrees with the use of CEQA streamlining provisions in the DEIR.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-48

The commenter disagrees with the use of CEQA streamlining provisions in the DEIR.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions.

RESPONSE TO COMMENT O8-49

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions. See also Appendix A to this Final EIR.

RESPONSE TO COMMENT O8-50

The commenter disagrees with the City regarding CEQA streamlining provisions.

Please see Master Response 2.3.9.4 for information about applicable streamlining provisions. See also Appendix A to this Final EIR.

RESPONSE TO COMMENT O8-51

The commenter disagrees with the City and SACOG regarding CEQA streamlining provisions.

SACOG prepared its SCS Worksheet template on July 31, 2012 for use by member agencies to determine whether a project is consistent with SACOG's MTP/SCS. The City used SACOG's template worksheet to evaluate the proposed project's consistency with SACOG's MTP/SCS in May of 2014 and, after additional changes were made to the proposed project, updated the worksheet in November of 2014. The Keeper's December 31, 2014, determination that the Capitol Towers site is eligible to be listed on the National Register and the automatic listings of the site on the California Register of Historical Resources are not factors relevant to evaluating consistency with the MTP/SCS. Nevertheless, on May 12, 2015, after the Keeper made a formal determination that the property is eligible for listing in the National Register of Historic Places and the property was listed in the California Register of Historical Resources, SACOG submitted a letter to the City that concluded the proposed project, based on its "mixed-use redevelopment plan, its location in a neighborhood that provides a surrounding mix of uses – retail, residential, office, and its close proximity to transit – will assist in implementation of the Blueprint and the MTP/SCS" (FEIR, Appendix D). See Response to Comment O8-9.

Additionally, neither the City nor SACOG concluded the proposed project qualifies as a Sustainable Communities Project pursuant to Public Resources Code section 21155.1. See also Master Response 2.3.9 for a discussion of CEQA streamlining provisions applicable to the proposed project.

RESPONSE TO COMMENT O8-52

The commenter believes that the project site with its existing development meets SACOG Blueprint Principles.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR is not intended to evaluate the consistency of existing development with local or regional planning policies and principles, but rather to evaluate consistency of the proposed project with relevant policies, principles, and regulations. See Chapter 3 of the DEIR for an evaluation of regional policies.

RESPONSE TO COMMENT O8-53

The commenter believes that the project site with its existing development meets SACOG Blueprint Principles.

Please see Response to Comment O8-52, above.

RESPONSE TO COMMENT O8-54

The commenter believes that the project site with its existing development represents an early model for mixed-use urban planning.

Please see Response to Comment O8-52, above.

RESPONSE TO COMMENT O8-55

The commenter contends that the DEIR does not consider mitigation options or alternatives that would comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties to reduce historic resources impacts.

Please see Master Response 2.3.7.1, which summarizes the purpose of alternatives development, Master Response 2.3.7.2 for a description of the City's process to develop alternatives, Master Response 2.3.7.6 for additional on-site alternatives, and Master Response 2.3.12.4 for information related to historic resources mitigation. The City's process for environmental review is consistent with the process set forth in Mitigation Measure CR-1 from the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) EIR. Mitigation Measure CR-1 requires an historical resources inventory and an Historical Survey Report to be prepared. Where "avoidance of a significant architectural/built environment resource is not feasible", Mitigation Measure CR-1 identifies a number of potential mitigation options, including "but not limited to," re-use of an historical resource as well as "[c]reation of a Historic American Buildings Survey (HABS)/Historic American Engineering

Record (HAER) standards document will reduce the impact associated with the loss or modification of historically significant physical characteristics of effected resources.” (MTP/SCS PEIR, pp. 7-51 to 7-52.) Consistent with these requirements, the proposed project includes the retention and re-use of the Overhoff sculptural wall and the Capitol Towers high-rise. (See DEIR, Mitigation Measure 4.4-2.) The DEIR also requires HABS/HALS documentation. (*Ibid.*) As explained in Mitigation Measure CR-1, where measure such as re-use and documentation are unable to avoid materially altering the physical characteristics creating the resource’s historical significance in an adverse manner, a project’s impact on the historical resource remains significant and unavoidable. (MTP/SCS PEIR, pp. 7-51 to 7-52.) Consistent with the conclusion in the MTP/SCS EIR, the DEIR concludes the proposed project would have a significant and unavoidable historic resource impact. Also consistent with Mitigation Measure CR-1 from the MTP/SCS EIR, materials related to the proposed project site have been delivered to the North Central Information Center (Ambacher, Patricia, pers. comm. 2015b).

Please see also Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-56

The commenter provides objectives related to the City’s General Plan.

Chapter 3 of the DEIR includes an evaluation of consistency with relevant plans and policies including policies from the City’s General Plan. Please see Response to Comment O8-52, above. See also Master Response 2.3.4.5 and 2.3.10 for information related to General Plan consistency.

RESPONSE TO COMMENT O8-57

The commenter believes that the project site with its existing development meets General Plan objectives.

Please see Response to Comment O8-52, above.

RESPONSE TO COMMENT O8-58

The commenter contends that removal of buildings and adding density does not necessarily make a project sustainable.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project, including those topics often characterized under the heading “sustainability,” including GHG emissions, energy efficiency, water conservation, solid waste demand, travel demand, air quality, and use of resources.

RESPONSE TO COMMENT O8-59

The commenter discusses increase in energy use and resource consumption.

CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code Section 21100[b][3]). The DEIR provides this analysis in Section 4.6. As noted, construction energy consumption is primarily generated from combustion of fossil fuels for vehicles and equipment that, if operated efficiently, use less energy and generate fewer emissions. Although all development projects would involve the short-term generation of construction-related energy consumption, it is important to consider the types of land uses that are developed. For example, construction-related energy consumption used to develop a mixed-use, transit-oriented, and infill project such as the proposed project would help accommodate future residents and employees at a higher GHG and energy efficiency (i.e., less GHG emissions per capita) than a greenfield project located further away from transit options and less central to amenities and populations found in an urban environment (SACOG 2014). In other words, because of the proposed project's proximity to amenities (e.g., distance to jobs, shopping, entertainment) and feasibility of using non-motorized transportation to reach those amenities, regional modeling developed by SACOG demonstrates that this infill project would reduce transportation emissions compared to a project located on the urban fringe without access to transit, with fewer bicycle/pedestrian amenities, reduced access to jobs and amenities, and with lower development densities (SACOG 2014).

RESPONSE TO COMMENT O8-60

The commenter suggests that the project site with its existing development complies with the City's General Plan.

Please see Response to Comment O8-52, above. Chapter 3 of the DEIR includes an evaluation of consistency with relevant plans and policies including policies from the City's General Plan. See also Master Response 2.3.4.5 and 2.3.10 for information related to General Plan consistency. See Master Response 2.3.11 for a discussion of development density, including the existing project site's compliance with the General Plan.

RESPONSE TO COMMENT O8-61

The commenter refers to a publication that compares building reuse and demolition/new construction relative to energy use.

Please see Response to Comment O8-59, above. Please see also the Response to Comment A6-12.

RESPONSE TO COMMENT O8-62

The commenter refers to a publication that compares building reuse and demolition/new construction relative to GHG emissions.

As evaluated in Section 4.6 of the DEIR, consistency with applicable measures from the City's Climate Action Plan and because the City's Climate Action Plan was developed to help achieve the City's fair share of the statewide GHG reduction target, the project would also assist in the state's effort to achieve the statewide GHG reduction target. For a discussion of energy use and GHG emissions associated with demolition and construction compared to the energy and GHG efficiency of the proposed project, please see also the Response to Comment A6-12.

RESPONSE TO COMMENT O8-63

The commenter asks how the City will test the applicant's assertion that the project is sustainable.

Please see Response to Comments O8-58 and O8-59, above.

RESPONSE TO COMMENT O8-64

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Chapter 5 of the DEIR, which evaluates alternatives to the project, including the no project alternative. Please refer to Chapter 2 of the DEIR, which identifies the project objectives (see DEIR, page 2-6). As noted in (page 5-34), Alternative 1 would not meet objectives 1, 3, 4, 5, 6, 8, or 9, which all pertain to intensification or augmentation of existing site characteristics. See also Master Response 2.3.7 concerning alternatives.

RESPONSE TO COMMENT O8-65

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-66

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-67

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-68

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-69

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-70

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-71

The commenter suggests that the project site with its existing development meets some of the project objectives.

Please see Response to Comment O8-64, above.

RESPONSE TO COMMENT O8-72

The commenter believes that the project site with its existing development can be made consistent with aspects of the project's PUD Guidelines.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR is not intended to evaluate the consistency of existing development with the PUD Guidelines, but rather to report on adverse physical environmental impacts of the proposed project.

RESPONSE TO COMMENT O8-73

The commenter provides information on existing density in the vicinity of the project site.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The EIR is not intended to evaluate the density of existing development with the PUD Guidelines, but rather

to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.11 and Response to Comment O7-12.

RESPONSE TO COMMENT O8-74

The commenter provides information on other developments in Sacramento.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see Master Response 2.3.7.5 regarding off-site alternatives.

RESPONSE TO COMMENT O8-75

The commenter provides information on other developments in Sacramento.

Please see Response to Comment O8-74, above.

RESPONSE TO COMMENT O8-76

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-77

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-78

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-79

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-80

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the 2035 General Plan, but rather to report on adverse physical environmental impacts that could result from implementation of the proposed project. The comment addresses policy issues that will be considered during the project hearings. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-81

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts that could result from implementation of the proposed project. The comment addresses policy issues that will be considered during the project hearings. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-82

The commenter references General Plan historic and cultural resources guidance and contends that the project site with its existing development complies with this guidance. The commenter asks what has been done with regard to mitigation measures and alternatives to reduce historic impacts.

See response above to Comment O-81. Please see Master Response 2.3.7.1, which summarizes the purpose of alternatives development, Master Response 2.3.7.2 for a description of the City's process to develop alternatives, Master Response 2.3.7.6 for additional on-site alternatives, and Master Response 2.3.12.4 for information related to historic resources mitigation.

RESPONSE TO COMMENT O8-83

The commenter references General Plan land use policy relative to a family-friendly downtown.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The DEIR provides a comprehensive discussion of population and housing in Chapter 3. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O8-84

The commenter references General Plan housing policy relative to preserving affordable housing.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The text referenced in the comment appears at page H-3-51 of the 2030 General Plan. The DEIR provides a comprehensive discussion of population and housing policy in Chapter 3 of the DEIR. This policy is related to assisted housing developments, as defined by Government Code section 65583(a)(9), that are at-risk of converting to market-rate housing. The project site does not constitute an assisted housing development pursuant to Government Code section 65583(a)(9). Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT O8-85

The commenter references General Plan land use guidance and contends that the project site with its existing development complies with this guidance.

The EIR is not intended to evaluate the consistency of existing development with the General Plan, but rather to report on adverse physical environmental impacts of the proposed project. Please see also Master Response 2.3.10.1 regarding General Plan consistency.

RESPONSE TO COMMENT O8-86

The commenter references a mitigation measure from the MTP/SCS relative to avoiding impacts to historic resources.

The City's process for environmental review is consistent with the process set forth in Mitigation Measure CR-1 from the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) EIR. The project's impact to a historical resource is considered significant. As described in Section 4.4 of this EIR, avoidance of impact to potential on-site historical resources while achieving project objectives is not feasible. Mitigation Measure 4.4-2 has been incorporated into this EIR, consistent with the recommendations of Mitigation Measure CR-1, which requires documentation, interpretation, reuse, and preservation of on-site resources, to the extent feasible. See also Response to Comments O8-3 and O8-55.

RESPONSE TO COMMENT O8-87

The commenter references activities of the applicant

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

RESPONSE TO COMMENT O8-88

The commenter references activities on the project site.

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

RESPONSE TO COMMENT O8-89

The commenter references alternatives to the proposed project.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

RESPONSE TO COMMENT O8-89

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-91

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-92

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-93

The commenter references alternatives to the proposed project.

Please refer to the Response to Comment O8-88.

RESPONSE TO COMMENT O8-94

The commenter references demolition of the historic district.

Please refer to the Response to Comment O8-3. Please see and Master Response 2.3.4.6 for a discussion of historic resources impacts, CEQA, and the administrative process for the proposed project.

RESPONSE TO COMMENT O8-95

The commenter references the existing density of the project site.

The EIR is not intended to evaluate the density of the existing project site, but rather to report on adverse physical environmental impacts of the proposed project. See also Response to Comment O7-12.

RESPONSE TO COMMENT O8-96

The commenter references the existing density of the project site.

The EIR is not intended to evaluate the density of the existing project site, but rather to report on adverse physical environmental impacts of the proposed project. See also Response to Comment O7-12.

RESPONSE TO COMMENT O8-97

The commenter references activities of the applicant.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. Additionally, future discretionary projects proposed on the project site, as with any other project proposed within the City, must comply with CEQA.

RESPONSE TO COMMENT O8-98

The commenter references loss of trees and green space.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree

removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other environmental benefits of trees. Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy.

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

The proposed project will comply with its Parkland Dedication Requirement. The Sacramento Central City Urban Design Guidelines includes requirements to implement the 2030 General Plan and PRMP for small public spaces. According to the guidelines, new development should provide a range of open space types for its users and visitors, that are open to the street or public right-of-way and accessible to all citizens; and include hard and soft landscaping, areas for sun and shade, benches, and water features, where appropriate. The proposed project provides a number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space.

Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

RESPONSE TO COMMENT O8-99

The commenter references water demand.

The City along with much of the State of California, is in a state of declared drought. The City has implemented water conservation measures consistent with the Stage 2 Drought described in the City's 2010 Urban Water Management Plan (Section 5.2.3.1 "Stages of Action"). This stage of drought is sufficient for conservation of water up to 30%. The City's conservation goal is 25%, consistent with the Governor's Executive Order B-29-15. The City will continue to enforce Stage 2 drought measures and will implement new measures that will be applicable to new development (also consistent with Executive Order B-29-15). The City Stage 2 drought response does not include suspending the issuances of new connections to the water system. The City anticipates that its water conservation measures will protect its water supply and does not foresee the need to suspend new water connections (Armijo, pers. comm., 2015). Moreover, increasing the percentage of City residents that live in high density residential infill units is one tool that can be used to reduce average household water use within the City. Multi-family homes use approximately half the amount of water for outdoor use compared to single-family homes and approximately 42 of total residential water use is for outdoor landscape irrigation (Public Policy Institute 2006). Therefore, the City views higher-density infill development as part of the solution to address the current and future drought situations.

RESPONSE TO COMMENT O8-100

The commenter references parking.

Public Resources Code Section 21099(d)(1) provides that parking impacts of mixed-use residential projects (like the proposed project), located "on an infill site within a transit priority area shall not be considered significant impacts on the environment."

The Hotel / Condo / Retail Scenario would eliminate the 390 existing surface and garage parking spaces and build up to 1,701 new parking spaces within four parking garages, for a net increase of 1,311 parking spaces on the site. The Scenario proposes to retain the existing Capitol Towers (which contains 203 apartments) and construct a 300-room hotel and 110 condominium units (in conjunction with and above the hotel floors), providing up to 1,171 new dwelling units (increasing the total number dwelling units within project site to 1,374). The Hotel / Condo / Retail Scenario would provide 1,402 parking spaces for 1,374 residential units, or an average of 1.02 parking spaces per unit, which is similar to existing parking conditions on the project site of 0.96 parking spaces per unit.

For the Condo / Retail Scenario, the project would eliminate the 390 surface and garage parking spaces and build up to 1,635 new parking spaces within four parking garages, for a net increase of 1,245 parking spaces on the site. The Condo / Retail Scenario would construct up to 1,267 new dwelling units (increasing the total number of dwelling units within the project site to 1,470). The Condo / Retail Scenario would provide 1,522 parking spaces for 1,470 residential units, or an average of 1.04 parking spaces per unit, which is similar to existing parking conditions on the project site (i.e. 0.96 parking spaces per unit) and similar to parking ratios for dwelling units in the Central City area, which is

typically a 1:1 ratio. Until 2013, the City's Code required this parking ratio (Tom Pace, City of Sacramento, pers. comm., June 3, 2015).

Parking provided by the proposed project is comparable to other residential and mixed use projects proposed within the CBD and surrounding area. For the purposes of the comparison below, consistent with the proposed project, mixed-use projects that include retail or hotel uses are assumed to provide 1 space per 500 sq.ft. of retail space and 1 space per 2 hotel rooms.

- ▶ The proposed 840 Delta Lane project located at Tower Bridge Gateway and Riske Lane proposes 192 parking spaces for 90 residential units, 3,200 sq.ft. of retail space and a 50 room hotel, for an average of 1.78 parking spaces per residential unit.
- ▶ The recently constructed Capitol Yards project located at Tower Bridge Gateway and 5th Street includes 471 parking spaces for 350 residential units and 5,000 square feet of retail space, for an average of 1.32 parking spaces per residential unit.
- ▶ The proposed Metro Crossing project located at 7th Street and G Street proposes 257 parking spaces for 200 residential units, for an average of 1.29 parking spaces per residential unit.
- ▶ The proposed Unger Residential project located at Bridge Street and 5th Street proposes 300 parking spaces for 280 residential units and 3,000 square feet of retail space, for an average of 1.05 parking spaces per unit.
- ▶ The recently constructed Park Moderns project located Garden Street and Riverfront Street includes 32 parking spaces for 32 residential units, for an average of 1.00 parking space per residential unit.
- ▶ The proposed Eviva Midtown project located at 16th Street and N Street proposes 123 parking spaces for 118 residential units and 5,195 sq.ft. of retail space, for an average of 0.96 parking spaces per residential unit.
- ▶ The proposed Horatio Courts project located at Bridge Street and Riverfront Street proposes 50 parking spaces for 50 residential units and 4,000 sq.ft. of retail space, for an average of 0.84 parking spaces per residential unit.

The 500 N Street property (also known as Bridgeway Towers) provides parking at a 1:1 ratio. Parking ratios proposed by the project are consistent with, and supported by, prevailing market conditions within the CBD and immediately surrounding area. Please see also Master Response 2.3.5.1.

RESPONSE TO COMMENT O8-101

The commenter references housing, commuting, and GHG emissions.

Please refer to the Response to Comment O8-26.

RESPONSE TO COMMENT O8-102

The commenter references housing affordability.

Please see Response to Comment O8-101, above.

RESPONSE TO COMMENT O8-103

The commenter references energy use.

Please see Response to Comment O8-59, above.

RESPONSE TO COMMENT O8-104

The commenter references alternatives.

Please see Response to Comment O8-88, above.

RESPONSE TO COMMENT O8-105

The commenter references other developments.

Please see Response to Comment O8-74, above.

RESPONSE TO COMMENT O8-106

The commenter believes proposed mitigation is not sufficient.

Please see Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-107

The commenter alleges that the project violates various unspecified policies.

Please see Response to Comment O8-8, above.

RESPONSE TO COMMENT O8-108

The commenter refers to public input.

Please see Response to Comment O8-19, above.

RESPONSE TO COMMENT O8-109

The commenter refers to the historic status of the project site.

Please see Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-110

The commenter urges the City to deny the project.

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

RESPONSE TO COMMENT O8-111

The commenter expresses opposition to the project and mentions the attributes of the existing development on the project site and use of infill streamlining.

Please see Response to Comment O8-3, above. Please see also Master Response 2.3.9, which provides a detailed description of relevant CEQA streamlining provisions.

RESPONSE TO COMMENT O8-112

The commenter describes historic districts' characteristics.

Please see Response to Comment O8-3, above.

RESPONSE TO COMMENT O8-113

The commenter provides a quote related to positive attributes of historic places.

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

RESPONSE TO COMMENT O8-114

The commenter expresses desire to retain the existing development at the project site.

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

RESPONSE TO COMMENT O8-115

The commenter suggests means to achieve both preservation and progress.

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

RESPONSE TO COMMENT O8-116 THROUGH O8-144

The commenter has compiled a document and a number of letters that were sent to the Sacramento Preservation Commission and Planning & Design Commission prior to the release of the DEIR. These commenters mention the historic status of the site and express support for the historic designation of the project site.

Please see Response to Comment O8-3, above. Please see Master Response 2.3.4.1 for a discussion of historic resources impacts under CEQA and Master Response 2.3.4.2 for a summary of impacts of the proposed project.

COMMENT LETTER O9 –TREES SACRAMENTO

Scott Johnson

From: Trees Sacramento <trees4sacto@sbcglobal.net>
Sent: Friday, April 10, 2015 2:28 PM
To: Trees Sacramento
Cc: Evan Compton; Scott Johnson; Jose Bodipo-Memba; Kiyomi Burchell; Cornelious Burke; Ed Chandler; Douglas Covill; Rommel Declines; Todd Kaufman; Kim Mack; David Nybo; Matthew Rodgers; Joe Yee; darrellteatjr@yahoo.com; Steve Hansen
Subject: Rooftop Gardens: Sacramento Commons review and comment by Sacramento Planning Commission
Attachments: NEARBY ROOF GARDENS2.pdf

Planning Staff and Commissioners

Regarding the proposed use of rooftop gardens to offset negative impacts of demolition of mature canopy trees, please note the attached photographs of rooftop gardens near Capitol Towers and Villas, their date of construction, and their obvious lack of benefits associated with tree canopy when compared with nearby trees planted in the ground.

| O9-1

Trees Sacramento
trees4sacto@sbcglobal.net

NEARBY ROOF GARDENS



Foreground Wells Fargo Bank completed 1992 (400 Capitol Mall)
Background West America Bank completed 1984 (closeup below) (300 Capitol Mall)



NEARBY ROOFTOP GARDENS

EDD (around 1980). Note street trees along 8th Street towering over the garden trees which are planted in limited planter box space and remain small after 35 years.



NEARBY ROOFTOP GARDENS – PERS Lincoln Plaza 1986 Building (below) is noted for vegetation and trees at each level of setback, but no rooftop garden. Note size of terrace trees relative to ground planted trees.



RESPONSE TO COMMENT O9-1

The commenter references tree and tree canopy impacts and rooftop trees in other locations.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

COMMENT LETTER O10 – AMERICAN INSTITUTE OF ARCHITECTS



AIA Central Valley
 A Chapter of The American Institute of Architects

Letter O10

April 22, 2015

Scott Johnson, Associate Planner
 City of Sacramento, Community Development Department
 Environmental Planning Services
 300 Richards Boulevard, Third Floor
 Sacramento, CA 95811-0218

**Re: Review and Comment / Sacramento Commons Project (P14-012)
 (SCH#: 2014042032)**

Dear Scott,

On behalf of the Board of Directors of the American Institute of Architects, Central Valley Chapter (AIA CV), we thank you for the opportunity to provide feedback on the Sacramento Commons project.

O10-1

Last October, the Board invited developer Dave Eadie, Project Manager with Kennedy-Wilson and architect Johannes van Tilburg, FAIA of VTBS Architects to discuss the project. In December we met with Gretchen Steinberg, President of Sacramento Modern, Carr Kunze, Housing Specialist and Donald Cox with the Sacramento Old City Association (SOCA) to receive an update on the Historic District Nomination. As a result of these meetings, and additional board and committee discussions, we provide the following feedback for your consideration.

O10-2

First and foremost, the AIA CV is excited to see density-focused Smart Growth design in the urban core. Controlled and sustainable growth is critical to the continuing improvement of the quality of life in the Sacramento region. With this in mind, we encourage the city to continue to explore how housing density can best be distributed across multiple sites in the City, including and beyond Sacramento Commons.

O10-3

We also appreciate that the site circulation and pedestrian experience has improved from a previous version we discussed with the project architect. The original Capitol Towers and Garden Apartment design specifically took into account the cooling southwest summer breezes for natural ventilation, and to reduce urban heat island effect. This is unique to designs in our Valley and needs to remain – not only for the quality of life and environmental implications for the site, but also for its impacts on adjoining sites.

O10-4

1400 S STREET, SUITE 100
 SACRAMENTO, CA 95814
 (916) 444-3658 PHONE | (916) 444-3005 FAX



AIA Central Valley

A Chapter of The American Institute of Architects

There is historic significance to the existing site, and value in the unique community that has been formed through the existing development pattern and single ownership. It is thus vital that oversight and specific guidelines are in place for future development at the site to ensure that future parcels are managed in a manner that respects and maintains the original character of this historic urban development as much as possible. The determination of the site's eligibility for the National Register of Historic Places is premised as much on its range of structures as it is on their spatial organization, building placement and relationships, and the landscape features that unite them. Each of these qualities becomes more difficult to preserve without proper controls in place. Related to this, the owner's support of the historic nomination is of value in improving and fostering community relationships and the design overall and is therefore welcomed and encouraged.

O10-5

Thank you again for the opportunity to share our thoughts on this project. AIACV welcomes the opportunity to be a resource and partner in your efforts on this and other upcoming critical issues. We share a common aim for smart growth in Sacramento, and welcome continued partnership and dialogue to address the competing environmental, economic, and infrastructure demands that must be met to achieve these ends. Please reach us through our Chapter's Executive Director, Kimberly Anderson, Hon. AIACC at 916-444-3658 or kanderson@aiacv.org.

O10-6

Sincerely,

Michael Parrott, AIA
President, AIACV

Brian Sehnert, AIA / bVerdant
Board Director, AIACV

Michael Novak, AIA / Lionakis
Board Director, AIACV

Laura Wood, Assoc. AIA / Nacht&Lewis
Associate Director

Paul Sherfey, Assoc. AIA

1400 S STREET, SUITE 100
SACRAMENTO, CA 95814
(916) 444-3658 PHONE | (916) 444-3005 FAX

RESPONSE TO COMMENT O10-1

The commenter thanks the City for the opportunity to comment on the DEIR.

The City acknowledges this comment and has provided responses to the comment letter.

RESPONSE TO COMMENT O10-2

The commenter mentions background on the project including the historic status of the project site.

The City acknowledges this introductory comment. 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.

RESPONSE TO COMMENT O10-3

The commenter expresses support for dense development of the urban core.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR.

RESPONSE TO COMMENT O10-4

The commenter expresses support for changes to the project that improve circulation and the pedestrian experience and notes that the original design took into account southwesterly summer breezes.

The City acknowledges the commenters support for revisions to the site plan. Please refer also to the Response to O6-47.

RESPONSE TO COMMENT O10-5

The commenter references the historic status of the project site.

Please see Master Response 2.3.4.1 for information on historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of the project's historic resources impacts, Master Response 2.3.4.3 regarding disagreement among experts in an EIR, Master Response 2.3.4.4 for additional mitigation considered for historic resources impacts, Master Response 2.3.4.5 regarding consistency with the General Plan, and Master Response 2.3.4.6 regarding the City's discretion to approve a project despite significant effects.

RESPONSE TO COMMENT O10-6

The commenter expresses support for smart growth in Sacramento.

Please see the Response to Comment O10-3, above.

COMMENT LETTER O11 – PIONEER TOWER RESIDENTS’ COUNCIL

**PIONEER TOWER RESIDENTS' COUNCIL
Sacramento Commons Committee
515 P STREET #605
SACRAMENTO, CA 95814
916-441-3762**

RESIDENTS' LETTERS

TO

PLANNING COMMISSION

Ap#605

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1

after these structures are destroyed will they continue to build or will the city have another boarded up empty lot, like other parcels throughout our city. So many lives will be affected by this construction this park living setting is used by so many morning, noon and beautiful evening walks. This block is a landmark for the City of Sacramento.

Respectfully,

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise, *and Crowding Conditions!*
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible. *It's already bad enough!*
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well, *disrupting our rights to quiet enjoyment of living.*
- ✓ *You will destroy the Classy-Classic home feeling of this Community. It will become an extended ghetto, but you don't care because you don't live here!*

Respectfully,

Gail Betty
Pioneer Towers resident x 1 year

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,

pooyce ju #713

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,

yulan zhao 7/18/14

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- X Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- X Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- X Do not remove Villa Apartments. Our friends are living here.
- X No plans exist for "low-income housing."
- X King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- X King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- X Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.
- X Seniors and disables need calm living environment!

Respectfully,

Jan Xu and Yigang Sun
515 P St Apt 915

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

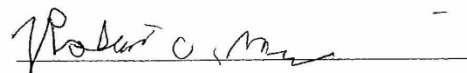
Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

Respectfully,



O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- X Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- X Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- X Do not remove Villa Apartments. Our friends are living here.
- X No plans exist for "low-income housing."
- X King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- X King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- X Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

7 It is well known that when population goes up, today's crime? what have you in place to curb this? Respectfully,

Have there been feasibility studies done with this in mind? Dieta A. Menefee
 what were the results?
 P.S. Parking is already a problem. it can only be compounded.

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Leave Well Enough Alone, I do believe that is what the tenants want, I am just a new tenant. I all my 90 yrs. Respectfully, am a home body

Allen G. Williams - Apt. # 1212

I only knew the old Sacto. in town now its not the same to me, what can I say. It can

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

✓ Crime, will come with New Arena
and if Hotel is built, more Crime, public safety first

Respectfully,



O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

✓ *I use a walker w/wheels. I'm 71 yrs. As it is I have to park my car 2 or three blocks from Pioneer Tower. (where I live) There is no parking on the streets right now! I use the beautiful "tree & lawn" area at Capitol Tower & Villa Apts.*

Respectfully,

Barbara Cio

O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,

807 PLUMER TOWERS

JAMES DENBOER



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Please give serious consideration to
all of the above

Respectfully,

Jill R. Decorde



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,

Mr. Myzhen # 60107-18-14

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- yes Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- yes Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- yes Do not remove Villa Apartments. Our friends are living here.
- yes No plans exist for "low-income housing."
- yes King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- yes King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- yes Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

Please do not destroy this area of
quiet and beauty

Respectfully,

Eva O. Gowder

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

X Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.

X Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.

— Do not remove Villa Apartments. Our friends are living here.

X No plans exist for "low-income housing."

X King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.

X King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.

X Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well. *and I get nothing from my discomfort.*

— *lets an ill thought out project that will leave SAC a bankrupt ghost town with unfinished projects. Except for maly's & Camm's purchase a dress, shoes, household goods, gasoline, groceries, PET Supplies our nursery plants down town and it is dirty and dangerous.*

Respectfully,
Linda Hefalia
Pioneer Tower

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

✓ *Born & raised in this town. This will be a pure headache for tenants & future tenants.*

Respectfully,

Joseph R. Garcia Unit 607

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

X Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.

X Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.

X Do not remove Villa Apartments. Our friends are living here.

X No plans exist for "low-income housing."

X King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.

X King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.

X Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

I totally agree, I'm not that old, but not healthy, I wish all the luck.

Respectfully,

But unless people unite the big money @ 50. you don't have a chance. But God. luck
Van Mundell
Apr 805

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise. *and delays on the road.*
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well. *Noise by itself could drive residents out of area permanently. Noise levels could be horrendous, parking a nightmare.*

We already have many hotel rooms on J Street, etc etc. We should love + protect our trees, which labored so long to get where they are now. More noise will make the area less desirable to newcomers + perhaps "old timers" will move out. The proposed arena will completely alter the existing area which includes

*Pioneer tower,
Capitol tower,
Capitol Villa,
Crocker Museum,
California Office Bldg.
& Restaurant, etc.*

Respectfully,

*Dorothy Swartz Melson # 714
(916) 448-2299
7-17-2014*

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,

Stella Toplak #1101

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

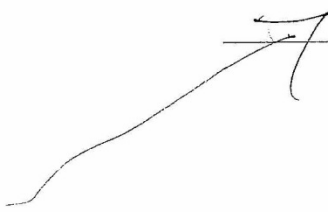
Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

Respectfully,



O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
 - Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
 - Do not remove Villa Apartments. Our friends are living here.
 - No plans exist for "low-income housing."
 - King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
 - King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
 - Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.
- Stop where the Sacramento River diversion damages our wildlife conservation. Anyone can see these halls of population are a controversy of easement, not progress. This worst possible scenario begs a grave nuclear error. May the neighborhood become an honor and work of art to the muse. One will find the "bullet train" survey hastens comprehension of the wildlife threat.

Respectfully,

J.M.M. 20 July 2014

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.
- ✓ Parking is very difficult now, what will it be like then

Respectfully,

Nancy Fordyce

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

I DO NOT WANT THIS AREA LOOKING LIKE
A "CONCRETE" JUNGLE.

Respectfully,

A CONCERNED TENANT.

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

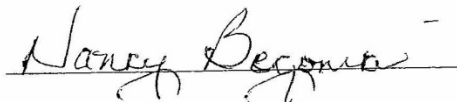
Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.

Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.

Do not remove Villa Apartments. Our friends are living here.

No plans exist for "low-income housing."

King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.

King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.

Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

*I have checked
all the items
on the list*

Respectfully,

[Handwritten Signature]

O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

Respectfully,

Marilyn Demande
Jamela Roberts

O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- X Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- X Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- X Do not remove Villa Apartments. Our friends are living here.
- X No plans exist for "low-income housing."
- X King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- X King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- X Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

*I have lived in this particular
"garden spot" for 30+ years!!!*

Respectfully,

*Martha A. Barajas, USN (Ret.)
#1204
Pioneer Tower*

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.
- ✓ PLEASE DO NOT DESTROY OUR VIEW OF TREE'S
WALK WAY THRU COMPLEX'S - QUALITY OF AIR - TRAFFIC.

Respectfully,

Juanita Delgado Apt. 411
PIONEER TOWERS

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

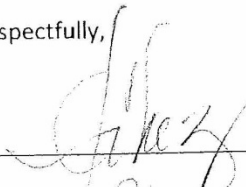
Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here. - Displacement is unacceptable
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,



 John A. Kelly
 Pioneer Towers

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✗ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✗ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✗ Do not remove Villa Apartments. Our friends are living here.
- ✗ No plans exist for "low-income housing."
- ✗ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✗ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✗ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

X Sacramento is renowned for being the city of trees
here in the whole of the USA. People that way
 People come from all over the world to see & admire
 the trees. They are unique - we grow trees that come from
 all parts of this amazing Planet.
 Respectfully,
Shodor J. Kay
 Repercussions will occur - monetary gain will be lost
 as well as plants, people, animals, birds as well. Greed

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

— E.E. Hermon
 575 P # 1217

Respectfully,

E.E. Hermon

O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis. *- Sacramento is famous for its "Corridor of green trees - a canopy"!*
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife. *- Impacts the habitats of hummingbirds - many birds, and butterflies*
- ✓ Do not remove Villa Apartments. Our friends are living here. *- Displacement of long term residents.*
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise. *- would stir up dusts and multiple allergens!*
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible. *- A very real concern & worry for everyone here; where will you park?*
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.
- ✓ *Would the disruption and permanent ruination of our lives due to this proposed massive development, as mostly older citizen voters, translate as a conscionable financial gain for investors; justifying this action as a betterment for us residents? Respectfully,*
Please stop.

Fely A. Horan
Pioneer Towers #1216

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- Do not remove Villa Apartments. Our friends are living here.
- No plans exist for "low-income housing."
- King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

*I would like to offer my time,
effort or any help needed to aid this project*

Respectfully,

Maureen Theil # 818

O11-1
cont.

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,

Josephine STEPHENS

July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

— Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.

Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.

— Do not remove Villa Apartments. Our friends are living here.

No plans exist for "low-income housing."

King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.

King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.

— Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

— Mary L. Dueprene

Respectfully,

O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

O11-1
cont.

Respectfully,



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ___ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ___ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ___ Do not remove Villa Apartments. Our friends are living here.
- ___ No plans exist for "low-income housing."
- ___ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ___ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ___ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

___ Please, don't create a housing ghetto.
 ___ How will my living area change?

Respectfully,

Charles Seeger

O11-1
cont.



July, 2014

Sacramento City Council Members
Sacramento Planning Commission Members

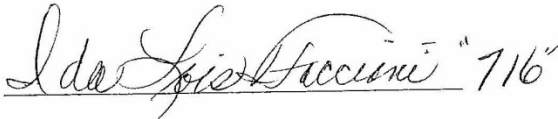
Re: Sacramento Commons

Dear Esteemed Members,

The following checked remarks express my opinions on the proposed Sacramento Commons project.

- ✓ Capitol Tower and Villa Apartments complex is an award-winning, beautiful and successful living environment. Please don't destroy our one-of-a-kind urban oasis.
- ✓ Sacramento is a City of Trees, and we will lose our trees, tree canopies and vibrant wildlife.
- ✓ Do not remove Villa Apartments. Our friends are living here.
- ✓ No plans exist for "low-income housing."
- ✓ King's Arena will have very heavy traffic around our four-block area. Add 1300 more tenants, we will suffer daily gridlock and increased noise.
- ✓ King's Arena will leave no parking for guests and state employees. Add the 1300 more tenants and their guests, and the situation will be exceedingly impossible.
- ✓ Construction will continue through the years with dust, noise, and workmen expanding hours as completion deadlines loom. Workmen will not have parking available to them, as well.

Respectfully,

 "716"

O11-1
cont.

**PIONEER TOWER RESIDENTS' COUNCIL
Sacramento Commons Committee
515 P STREET #605
SACRAMENTO, CA 95814
916-441-3762**

SIGNED PETITIONS

TO

PLANNING COMMISSION

O11-1
cont.



PETITION to Sacramento Mayor, City Council, and Planning Commission

reserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City	zip	Phone #	E-mail (OPTIONAL)
Muriel B. Kemmer	500 N St #1209 Sacramento	Sacramento	95814		KWemmer@earthlink.net
Ann Marie Coakley	8801 Alexander Dr #1412	Sac	95661		Annmarieford@yahoo.com
CE	1308 28th St	Sac	95816		ptinac@capitolpt.com
Debra Candelwood	1305 28th St	Sac	CA 95816		akcaval@capitolpt.com
Kristic Babinow	1308 28th St	Sac	CA 95816		KIDRABLOW@CAPITOLPT.COM
Mailela Mastenby	1308 28th St	Sac	CA 95816		Mailela-P-Mastenby@yahoo.com
Wendy Voss	1308 28th St	Sac	CA 95816		
Brandon Stone	1308 28th St Sacramento	CA	95816		brandonstone1@yahoo.com
Joe Sennac	716 23rd St Sacramento	CA	95816		JOE.SENNAC@YAHOO.COM
Armando Adams	2716 N Street	Sac	CA 95816		armandoadams@yahoo.com
Zaire Anderson	2714 N Street	Sac	CA 95816		Zaire-anderson@yahoo.com
Keira Franzon	5741 Lorella Way	Sac	CA 95842		brothm@hotmail.com
Stacy Stein	9442 Saa Cliff Way	EG	CA 95758		
Meghan Eichhorn	2445 Dinner way	Sac	CA 95818		(916) 814-0525
Scott Isaacs	500 N St #1209 Sacramento	CA	95814		KWemmer@earthlink.net
Scott Isaacs	2311 E St #5 Sacramento	CA	95816		

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!



PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Robert Shiner	500 "N" St #44	Sacramento, 95814	
Gary J. Daley	1021 York St.	Sacramento 95818	
Raymond J. Javi	9 COBOLACOURT	SACRO 95831	
Walter S. [unclear]	515 P St. #915	Sacramento 95814	
James M. [unclear]	515 P St 712	Sacramento 95814	
John [unclear]	3819 F [unclear] Dr.	95816	
James Finley	912 Mendocino Ave	Berkeley 94707	
Adam Varman	9490 Dinkerton Way	Elk Grove 95758	
M. Chocelas	6423 Lang Ave	Sac CA. 95823	
Wendy [unclear]	515 P St.	Sac CA 95814	
Jim LaBelle	420 Hebron Cir.	Sacto CA 95835	
DIANA Kirkley	597 P St	Sacramento, CA 95814	
ADOLFO JANEZ GARCIA	2145 W. El Camino	Sacramento CA 95833	
VICTOR JANEZ	2025 W El Camino Ave	Sacramento CA 95833	
DARIS YAMAMOTO	415 NUBERRY ST.	NEARHALL, CA 95859	
Martha [unclear]	1561 TANNER RD.	W-Sacto Ca 95691	

*Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Jing Wang	515 P St, Sacto Ca	95814	
Amy Taylor	508 Sheffield rd	FWB FL 32547	
Wanda Montoya	29554 Wernsprings	Menifee CA	
Mrs. Leatrice	same	Menifee	
Amber Jones	1816 9th Street	Sacto. CA	
Boya Ju	703 515 P St.	Sacto. CA	
Daha Bradley	9823 Grizzly Ct.	95757	
Yanqa Elkins	---	Sacto 95826	
Halle Fisher	---	Sacto 95818	
Marijo Hernandez	515 P ST. # 616	SACTO, CA 95814	
JAMES GIBERT	515 P. ST # 616	SACTO, CA 95814	
DIANE JOHNSON	2953 DENISE CT	W. SAC 95691	
RAY JONES	1707 Vermont Way	Sac 95835	
Shreeda Khao	5692 Harold Way	Sac 95822	
Jamie Rodriguez	8700 Genstone Ct	EG 95624	
Carmi Guajada	1600 9th Street	Sac CA 95814	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Jose Marin		Sac 95814	
Jonna Chow		Sac 95814	
Marcela Lopez		Sac 95814	
Quantia Phillips	515 P St	Sac 95814	
J.A. Kuvinski	7800 A Street	Sac 95823	
Aileen Gabeau	576 G St	Sac 95811	
Stacy Pland		Sac 95817	
Spencer Fuentes	1600 9th St	Sac 95811	
Amista Jantorelli		Sac 95814	
Samantha Lam		Sac 95818	
James McChell	744 P St	Sac 95814	654-1286
Sheri Barkoder		Sac 95834	
Bryan		Commandant 95882	
Gandra Sreeringer	744 P St	SACCA 95814	916 216 0332
Teresa Lopez		Sac 95818	916) 271 - 2291
Korena Scott	500 N St	Sac 95811	837 236 9699

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Maria Leticia	515 P St	Sacramento	352 652 5538
Bonnie Danker	515 P St	Sac.	916-446-6515
Karin Vallejo	7609 S Circle Pkwy	Sac	916 651-5633
Elizabeth Campbell	5701 Road Dr. Rocklin	95678	916-625-9155
Liliana Verdín	1013 Guerrero Ln.	Woodland 95746	(530) 908-6176
Danielle Jacques	445 Pst Sacramento	CA	(916) 708-1334 (V)
Veronica Kaufman	1510 18th St #1	Sac CA 95811	916-225-5574
Dorothy A. Perki.	1500 - 5th St	Sac CA 95814	916-370-3296
Miguel Schneider	2512 I Street	Sacramento, CA 95816	916-835-1200
Robin Reynolds	6839 Shoreboard Way	Sacto CA 95831	916 580 4256
Peggy D. B.	6th St	Sacto CA 95814	916-704-3360
Zhang Y. Lu	515 P St.		916-448-1381
Angela M. Aguirre	515 P St	Sacto 95814	530-990-1611
Maria J. Anderson	515 P St, Apt 213		916-905-9158
Walter C. Lawrence	842 Story Ridge Way	95843	916-508-5398
Marian F. Pineda	515 P St		916-371-7953

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
MARSHA A. BARZCZ	Apt #1204 515 P St	SACRAMENTO	
DAVID R. RODAT	515 P St Apt #418	SACTO	
SHIRLEY OKEY	514 P St #408	"	916-22748
Joseph Garcia	515 P St #607	"	
Lill Decorde	515 P St	11124	
Angel M. Ramos, Jr	515 P St #905		
Catherine L. Brown	8433 Canal Estates Lane	Sac CA 95828	(916)
Maria Jeffry	500 N St Unit 1210	Sac CA 95814	
Yulan Zhao	1591 3rd Street	Sac, CA 95814	
Kathleen Pennu	" "	" "	
Lorette Carlsson	500 N St, Unit 609	Sac, CA 95814	
Jean Russell	1500 7th St #14C	SAC	Sacramento
Lindsay Tjvelker	" "	# 8A	JAC
Louisa Stefanov	1406 5th St	Sac	
Paulie Caruthers	P.O. Box 1235	Sacramento, CA 95809	1235
	490 Penhow Circle	Sac, CA	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Maddalene Coran	600 I ST. Fair Sacramento CA		(916) 490-0976
Paul D. Wexler	7449 Sprucewood Dr Sacramento, CA 95831		(916) 391-7755
Mary Ann Millhone	515 P ST. Sacramento CA		
MARVIL BLAKE	ANTELOPE CA.		
SEAN KENNEDY	620 N Street Sacramento, CA		(916) 808-4742
Andy Jay	7659 El Rito Way Sacramento CA		(916) 447-3077
JOAN GRAY	27 CHANCY COURT ROSEVILLE CA		(916) 705-5425
Michelle Wilson	5025 MONTZONITE AVE Carmichael CA		(916) 287-1509
Kevin Vinas	613 Blue Water Way		916-606-5538
Marion Oias			
Valerie Delaney	744 P St Sacramento CA		654 5163
Georgia Booleartian	515 P ST #1111 SAC 95814		448-1201
Lara Brown	1871 514 St		(509) 227-5753
Breannon Jeters	3613 Black eagle drive Antelope 95843		916-533-3073
Myrna Johnston	1557 5th St. Sac 95814		714-80 Myrnaston54@gmail.com
Robert Heenan	515 P St Apt #1217		442-2982

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Kathy Garman	4912 "J" Alley	Sacramento CA 95823	916-612-7906 -cell
Dain Pallari	9163 Peito Della Way E6	CA 95624	
Robert Romero	1435rd Street, Apt. 17	Sacramento, CA 95814	
Ronaldo Calaza	2729 Klissemann Dr	Sacramento CA 95826	916-947-8997
Valerie Kennedy	4424 Middlebury Way	Mather, CA 95655	916-743-6447
Debbie McAlvey	800 CAPITOL MALL	SACRAMENTO, CA 95814	916 529-6008
Janet Mathole	P.O. Box 221755	Sacramento, Ca. 95822	916-213-1052
Anna Clark	415 Pst. Apt 203	Sacramento CA 95814	916 539-2400
Steve Redd	415 Pst Apt 300	SACRAMENTO CA 95814	916 539 6835
David Prasad	450 W. ST	SAC CA 95814	916-813-5514
Janna Franks	504 S St, Unit A	Sac, CA 95811	
Brod Worsh	1414 Sutherland Rd	Sac CA 95822	
Lou Dawn Bettencourt	2521 Watson St	Sac 95827	
Karen Padina	P.O. Box 162820	Sac, CA 95816	
Fernando Padina	500 N St., #201,	Sac. 95814	
Ray Colony	791 Colony Court	95622	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO **REJECT** the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City	zip	Phone #, E-mail (OPTIONAL)
Marina Kravcevic*	work across from this- DO NOT DO THIS PROJECT P.O. B. 6005		95812	916
Ashley Hywood	1500 7th St. #413		95814	
David Brown	2973 Violet Dr. West Sac		95811	
Jay L. Roberts	445 P St. #402		95814	
ANITA WILSON	WILSON			
LUCIAN CASTILLO	P.O. BOX 1393, WEST SAC, CA 95805		916-583-1290	
Lydia Haley	515 P Street Apt. 614 Sac., CA 95814		(916) 801-4225	
Pablo Dilane	775 Revere St. Apt. 5 SAC., CA 95818			
Scott Springer	637 Cardoso Dr. Gracet at 95632		209 570 3565	
Roland Haley	515 P Street Apt. 614 Sac., CA 95814		(916) 768-9354	
Sherry Lynn	450 N. 20th. Sacto.		916-833-4654	
Leslie Stadsbaugh	2511 FULTON SQUARE LN #11		95821	
Alex Bello	500 N Street Unit #303	Sacramento, CA	95814	(707) 480-5544
WILLIE GUNAWANSON	450 N St	SACRAMENTO CA		(916) 215-1282
Jing Williams	757 N St	Sacramento	CA	916-660-6957
Komy Brooks	711 N St	Sacramento	CA	916-657-1588

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

16

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
David Edwards	135 Bemmerly Way	Woodland	95695
SAMA CHUDHRY	3260 GUNDA WAY,	SACRAMENTO	95670
Koy Saekun	4510 DORAN AVE	W.SACO	95691
Arlene Dillman	PO BOX 312	N.H., CA	95642 95660
Roland Fong	7032 13th St	Sacto, CA	95831
Romonic Langdon	1432 Conrade way	Altamishigns	(95621
MURIEL OMBRA	515 P St # 812	SAC, CA	95814
Dixie Miller	10889 Stowport Way,	Rancho Cordova	95670
Chae Amaya	123 Arc Folsom	CA	95628
BRISTITE POWERS	515 P St	SACRAMENTO CA	95814
Chry Rockwell	10594 Peter A	Deerfield BLD	WINTER CA.
Xu Fan	515 Pst Apt 915	CA	95814
Victims	1727 W Solap	Sacto	95811
Cynthia Hasting	3321 11th Ave,	SAC, CA	95820
Ramon Rivera	700 W St	Sac CA	95814
Esther Deloso	8963 Midway Oaks Dr.	Elk Grove	CA 95758

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Janny Peane	5214 Lake Pleasant Dr Elk Grove	95758	jpeane07@yahoo.com
Christy Vayena	5245 MARK ROAD SAE CA	95823	(916)402-7768
Engelina Bonifacio	1500 7th St		
Karen V. Co.	POPOFF Sade, CA	95819	916 201 2980
AA Wilk	3200 log Island St W Sacramento	95691	
Joe Robert	1545 5th St.	95608	916.769-9927
Benny Salgado	515 P St		916-448-1340
Michelle Pambus	10981 JACKSON ST SAC	95830	
JIAO QIU YUAN	5337 DAYCON WAY, Sacramento, CA	95825	732-688-2274
Victorik Pika	2480 Genova St #1, W Sac,	95691	916-325-9274
Rosent Wilke	615 P. St. Sacramento, CA	95814	(760) 293-4563
RaeKay Patterson	2412 Cottage Way Apt 23 Sacramento CA	95825	(716) 877-1614 & dani.rae@yaho.com
Brian Sobli	1500 7th St Sacramento		
	9430 Laguna Pointe Way Elk Grove, CA.	95758	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Evelyn Wright			
Glenn Johnson	515 P St	Sacramento 95814	
E Hernandez	515 P St	Sacramento 95814	
Matthew Wilbur	515 P St	Sacramento 95814	
Maria Butare	515 P St	Sacramento 95814	
Shelby Ingram	515 P St	Sacramento 95814	
Patricia Andrade	515 P St	Sacramento 95814	
Chryis Perez	515 P St	Sacramento 95814	
Marijo Hernandez	515 P St	Sacramento 95814	
James Gilbert	515 P St	Sacramento 95814	
Jill Decoste	515 P St	Sacramento 95814	
Valentin	515 P St	Sacramento 95814	
Gene McDearwith	515 P St 1108	"	
Mary Dapprene	515 P St 613	"	
Stella Hoplar	515 P St 1101	Sac, Ca. 95814	
Charlene Jacobs	515 P St 1215	Sacramento, CA 95814	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
MARSHALL HENRY	599 P ST.	SACRAMENTO 95814	916.595.2588 mrs.phy916@gmail.com
BREATH BOURBEAU	1500 7TH ST	SACRAMENTO 95814	916 444-6417
Lorisa Stuppell	515 P ST #407	" "	
Clayton Roberts	2029 9th St	95814	712-5724
Carlin Young Ramirez	593 P St.	SACRAMENTO 95814	
Victor Ramirez	593 P St.	SAC "	
Robert Simms	1318 E St	95814	
Gloria Jimenez	1530 4th	Sacto 95814	916 317-1014
Elean Rodriguez	1615 Q St.	SA 95811	
Ponch Jones	956 Kings Canyon	Sac 95842	
Francisco Hile	400 P St	Sacto 95814	916 795 9367
	4110 P Street	Orto 95714	916-795-0257
April Touchman	157 P "	" 95814	916 225 0175
John Martinez	515 P ST	" "	916 534-6655
Sammy Jara	9155 Argonaut	Elk Grove 95750	916-765-9501
Jennifer Posehn	3430 J St APT A	Sacramento 95816	(916) 822-4219

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement) *PLD*

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Tammy Scott	529 Q St.	SACRO 95811	fastlanefanny@gmail.com
Suzanne Setegalle	515 P St #101	SACRO CA	Suzanne Setegalle Bay Area
RAYMOND SUTTON	515 P ST	SACRO CA	
Samantha Lopez	644 P St	SACRAMENTO, CA	
Rebecca Storey	705 C. Modmon St.	Folsom, CA	(916) 718-5296
Yvetta Dery	515 P St	SACRO, CA 95814	
Kata Oke	12640 Fekard Way	Auburn, 95603	
Machel Salazar	9285 Thilow Dr	Sacramento 95826	
Salvador Gonzalez	8898 wood Lily Way	ELK GROVE, CA	
Roberto John	515 P St	SACRO	916-408-9344
Swiley Nourgo-Cassal	722 Central Rd,	Deer 246 Sac.	916-657-4289
Juoy Sato	626 4th Ave,	SACRO, CA 95818	(916) 795-0420
Elene Monteverde	500 N St	Sacramento, CA 95814	(916) 595-4229
Dylan Beer	1309 Meiss Rd	Stoughouse 95623	(916)-764-8733
Stacey Fuljanson	614 N. St	Sacro, CA 95814	916-710-4146
Adrian Vivas	1391 los Padres Way	Sacramento 95831	916 600-6973

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO **REJECT** the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
La Phomsopha	13064 Borden Rd	Herad	95638
Tue Nguyen	576 Modena Way	Elk Grove	95624
Sanni Nam	2866 Vecchio Lane	Sacramento	95812
HONG TRUONG	8324 LAKE WILLOW WAY	FAIRFIELD	94533
Sue Aburimber	802 Seafarct	Lincoln	CA 95642
Jaguti Marney	1416 Ninth St	Sacramento	CA 95814
Mike Rogers	5331 Moddison Ave.	Sacramento	CA-95819
Lori Little	2330 Quail Court	Fairfield, CA	94533
Steve Martarano	2956 23rd St.	Sacramento	95818
Chris Scabrough	9051 Montoya St #1	Sacramento	95826
Kathryn Stessier	1500 4th St	Sac	95814
Rachel Steiner	500 N ST UNIT 205	SAC	95814
Pamela Law	440 N Street	Sacto	CA 95814
Jeeka Vohra	450 N. Street	Sacto	CA 95814
Yvonne Warren	4150 N ST SACRAMENTO, CA	95814	
Enjari Vohra	2409 MANN CT	SAC	CA

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO *REJECT* the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
William Swift	2634 Kat Wilson St	Sacramento CA	916 320-1952
Rachel Jansz	687 P Street	Sacramento CA	916-817-8375 661-817-8375
Andre Harris	3312 Mensch Ct	Carmichael CA	95808 (916) 706-9772
ADRIAN	2615 E St.	SAC. CA.	95816 (916) 214-2254
PAUL WARRICK	3099 Benton St.	W. SAC	95691
Dorothy Messner	515 P STREET	95814	(916) 448 2299
Christine Flinders	500 N St. # 706	Sacramento CA	95814 Corokia@me.com *
DAVID FITCH	1517 Exposition	N. 17	95815 916 320-3415
Brenda S. Muntz	505 FRANEY Way	95838	(916) 203-1793
Arq Khan	514 N Street	1	95814 916-327-8404
Hieu Tran	450 N Street		95814 916-445-2347
Curtis Stapp	1306 Fremont St	Woodlan	95695
Jessica Vinson	2101 Bidwell way	Sacramento	95818 (916) 862-7971
Marian Hunter	415 R St #511	Sacramento	95814
Nicole Solander	6050 Capitol Mall	Sacramento	95814
Robert Graham	450 N Street	Sacramento	95814 (916) 319-9923

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO **REJECT** the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
Debbie Blasdel	7909 Melfort way	95758	(916) 893-7578
JAMES HUNTER	650 CAPITOL, SACRAMENTO, CA		
Jeff Aldeghi	450 N ST	Sacto 95714	(916) 616-2705
Jim Chu	450 N ST	95714	916 372-2541
Marilyn Sykes	500 Capitol Mall,	Sac 95814	(916) 447-0700
Carolyn Atsches Brewer	500 Capitol Mall,	SAC 95814	916-624-2961
Kiara McIntosh	6639 Valley hi drive,	SAC 95823	916.667.1271
Earlene Gorman	400 McIntyre Ln,	Dixon 95620	916 324-2257
JUN PINEDA	5220 HIRSH CIR	ELC GROVE CA	916 997-2299
Davida Maitili	304S Staysail St.	Sac. 95833	916 833-2275
Donna Ray	6605 Blanner way	Hinda 95673	916 331-6927
NICOLE SULLIVAN	8704 BRIDGEMORE DR	SACRAMENTO 95824	916 710 4054
Harriet Miller	7321 Law Ct	Grayslake CA 95662	916
Sarah E. McArthur	#901-500 N St.	Sacramento	760 699 7093
Christi Wind	Clavis CA	93691	
Danli Rigale	2150 Whippoorwill Ln	95825	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City	zip	Phone #, E-mail (OPTIONAL)
Gwen Huff	5137 Butterwood Circle	Orangevale	CA	95662
BRINN GONZALES	3408 SILVERWOOD ROAD	WEST SAC	CA	95691
Therese Canning	792 COLBY CIR	Ordt	CA	95632
Erwin Sagunoy	4104 Street	CA		95108
Therese Huff	500 N ST	FY01 SAC	CA	95814
PEPPER HALL	10056 C. MOSCOT			916-514-9346
Sandra St. James	6652 Dorcen wy.	Sacto.		95823
MARK SUTER	450 N ST	SAC		916-324-2797
Heidi Andersen	450 N ST	sac		916-322-3548
Michael Maves	1324 Firley Way	SAC		916 4854668
Amelia Pahl	2317 Brisalla St.	St Paul		55708
Amelia Singh	2016 Bothwell Drive	SAC	CA	95829
Greg Aguilard	11400 Comfild Way,	Elk Grove	CA	95758
Charles Krause	515 P. Street	#802 Sac	Cal.	916-730-0290
Rickley Church	2929 Hurley way	sac	CA	95836
David Johnson	1436 Colton Pl St.	SAC	CA	916 710-9003

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name	Address	City zip	Phone #, E-mail (OPTIONAL)
<i>Hilbraith</i>	<i>515 P St.</i>	<i>315</i>	
<i>Rosen</i>	<i>515 P St.</i>	<i>913</i>	
<i>Christiana Martinez</i>	<i>1519 D St</i>	<i>95814</i>	
<i>WAVE BLOWIT</i>	<i>1500 7th St.</i>	<i>95814</i>	
<i>LISA RAWLINSIN</i>	<i>5324 MARECON WAY</i>	<i>95808</i>	<i>916 807-2724</i>
<i>Sto Art</i>	<i>515 P St</i>	<i>95814</i>	
<i>Valeri Oros-hen</i>	<i>1500 4th St</i>	<i>95814</i>	
<i>Steven German</i>	<i>1500-4th St</i>	<i>95814</i>	
<i>Tawna Carrington</i>	<i>515 P St</i>	<i>95814</i>	
<i>Linda Oettkupf</i>	<i>1500 5th</i>		
<i>Carmon Zamora</i>	<i>7345 Willowick</i>	<i>95822</i>	
<i>JADENE FALCETTI</i>	<i>5545 9th Hwy</i>	<i>95823</i>	
<i>Tina Co</i>	<i>515 P St #209</i>	<i>95814</i>	
<i>Linda in Stanley</i>	<i>515 P St #605</i>	<i>95814</i>	

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

17

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name _____ Address _____ City zip _____ Phone #, E-mail (OPTIONAL) _____

- Martine Foster 621-24 St Sacramento 95816
- Bergina Rio 515 P. St # 617 Sacto Ca. 95814
- Mr. W. W. W. 515 28th St. SAC. CA 95814
- Shirley Johnson 515 7th Sacramento Ca 95814
- Paul Maynard 1314 E St Sacto CA 95814
- John Stoddard 1500 7th St, Sacramento CA 95814
- D. Pine Montoya 1044 E. LANDING WAY, SACRAMENTO, CA 95831
- Red Bull 1515 Automobile Dr Yuba City 95999
- POSTART 1004 Wem jiong kong 95814
- Laverne Bush 6 Madant 95832
- Denise Sanders 600 Poston Dr Galt 95632
- Emilio Rivas 2272 Edgewater Rd. Sacto 95815
- EVA AUNEZ 515 P 57- 95814
- WUJIEA LY 621 CAPITOL MALL, SACTO 95814
- TROY Rolline 700 17st

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1 cont.

PETITION to Sacramento Mayor, City Council, and Planning Commission

Preserve Our Livable Downtown Housing: Say "NO" to the "Sacramento Commons" Project (Capitol Villas replacement)

WE RESPECTFULLY ASK THAT THE CITY OF SACRAMENTO REJECT the current Application of Kennedy Wilson for its "Sacramento Commons" Project. We also ask that the City host meetings between the Capitol Villas owner and area residents to cooperatively formulate and implement a realistic win-win plan for Capitol Villas that would accomplish the goals of the City, the developer, and neighborhood while retaining the trees, park-like public green spaces, historically significant architectural design, and other features that have made this area so desirable for decades.

TO CITY: Please mail notices of hearings, staff reports, and documents regarding this project to the undersigned as follows:

Your Name Jacquelyn S Carter Address 8491 Parkford Ave Sacramento CA 95819 City zip SACRA CA 95819 Phone #, E-mail (OPTIONAL) 29carter@yahoo.ca

Please return to Neighbors of Capitol Towers and Villas, 500 N Street # 1403, Sacramento Ca. 95814. Follow on Facebook!

O11-1
cont.

RESPONSE TO COMMENT O11-1

This is a compilation of correspondences that have been compiled prior to release of the DEIR. These commenters mention the historic status of the site, the need for additional alternatives, affordability of housing, noise, historic architecture and landscaping, the loss of trees and tree canopy, aesthetics, traffic, density of existing development, the loss of green space, consistency with the General Plan, and crime.

Please see Master Response 2.3.4.1 for information on historic resources impacts under CEQA, Master Response 2.3.4.2 for a summary of the project's historic resources impacts, Master Response 2.3.4.3 regarding disagreement among experts in an EIR, Master Response 2.3.4.4 for additional mitigation considered for historic resources impacts, Master Responses 2.3.4.5 and 2.3.4.6 regarding consistency with the General Plan and related policy considerations.

Please refer to Master Response 2.3.7.1 for information on the purpose of EIR alternatives, Master Response 2.3.7.2 for information on the process used by the City to develop alternatives, Master Response 2.3.7.3 for information on alternatives rejected from detailed analysis in the DEIR, Master Response 2.3.7.4 for a summary of alternatives analysis, Master Response 2.3.7.5 for information on consideration of off-site alternatives, Master Response 2.3.7.6 for information on consideration of additional on-site alternatives, Master Response 2.3.7.7 for information on consideration of rehabilitation alternative, Master Response 2.3.7.8 for information on public benefit zoning as an alternative, Master Response 2.3.7.9 for information on alternatives to address less than significant impacts, and Master Response 2.3.7.10 for conclusion statements regarding the alternatives.

Please see Master Response 2.3.2.1 for information related to the existing setting, Master Response 2.3.2.2 for information related to tree removal, Master Response 2.3.2.3 for information related to the landscape plan, Master Response 2.3.2.4 for information related to aesthetic changes related to tree removal, Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.6 for information related to project revisions to reduce removal of trees, Master Response 2.3.2.7 for information related to the City's significance determination related to tree impacts, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 regarding other environmental benefits of trees.

Please see Master Response 2.3.3.1 for information about aesthetic changes not being significant impacts under CEQA, Master Response 2.3.3.2, for information about the focus of aesthetics analysis, Master Response 2.3.3.3 for information about scenic views, Master Response 2.3.3.4 for information about private views, Master Response 2.3.3.5 for information about visual changes associated with the project, Master Response 2.3.3.6 for site plan and design review for the project, and Master Response 2.3.3.7 for project revisions that reduce visual changes.

Please see Master Response 2.3.1.1 for information related to noise- and vibration-sensitive receptors, Master Response 2.3.1.2 for information related to the thresholds of significance used for noise impact analysis, Master Response 2.3.1.3 for information related to vibration impacts and mitigation, Master

Response 2.3.1.4 for information related to construction noise impacts and mitigation, Master Response 2.3.1.5 for the conservative approach to noise and vibration analysis, and Master Response 2.3.1.6 for information related to the duration of construction.

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

See Section 4.2 of the DEIR for a discussion of dust, including Impact 4.2-1 and Mitigation Measure 4.2-1, which is designed to reduce fugitive dust.

Please see Master Response 2.3.11 for information related to density of development. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

Please see 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 landscaping, areas for sun and shade, benches, and water features, where appropriate.

The proposed project provides a number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space. Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or

accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

Please see Master Response 2.3.4.5 for information related to General Plan consistency.

Regarding the comment about crime, 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. Crime is not one of the topics addressed in the Appendix G “checklist,” which lists out each of the environmental topics recommended for analysis by lead agencies in CEQA documents. However, Section 4.10 of the DEIR, “Public Services and Recreation,” does include a comprehensive analysis of impacts related to the provision of police protection services.

As described in this section of the EIR, first response to the project site would be provided by Sacramento Police Department Central Command, which serves Downtown, Midtown, the Richards Boulevard corridor, and the Railyards. Central Command is located at 300 Richards Boulevard, approximately 1.4 miles north of the center of the project site. Implementation of the proposed project would result in increased demand for police protection facilities and services. During project construction there could be a temporary increase in demand for police protection services due to construction equipment stored on site that could be attractive for theft and vandalism, but the City has incorporated Mitigation Measure 4.10-2, “Implement Construction Security Measures” to ensure against any substantially adverse effects during construction (see DEIR, page 4.10-23).

COMMENT LETTER O12 – PRESERVATION SACRAMENTO



April 27, 2015

RE: Planning and Design Commission Comments for Sacramento Commons, P14-012

The Board of Directors of Preservation Sacramento urges the City of Sacramento’s Planning and Design Commission to follow the recommendations of the Preservation Commission and demand substantial changes to the Sacramento Commons development application, due to the technical inconsistencies and inadequacy of the EIR, land use issues and inconsistency with the City of Sacramento General Plan, and potential legal liability due to documented inadequacies.

O12-1

- The applicant claims in several places that there is somehow debate over the eligibility of the property as a historic resource. There is *no* real controversy over the eligibility of the property. Only the consultant paid by the applicant questions the eligibility of the property, and that consultant’s report was found inadequate when reviewed by local, state and national authorities and boards. This places the idea of controversy over its eligibility in the realm of climate change denial, or doctors who claim smoking does not cause cancer; the only ones holding that opinion are those paid to promote that opinion.
- The property was formally determined eligible for listing in the National Register of Historic Places, and only prevented from listing because of the owner’s notarized objection, which prevents listing in the National Register but not a determination of eligibility. It was subsequently listed in the California Register as the result of this determination. It is clearly eligible for the Sacramento Register due to its verified eligibility and the strength of the nominating documents.
- The Draft Environmental Impact Report (DEIR) explores four project alternatives. Only the “no project” alternative meets the requirements of the City of Sacramento’s General Plan, as the rest violate the city’s municipal code, Section 17.64.100, prioritizing *preservation of historic resources as a method to sustain and revitalize neighborhoods, enhance the city’s economic, cultural and aesthetic standing, its identity and its livability, marketability and urban character.*
- Because the three project alternatives presented assume any alteration of the property is a negative impact equal to 100% demolition, all three alternatives are technically inadequate as they are all set up to fail. The EIR’s conclusion that any new development on the site represents an unavoidable negative impact equal to complete site demolition is clearly false, as many nearby examples of new infill construction alongside historic districts or adjacent to historic buildings (including 700 K Street, R Street WAL, Tapestri Square etc.) demonstrate. As presented, the project alternatives represent *the most perverse possible* interpretation of provision of project alternatives; a deliberate avoidance of alternatives that simultaneously

O12-2

O12-3

O12-4

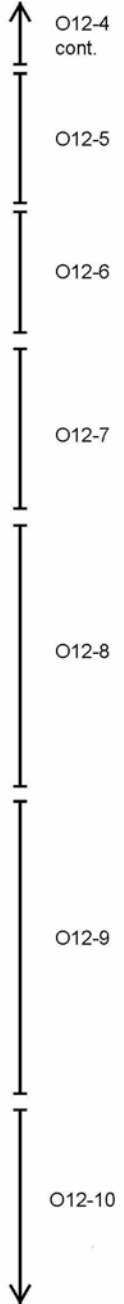


PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

achieve city goals regarding infill housing, historic preservation and retention of existing affordable housing stock.

- There are clearly ways to create new housing and infill development within a historic district in ways that meet the Secretary of the Interior’s Standards and City of Sacramento guidelines regarding infill in historic neighborhoods, including building on parking lots or the existing parking structure footprint. The developer has not explored any alternatives with this approach.
- The Preservation Commission’s comments on the EIR reflect the failure of the project to follow the city’s General Plan regarding historic resources. The city is obligated to consider the effects of proposed projects on historic resources, and Capitol Towers clearly qualifies. This project claims to support one part of the General Plan and city code while clearly violating another.
- Construction and piledriving activity is a potential negative impact on a nearby historic resource, the Heilbron House. The EIR minimizes the potential effects of piledriving on the historic building but other examples of piledriving near similar historic resources have resulted in negative impacts due to vibration and construction activity. There is no provision for mitigation of potential damage to the Heilbron House as a result of project activity.
- Completion of the project as proposed violates another element of the city’s General Plan, specifically the Housing Element’s instructions regarding affordable housing. Demolition of the garden apartments means the loss of 220 reasonably priced apartments that are affordable to working people at market rate, recently restored, currently inhabited and economically viable as they are currently built. The proposed replacement housing is far more expensive, meaning that those displaced by demolition would not be able to afford the new project’s rents. Thus approval of this project means a loss of affordable housing in the central city that can only be replaced by later public subsidy in another project.
- The City of Sacramento’s General Plan land use element prioritizes retention of existing affordable housing: see page H ES -3 of the Sacramento 2030 General Plan Housing Element, adopted December 17, 2013: “Recognizing the importance of preserving and maintaining existing housing resources, the City will pursue opportunities for targeted rehabilitation investment. Targets for rehabilitation funding will include properties in distressed neighborhoods with substantial blight; properties in areas with limited new growth potential, but where economic diversity is low; and properties left vacant due to foreclosure. In addition to this targeted strategy, the City will continue to promote the preservation of existing affordable housing citywide.”
- Based on the above criteria, Capitol Towers and Villas as it exists is not blighted and vacant, nor is it located in a part of the city with limited growth potential, as evidenced by the abundance of recent, underway and proposed projects in downtown Sacramento. The property’s rents are within affordability thresholds and provide economic diversity to the neighborhood. Thus there is no overriding reason to focus new development on the project site, and construction of the project would actually create greater income inequality in the neighborhood. The speculative



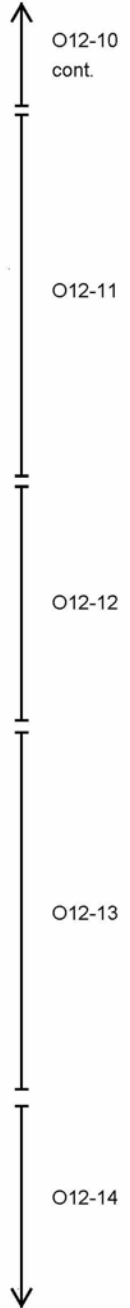


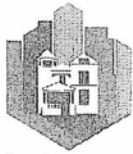
PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

nature of the project also creates the potential risk of blight if the project’s construction schedule does not match projections and the existing buildings fall into disrepair due to new owners’ intent to demolish them for future projects.

- The developer has claimed that a fundamental reason for the new project is the density of the existing Capitol Towers site, approximately 44 units per acre, compared to the property’s land use category that recommends a density of 60-450 units per acre. But this land use category is not a strict limitation on densities allowed in the site, and is intended as an aggregate of neighborhood density. When the other two properties on the “superblock” are included (500 N Street and Pioneer Tower) the overall density is 59 units per acre. By comparison, the downtown Entertainment & Sports Complex, a similarly sized development project under the same land use category, is planned for a maximum total density of 550 units, or 55 units per acre, and currently only 69 units of housing are planned for the site, less than 7 units per acre. This zoning category also includes office and commercial buildings with no residents. Thus, the existing density of Capitol Towers is not a barrier to its continued existence and viability.
- The existing Capitol Towers superblock is consistent with the goals of the city’s General Plan to increase central city population, and it is in fact the most densely populated neighborhood in the central city aside from the Main Jail. If the entire central city was populated to the same density as Capitol Towers, it would contain approximately 100,000 people, a threefold increase. Thus, the existing Capitol Towers site already embodies the principles expressed in the General Plan, unlike nearby vacant parking lots. Thus, the project proposed is unnecessary for the site to be consistent with the General Plan.
- The EIR has chosen not to explore off-site alternatives that would prevent adverse effects of historic resources, despite the project’s proximity to multiple large, vacant parcels and lots that contain no historic resources, are also zoned for high residential density, and are adjacent to transit lines. While the lead agency is not required to consider off-site alternatives, failure to do so gives an inaccurate perspective of the project and ignores the city’s existing commitment to protecting historic and cultural resources. Several nearby sites where potential off-site projects could be located include the ¾ vacant city block across the street from the site between 7th, 8th, O and P Street, the city block between 3rd, 4th, R and S Street, the city block at 3rd, 4th, L and Capitol, and the projected footprint of the Docks Project west of Front Street along the Sacramento River. All are currently zoned for high density residential development, close to existing or planned transit lines, and currently have no residents.
- The developer is not a builder, they are a real estate investment trust. They do not plan on being the builder of this property. This proposal is a Planned Unit Development, intended to entitle the land for high-rise use, not a formal development plan to actually construct the buildings. However, there is no long-term requirement for a subsequent purchaser of that land to follow the PUD if they decide that another use is more beneficial to them, they only need to submit a new plan to the city that could ignore this plan entirely by seeking new entitlements.





PRESERVATION SACRAMENTO

(916) 202-4815 - PO Box 162140, Sacramento CA 95816 – preservationsacramento@gmail.com - PreservationSacramento.org

Sacramento Commons is a “flip” of the existing property based on potential future value that sacrifices the existing, occupied, densely populated, well-maintained and economically viable apartment complex on the site so Kennedy Wilson can profit from the speculative future value of the land underneath the buildings.

- The city of Sacramento should not repeat mistakes of the redevelopment era, when the central city’s population was reduced from 58,000 in 1950 to 28,000 in 1970. This loss of population was primarily due to the deliberate destruction of existing neighborhoods, including recently built and economically viable buildings, in the name of higher-intensity urban development and urban renewal. The net result of redevelopment that indiscriminately destroyed existing housing was an enormous failure, with the notable exception of the project site, Capitol Towers. This site was the one location where high-density, modern, urban and transit-oriented housing was constructed, an award-winning project that is still economically viable in its current form.

In a city with such an abundance of surface parking lots, vacant lots, vacant office buildings and other opportunity sites already zoned for high density residential housing, there is an abundance of space for high-density residential housing in the urban core without resorting to the unnecessary and wasteful measure of destroying an existing neighborhood that embodies the principles of the General Plan in its current form. The developer must be instructed to return with an alternative plan that either utilizes another site or one that utilizes and enhances opportunity sites within the existing project area, such as building upon its parking lot or parking structure to increase residential density without destroying the existing neighborhood.

One potential alternative, proposed by Sacramento Modern and other groups, involves siting new mid-rise infill units on the existing Capitol Towers surface parking lots, and/or building a new high-rise tower incorporating an expanded parking structure on the existing Capitol Towers parking structure on 7th Street. This alternative would allow an increase in population density of the existing Capitol Towers superblock while avoiding demolition of the historic resources, whose restoration could be facilitated by use of the NPS Historic Preservation Tax Credit, or, assuming the legislation is passed and signed, the proposed California Historic Rehabilitation Tax Credit.

William Burg

President, Preservation Sacramento Board of Directors



RESPONSE TO COMMENTS O12-1 THROUGH O12-17

This is a reproduction of Comment Letter O7, except that Comment Letter O7 is addressed to Scott Johnson from the City's Community Development Department and Comment Letter O12 has the subject line, "RE: Planning and Design Commission Comments for Sacramento Commons, P14-012" and does not have an addressee. In the first comment, instead of "The Board of Directors of Preservation Sacramento urges the City of Sacramento to follow the recommendations of the Preservation Commission and reject the current Sacramento Commons Draft EIR..." as in Comment Letter O7, Comment Letter O12 starts with, "The Board of Directors of Preservation Sacramento urges the City of Sacramento's Planning and Design Commission to follow the recommendations of the Preservation Commission and demand substantial changes to the Sacramento Commons development application ~~reject the current Sacramento Commons Draft EIR...~~ The letter from the Sacramento Preservation Commission is included in this Final EIR with responses to each comment (see Responses to Comment Letter A6). In the second comment, Comment Letter O12 starts with, "The applicant claims," rather than "the EIR claims." The comments are otherwise the same and therefore the Responses to Comments are the same. Please see Responses to Comments O7-1 through O7-20.

2.2.3 INDIVIDUAL COMMENTS AND RESPONSES TO COMMENTS

COMMENT LETTER I1 – ADRIENNE KANDEL

Comments on the Draft EIR

Language plus the points of view shown in conceptual views do not make it clear that people living in the western 60 percent or so of the south-facing 500 N apartments will have a midrise 40 feet from their windows extending all the way to the west edge of the parking lot (as is clear from Figure 2.5). Instead it appears as if the midrise leaves them a window of visibility to the southeast. This occurs because Figure 4.1.9 is the only conceptual view that could show the barrier seen by south-facing residents, but instead it shows trees growing above the high-rise and as a result the viewer cannot see the building under the trees and thinks it's a green spot. This happens also to some extent in Figure 4.1.6.

I1-1

In fact, having a 75 foot tall building 40 feet from residences' only windows is unusual – I'm not finding that looking around the tall buildings in Sacramento. Most tall buildings are across the street and then up on the sidewalk, so closer to 80 feet away from each other – expect for the sides of a few nonresidential buildings that are next to each other. Therefore I contest the descriptor that "The changes in visual character or quality of the site are considered **less than significant.**"

You note that "the project site is developed and is surrounded by existing urban development, including high-rise development in downtown Sacramento," which is true. However, in all that high rise development residences have meaningful distance from their windows before the big shade, view-block, and wind tunnel of any tall building nearby.

The City planners should be made aware that while 40 feet is typical for 1 to 2 story residences having backyards facing 1 to 2 story residence backyards, it is not typical for 1 to 2 story residences' frontyards, which have setback then street (40 feet in itself) then setback again. They should be aware that for half the residents of the Bridgeway and Pioneer Towers, their front yard is the interior of the Sacramento Commons area – these apartments at least at Bridgeway face exclusively south.

I1-2

City planners also need to know that being 40 feet from a 75 foot tall building is in fact visually intrusive, not less than significant. They should decide what sort of precedent they want to set for infill. A reasonable ideal would have distance increase linearly with height of the building facing a residence, particularly a residence's windows and balconies that serve as their frontyard. For example, a linear equation could start with 40 feet for 2 story buildings and then increase in distance as building height increases.

I believe the final EIR should bring up this discussion item. In addition it should contain:

I1-3

1. A better conceptual drawing, such as one from a 2nd floor apartment facing the new building, or from the courtyard.
2. The history of why those buildings face that way so close to Capitol Towers buildings: The City of Sacramento had sold the entire multi-block lot to a developer who was supposed to build Capitol Towers as well as buildings like 500 N and Pioneer Towers on the edges. This is why the few Capitol Towers villas close to the edge of Capitol Towers face away from the edges and therefore away from the tall 500 N and Pioneer Towers buildings. When the Capitol Towers developer failed to build the edge buildings (500 N and Pioneer Towers), the City instigated a split of the property and a sale private parties who agreed to build those buildings. Accordingly,

I1-4

they were made close to Capitol Towers land as a way of implementing the urban plan of the time. It was not expected that tall buildings would come up 40 feet from the other towers.

I1-4
cont.

Appropriate edits would be:

3. You change the wording from, "The changes in visual character or quality of the site are considered **less than significant**" to something like "The changes in visual character or quality of the site are considered **significant for residents of lower floors of the adjacent properties of Pioneer and Bridgeway Towers. It is unusual in Sacramento for 75 foot tall buildings to be just 40 feet from the only windows and balconies of residences.**"
4. Another place to similarly change the wording would be under the segment on Impact 4.1.6. Your wording is, "The proposed project would change the existing visual character of the project site and would alter the building composition, landscape and certain views of, and through the project site compared to existing conditions. **However, the project site is already developed and is surrounded by existing urban development.**" More correct wording is, ""The proposed project would change the existing visual character of the project site and would alter the building composition, landscape and certain views of, and through the project site compared to existing conditions. **The project site is already developed and is surrounded by existing urban development, but in no such development are midrise buildings as close as 40 feet to residents' frontal view.**"

I1-5

I1-6

Adrienne Kandel

Owner of #707 of 500 N Street (Bridgeway Towers)

RESPONSE TO COMMENT I1-1

The commenter discusses privately available views from the 500 N Street apartments.

Commenter's concerns regarding private view impacts are noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

RESPONSE TO COMMENT I1-2

The commenter refers to the distances between buildings of different building heights.

Commenter's concerns regarding private view impacts are noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

RESPONSE TO COMMENT I1-3

The commenter requests a drawing from a second floor apartment or courtyard facing a new building proposed for the project site.

Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes. In order to provide information for the public, the DEIR includes three dimensional conceptual illustrations providing a depiction of what the proposed project may look like at full build-out. The illustrations include some of the as existing development on the project site and portions of the adjacent project site's four-block area from specific vantage points (see DEIR pages 4.1-18 and 4.1-19). Additional drawings are not needed in order to assess visual changes attributable to the project for the purposes of this EIR.

RESPONSE TO COMMENT I1-4

The commenter provides historical information related to previous property subdivision and development.

This information provided by the commenter related to development history of the superblock and resident expectations are noted and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT I1-5

The commenter suggests edits to the text of the DEIR related to visual changes.

Commenter's concerns regarding private view impacts are noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

RESPONSE TO COMMENT I1-6

The commenter suggests additional edits to the text of the DEIR related to visual changes.

The DEIR discusses existing conditions and aesthetic changes associated with the proposed project. Commenter's concerns regarding private view impacts are noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

COMMENT LETTER I2 – BETTY LOUIE

My comments pertain to the Draft EIR for the Sacramento Commons Project. The proposed project's residential mid rise building, south of the 500 N Street building is described as five levels of residential on top of two stories of podium parking, altogether seven stories. I 12-1

Most of the residents at 500 N Street facing south only have windows facing south. There is no outdoor light coming into the unit from north, east or west. It is difficult to visualize how the north facade of Sacramento Commons Building 2B will affect the lower residents of 500 N Street, i.e. the height and the length of the proposed midrise 2B building adjacent to 500 N Street. I 12-2

Please include a drawing to scale of the mid rise residential and parking levels of Building 2B of the proposed project so that it shows the vertical and horizontal distances to scale in relationship to the south side of 500 N Street. I 12-3

For those of us on the lower floors on the south side of 500 N Street, the impact is not less than significant. Thank you. I 12-4

Betty Louie

RESPONSE TO COMMENT I2-1

The commenter provides information from Chapter 2 of the DEIR, the Project Description.

Please refer to Chapter 2 of the DEIR for detailed information about the proposed project.

RESPONSE TO COMMENT I2-2

The commenter notes that residents at the 500 N Street apartments have only south-facing windows.

Commenter's concerns regarding private view and light impacts are noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

RESPONSE TO COMMENT I2-3

The commenter requests a scaled drawing showing the vertical and horizontal distances to the south side of the 500 N Street building.

The DEIR discusses proposed building heights and setbacks between the proposed project and 500 N Street. Additional renderings and drawings are not necessary for the purposes of the DEIR. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

RESPONSE TO COMMENT I2-4

The commenter references visual impacts to residents on the lower floors of the south side of 500 N Street apartments.

Commenter's concerns regarding private view and light impacts are noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Response 2.3.3.1 for a response on the City's obligations for aesthetic impacts under CEQA, Master Response 2.3.3.4, which addresses private views, Master Response 2.3.3.5, which provides information related to the DEIR visual impact analysis, and Master Response 2.3.3.7, which discusses changes to the project to reduce visual changes.

COMMENT LETTER I3 – CARR KUNZE

Dear Chairman Nybo and members of the Planning & Design Commission,

Attached please find my comments in response to the DEIR for Sacramento Commons. The DEIR is a highly flawed document.

13-1

In these regards, please also carefully consider the comments of SacMod, the CA State Historical Resources Commission, the findings of the City of Sacramento's Preservation Commission, The National Trust for Historic Preservation, Preservation Sacramento, ECOS, Neighbors of Capitol Towers, and others who have expressed their concerns in regards to this proposal.

13-2

The comments of the commissioners of the respective City and State historical commissions were clear and incisive--they really 'got it'. They fully grasped the significance of this historical district in its entirety, and the importance of retaining its integrity for future generations.

13-3

I believe that initially, the City's staff and the City, were substantially misled by the Historical Resource Inventory and Evaluation of Capitol Towers Apartments prepared on behalf of Kennedy Wilson. This evaluation, now discredited by a subsequent survey, evaluation, and nomination by Page & Turnbull and the subsequent determinations of

13-4

the several City, State, and Federal historical resource or preservation commissions, likely led to false impressions as to Capitol Towers Apartments value to the City's cultural heritage. These impressions were likely formed and reinforced by a 2008 Historical Inventory and Evaluation of Capitol Towers by the same author for the Bond Companies, a prior applicant, and likely contributed to adverse actions resulting in increased planned densities in the City's General Plan revisions for this historical district.

↑
13-4
cont.

In addition to the historical resource considerations, please note the critical importance that Capitol Towers Apartments plays in having a diverse range of housing to serve ALL income segments in the City's core. Subsequent to these attached comments, I have found that after CADA--the City core's largest owner and operator of housing serving lower income (25% of units) with the balance serving moderate and middle income renter households (with some 780 units)--Capitol Towers Apartments (409 units), and Governor's Square (some 300 units) likely comprise the next largest resources for moderate and middle income households in the City's core. They, Capitol Towers and Governor's Square, would be substantially irreplaceable as the current and mid-to long term housing market continues to evolve subsequent to the consequences of the Great Recession. I have detailed this further in my response which is also based upon emerging findings and trends identified by national commissions, the State, the Harvard Joint Center for Housing and others.

↑
13-5

I believe that there are meaningful, viable, alternatives. These have not been adequately explored by the DEIR. However, to appropriately develop these alternatives, and in consideration of the poor faith efforts of the applicant, the most effective method of developing a more collaborative and viable approach is to deny this application and to then convene a 'charette' group including stakeholders as well as neutral, design, feasibility, historic preservation and planning advisors. Comparable approaches have been used in other jurisdictions. Therein, consideration should be given to known as well as emerging planning tools, including 'Public Benefit Zoning' and Transferable Development Rights among others.

↑
13-6
↑
13-7

Thank you for your consideration of this matter,

Respectfully,

Carr Kunze

RESPONSE TO COMMENT I3-1

The commenter contends that the DEIR is a highly flawed document.

The EIR evaluates the potential environmental effects of the proposed Sacramento Commons project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). The DEIR evaluates the potential physical adverse impacts on the environment resulting from implementation of the proposed project. The DEIR proposes mitigation measures and alternatives that may reduce or avoid the significance of such adverse impacts. The Final EIR provides responses to comments relating to the analysis provided in the DEIR. The purpose of an EIR is not to recommend either approval or denial of a project, but to disclose the potentially significant environmental impacts of a project and potential methods to mitigate those impacts. According to the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant environmental impact.

RESPONSE TO COMMENT I3-2

The commenter references other comment letters on the DEIR.

Responses to all comment letters received on the DEIR during the public review period and several provided after the end of the public review period are provided in this Final EIR, including those referenced by the commenter.

RESPONSE TO COMMENT I3-3

The commenter expresses agreement with the opinions of City Commissioners and undefined state historical commissions.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. To the extent that the comment relates to historic resources impacts, please see Master Response 2.3.4.

RESPONSE TO COMMENT I3-4

The commenter alleges that City staff and decision makers were misled by historic resources analysis.

See Master Response 2.3.4.3 for a discussion of disagreement among experts relative to historic resources.

RESPONSE TO COMMENT I3-5

The commenter suggests that the current project site provides housing for all income segments in the City's core.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, but is provided here for City Council consideration. Chapter 3 of the EIR, however, provides an analysis of housing in the Central City area, including housing cost. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I3-6

The commenter suggests that there are additional alternatives that have not been included in the EIR but does not identify such alternatives.

See Master Response 2.3.7 for a comprehensive response related to alternatives.

RESPONSE TO COMMENT I3-7

The commenter suggests the use of public benefit zoning or transfer of development rights.

See Master Response 2.3.7 for a comprehensive 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.

COMMENT LETTER I4 – CARR KUNZE

CARR KUNZE

April 24, 2015

Re: Draft Environmental Impact Report for the Proposed "Sacramento Commons" Project (P14-012) (SCH# 2014042032)

Dear Mr. Johnson,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Sacramento Commons Project (Sacramento Commons).

14-1

Please note as well that I fully embrace the comments of Sacramento Modern (SacMod) in their response dated April 20, 2015 to you regarding the EIR for this proposal. Their comments should be studied carefully and in their entirety. They are well researched, comprehensive, thoroughly thought through in relation to Sacramento's planning documentation and context and incisively 'spot-on'. I will add selected findings of my own to the historical context in Aesthetics and Cultural Resources below. In addition, these comments cover my observations and findings in regards to Land Use and Planning, Noise, Parks and Recreation, Transportation, and Population and Housing.

14-2
14-3

Aesthetics and Cultural Resources

In addition to my earlier comments and those of SacMod, I again note that Wurster, Bernardi, and Emmons (WB&E) were the leaders in the mid 20th century of an architectural movement that came to be recognized as Bay Area Regionalism--or as properly, Northern California Regionalism, successors to which continue to this day. Importantly, Capitol Towers and Garden Apartments, represent not only a remarkably comprehensive environmental design for the

14-4

era, a planning first in the residential urban renewal context of California¹, but also an important extension of this movement's work into market rate, multifamily housing interpreted for Sacramento's and the Central Valley context.

Any loss of the underlying plan, its asymmetrical and thereby informal axial orientations in its principal spaces and secondary, informal, community spaces, together with its significant architectural character, features and tree cover would be a loss to the City and its visitors. It would be a loss as well to the planning and design professions and to California's architectural and urban design history.

Few cities in the US have such significant works of masters such as these², and have succeeded in retaining the types of urban spaces that were created by the urban renewal process and planning efforts of that era (Capitol Towers being unique in the character of such spaces). Whereas, Europeans have understood and preserved their planning masterpieces of this era: cities and planned communities of England (pre- and post-WWII garden cities, new towns, and London urban renewal sites), Germany (Hansaviertal, Berlin), and Scandinavia (Tapiola, Finland; Valingby, Sweden), represent an era when a hopeful world recovered from WWII with new ideas and humanistic principles for its cities.

The DEIR continues to make misleadingly irrelevant statements and innuendos repeating statements of the discredited JRP Historical Consulting, LLC's surveys.

The DEIR states that, "The Capitol Towers property, as a historic architectural resource, has not yielded and is unlikely to yield important information for history." This is patently false. The historic relevance has been established by the Page Turnbull survey, the City of Sacramento's, the State of California's and the National Keeper's findings and listings, together with the several endorsements by noted architects and architectural historians listed in SacMod's comments of April 20, 2015. I have noted other facts above and in the footnote below as to important relationships to history of that era and urban design significance that the property represents. As to whether it is likely to yield further important information for history, the research cannot be deemed completed. Indeed, the very relationships that I and others have pointed out in this and prior submissions regarding Wurster's, WB&E's and other participants in the project and the role of the project in housing design and planning as well as in extending

14-4
cont.

14-5

¹ Progressive Architecture, in awarding the project its First Design Award, characterized the project as "a herald of new directions in redevelopment planning . . . precedent breaking . . .", March, 1962, pg. 143

² Of over 150 urban renewal projects in the country, my research indicates that there are some 10 residential or mixed-use projects that are the works of architects of this caliber. Other than the WB&E team's Golden Gateway Center in San Francisco, a later, much different and more urbanized context,

² Of over 150 urban renewal projects in the country, my research indicates that there are some 10 residential or mixed-use projects that are the works of architects of this caliber. Other than the WB&E team's Golden Gateway Center in San Francisco, a later, much different and more urbanized context, none others of such caliber are in the West. Of the others, in the Midwest or East, 6 are by or include I.M. Pei, and 2 are by Ludwig Mies Van der Rohe. One other, a hospital / residential complex by Walter Gropius was recently torn down to become an empty site for Chicago's unrealized Olympics proposal.

concepts from the Garden Cities movement into new contexts, easily portend a relevance yet to be further researched and documented.

↑ 14-5
cont.

Land Use & Planning

14-6

Please refer to my earlier Response of May 12, 2014.

The proposed development is already 'sustainably' oriented, provides a housing resource for moderate income workers, disabled, and senior households, and is thereby transit friendly enabling current households to walk and bike to work. The proposal is a perversion of these principles to the extent that it causes displacement of households away from the urban core, making them more reliant upon and consuming more transit or auto travel. The notion of transit friendly in-fill development should be that which is more removed from the central city, yet is proximate to bus and light rail (or within in easy biking and walking), such as the Railyards, R Street Corridor, and Township 9.

14-7

The original planned development including Pioneer and Bridgeway Towers, was conceived as a whole. Its intent was that of a PUD, though the zoning category likely was not conceived at the time. By restructuring that intent today, the City would be inferring that any existing PUD could also be restructured, and intensified—violating the open spaces and planning that existing residents and purchasers understood to be sacrosanct. The City would be putting its citizens and all PUD residents on notice that this potential would thereby exist.

14-8

As well, the original development, the current Capitol Towers, substantially meets the density intent of the current General Plan CBD areas when it is considered in the context of the entire superblock including Pioneer and Bridgeway Towers as the superblock was originally planned and developed. Confusion to planners and consequent misinterpretation was likely brought about when the individual parcels were examined separately, whereby Pioneer Towers and Bridgeway Towers were within the currently planned density ranges while Capitol Towers itself fell out of the current range due to a separation of parcels subsequent to what was envisioned in the redevelopment plan. Yet as referenced above, the three parcels should be considered in their originally intended whole. Thereby, Capitol Towers would not be considered as some form of underutilized and inconsistent parcel, as seems to be the perception and misinterpretation of Sacramento Commons proponents and DEIR preparers.

14-9

Thus, we have a case where the broad brush strokes of 'paint the block CBD red' in the General Plan process has precluded a sufficient understanding of the details, the intent, and circumstantial evolution of this particular superblock.

14-10

Noise Please see my comments of May 12, 2014 and those of SacMod and others in their current submissions regarding this DEIR. The DEIR fails to adequately address continuing, physically damaging impacts of noise over

14-11
↓

extended periods on existing residents in the area and the residents of Pioneer Towers in particular. The DEIR's mitigation proposals are inadequate and comprise loopholes constituting subterfuge. Moreover, based on my own prior direct experience residing adjacent to construction activities at the State Central Plant, clearly, the City can lack resources to adequately monitor and respond in a timely manner to noise infractions. The DEIR should ensure City has a strong mandate and the tools to reduce noise when complaints are made.

↑ 14-11
cont.
14-12
14-13
14-14

Parks and Recreation

DEIR measures of tree canopy losses due to the subject proposal are distorted. It also does not analyze or put in context losses that the City in abetting the State's actions, and contrary to its tree-scape principles, incurred in the recent re-development of the State's Central Plant adjacent to this site, at its location bounded by 7th, Q, 6th, and P Streets. Therein, about ¼ of the area of a city block of tree scape abutting Capitol Towers was recently lost. Sacramento Commons will perpetuate such losses.

14-15

The proposal's tree removals, with all of their negative environmental consequences noted by others, are only replaced with tokenism in the form of so-called 'vest pocket' parks—sensible where nothing existed before, but a sham when replacing an existing extensive, ground level tree-scape.

14-16

Transportation

The proposed development is not a sustainable, transit-friendly, proposal as alleged in the DEIR.

A number of recent studies have warned of some of the unintended and negative consequences occurring in 'Transit-Rich Neighborhoods'. A review of relevant recent literature and investigation was conducted by the Dukakis Center for Urban and Regional Policy of Northeastern University.³ Among their findings:

14-17

While patterns of neighborhood change vary, the most predominant pattern is one in which housing becomes more expensive, neighborhood residents become wealthier and vehicle ownership becomes more common. And in some of the newly transit-rich neighborhoods, the research reveals how a new transit station can set in motion a cycle of unintended consequences in which core transit users—such as renters and low income households—are priced out in favor of higher-income, car-owning residents who are less likely to use public transit for commuting.

³ Maintaining Diversity in America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change, Dukakis Center for Urban & Regional Policy, Northeastern University, pg. 1

In short, this and related studies suggest that the traffic impacts of the Sacramento Commons proposal (already suggested in the DEIR to further impact LOS to an F level, but which may have cumulative effects due to other subsequent densification rezonings, and which are not examined by the DEIR), may in fact be worse than analyzed in the DEIR.

↑
14-17
cont.

Thus, if the mid-rises and high rises as proposed by Sacramento Commons bring in a higher income population, then the projections used in the analysis understate the parking requirements as well as impacts on LOS on neighboring streets, and overstate transit use projected from the proposed project. Again, as stated in the Dukakis Center study, citing Purcher and Renne from a 2003 study,

14-18

“[i]ncome is the primary determinant of automobile ownership, which, in turn, is the main determinant of whether people drive or use transit.” In transit-rich neighborhoods in particular, one obvious indicator of undesirable gentrification would seem to be rising automobile ownership associated with the increase in incomes that accompanies gentrification.⁴

14-19

There are a number of emerging countervailing responses to the Transit-Rich Neighborhood and TOD phenomena that need to be examined and re-examined by planning staff before recommending any approvals of the instant proposal. The California Housing Partnership Corporation has recently released its “Preservation of Affordable Homes Near Transit Toolkit”. While much of this piece is oriented to affordable housing, it is applicable as well to the moderate income housing represented by Capitol Towers.

14-20

As well, the City and DEIR preparers should revisit the series on “Social Equity and Transit-Oriented Development: Selecting Transit Priority Areas in the Sacramento Sustainable Communities Regional Planning Process” sponsored by the UC Davis, Center for Regional Change and in which members of the Community Development Department staff participated. Closer examination of this document and process suggest that Capitol Towers is not and should not be a Transit Priority Area.

14-21

Population and Housing

The Housing Element and the General Plan process have not taken into account nor projected for losses from the housing stock and the impacts on moderate-income households resulting from displacement caused by the proposal or any similar proposals that may result from the GP’s re-designation of CBD properties as being eligible for density increases of upwards to 450 units per acre.

14-22

A housing needs analysis such as that prepared for the Housing Element (adopted 12/2013). should not only analyze population growth and household

↓

⁴ *ibid.*, pg. 20

formations, including formations by income level, it must also account for housing lost from the inventory, whether by fires or related causes, withdrawals due to substandardness or change in use, or demolition due to other renewal actions. This latter factor becomes particularly important when the City's plan raises densities with the intent of inducing redevelopment of several portions of the city's core containing older rental housing.

Under such latter circumstances, the City cannot claim to be planning for adequate housing when measuring only against household formations and not taking into account the consequences of its own planning actions.

Otherwise, and what is also referenced in the Housing Element, the City should be endeavoring to preserve this older segment of its housing stock which becomes an important resource for moderate income households that are not otherwise eligible for housing subsidies or when available, subsidies are rarely targeted to this income level, and yet for whom market rate housing constructed in the core and nearby areas would be beyond their means.

Recent major national housing studies (cf. Harvard Joint Center for Housing) have noted the mounting impacts of similar recent losses, nationally, on the rental housing stock and its moderate and lower income households.

The DEIR is non-responsive and attempts to minimize, incorrectly in terms of citing alternative resources, the human impacts and personal costs that will be incurred by displacing moderate-income households from the Central City. Moreover, it is likely that the proposal will result in ultimately changing the tenure characteristics of the towers portion of Capitol Towers. This fact is betrayed by references in earlier proposals of the applicant to potential conversion to condominiums or assisted living facilities. This is further evidenced by the continued proposal to eliminate the swimming pool that presently serves the towers, marginalizing current tenants and suggestive of pending use change.

More specifically, the City's Housing Element to the General Plan, "City Land Use and Urban Design Goals list:

Sustainable growth & change. Goals and policies address infill development, diversifying the City's housing stock, and increased transit and alternative transportation use. Other goals and policies promote a balanced housing mix within neighborhoods as well as development of housing for seniors.⁵

Elsewhere, a stated and repeated reference is made to the goal:

Include a mix of housing types within neighborhoods to

⁵ Housing Element, Section 1.5, General Plan Consistency, pg. H 1-5

14-22
cont.

14-23

promote a diversity of household types and housing choices for residents of all ages and income levels in order to promote stable neighborhoods;⁶

14-23
cont.

As will be detailed below, the Sacramento Commons proposal is a perversion of, and vitiates attaining any such goals. The DEIR fails to appropriately analyze and adequately address any mitigation of these impacts.

14-24

Sacramento Commons has the potential of displacing as many households in its 'super-block' area as had been displaced in the original (1959-1965) four block area redevelopment of Capitol Towers. This would have the effect of displacing a substantial number of households but without any of the benefits that would be otherwise available to them in a direct governmental action. While this displacement may be phased in the KW proposal, its consequences of breaking up an established community and dislocation of persons with limited resources in a time when rents are escalating at rates substantially disparate to increases in incomes (see recent joint white paper by Sacramento Housing Alliance and California Housing Partnership Corporation)⁷ would be comparable to the negative devastations wreaked by earlier urban renewal.

14-25

The DEIR claims the, "[p]roject construction would result in the **temporary loss** [emphasis added] of 206 market-rate rental housing units".⁸ This is a false and misleading allegation. The loss would be of moderate income serving housing units that would be replaced by units serving a higher income range. The loss would not be temporary. Units serving this income range are typically found in older segments of the housing stock. Units serving this income range would not be economically feasible to replace without subsidies. Subsidies serving this income range are not available.

14-26

For example, current rents for a 2-BR villas unit at Capitol Towers range between \$1,413 - \$1,651 per month. The average of these rents plus an allowance for utilities (\$70/mo)⁹ equals some \$1,602/mo. This amount serves a household income of some \$64,000 per year, almost exactly the City's current median income of some \$64,400 for a 3-person household—the typical occupancy measure for a 2 bedroom unit.

14-27

⁶ Housing Element, Section 3.0, Purpose, pg. H 3-1

⁷ How Sacramento County's Housing Market is Failing to Meet the Needs of Low-Income Families, May, 2014, by California Housing Partnership Corporation with Sacramento Housing Alliance, cf. www.chpc.org. The trends shown in this paper are equally applicable to moderate and middle income renter households. The 'trickle down' effects of the development proposal, would cause such displacement that it would in fact fuel a "trickle-up" impact of increasing rent inflation in the immediate area as well as more generally in the CBD and city, consequent further doubling-up of households and overcrowding, causing housing deterioration, and a demand for substandard housing elsewhere in the city.

⁸ Sacramento Commons Draft EIR, pg.3-33

⁹ Affordable housing rents are generally measured at 30% of gross annual income, including utilities.

Two years ago, Keyser Marston Associates prepared a memorandum for the City Community Development Department in connection with a Mixed Income Housing Ordinance update.¹⁰ At that time, their analysis suggested that an Urban Infill Apartment Project could generate rents of some \$2.00/square foot. Since then, development costs for both land and materials have escalated as have rents. Allowing for a 10% increase over the past two years¹¹, which is likely understated, rents for a 2 bedroom, 850 s.f. apartment would be \$1,870 which plus \$70 utility allowance would translate to some \$1,970/mo. This would have a threshold of affordability for households earning at least \$77,600 per year—20% above the current median income. In short, feasible rents for any newly constructed project would be Above Moderate Income.

14-28

Accordingly as well, it is difficult to believe that many of the moderate income serving (MI) units projected in Table H-2 of the Housing Element, particular those proposed for Township 9 (699 units) and the Downtown Railyards (1,284 units), could be feasibly developed without substantial additional subsidies—none of which is likely to occur in the near future.

14-29

Elsewhere, AECOM has claimed in its DEIR for the applicant that rents for 2-bedroom units in the Central City currently range from \$1,175 to \$3,267. This is an illusory and even preposterous demonstration. Nowhere has AECOM identified the number of vacant units available within this range, nor importantly within relevant rent or income brackets of the range. Moreover, it is preposterous inasmuch as the higher end of the stated range--\$3,267 is twice the high end of current rents at Capitol Towers villas. This latter amount, \$3,267 (plus utilities) would require incomes in excess of \$133,500 per year to achieve affordability.

14-30

14-31

Currently, the Capitol Area Development Authority (CADA), which owns and operates some 783 rental units, one of the largest operators of moderate income serving housing in the Central City, has NO VACANCIES. When available, their 2-BR market rents have typically ranged between \$800 - \$1,400 per month (one of their 42 properties has 2-BR rents as high as some \$2,300 per month). Of CADA's inventory, 25% of their units are targeted to lower income households, the balance, 75%, are effectively market rate. Thus, as can be seen, CADA's units are otherwise the primary alternative source for moderately priced housing in the Central City, and they have no vacancies.

14-32

Another nearby rental property comprising 300 units, currently has 9 vacancies, representing a 3% vacancy rate: well below a normal market allowance of 5%.

14-33

¹⁰ "Market Survey & Financial Feasibility: Mixed Income Housing Ordinance Update", Keyser Marston Associates, Inc., February, 2013

¹¹ Comparative data for this period for Sacramento is not readily available. Nonetheless, recent reports have indicated that rents in the San Francisco Bay Area have escalated as much as 15% in the past year alone. Sacramento's housing market has been recovering more slowly, but as will be further demonstrated, vacancies are clearly tightening and rents have been increasing. Such analysis should be the responsibility of the applicant and City.

Two bedroom apartment unit rents in this development range from \$1,200 to \$1,350, again, within the moderate income rental range.

↑ 14-33
cont.

With what appears to be a less than 3% vacancy rate in the current overall urban core housing market, the prospect for adequate housing to handle households being displaced is dismal. Several overhanging factors from the 2008 financial meltdown and Great Recession have substantially impaired the housing market's recovery, and with added reference to that for Sacramento. The construction and development industry must recruit and retrain replacements for many workers who have left. Production disruptions and shortages in the many of the different supply channels must be overcome. Credit requirements have shifted added pressures from homeownership to the demand for rental housing.

14-34

California's lower income and moderate income housing needs had substantial deficits before the 2008 meltdown. These deficits were compounded by the Great Recession as housing production fell to historic lows over the past 8 years and greater disparities of incomes to rents grew. The list goes on. And, any pending demolition of existing moderate income housing in the urban core will only add greater pressure to rents of that portion which remains, likely pushing that remainder beyond its current service population. This will be wholly contrary to the goals of the City's Housing Element: to preserve housing for a wide variety of incomes.

Thus, given the increasing tightening of the housing market, to allege that there would be adequate housing in or about the city's core is, to repeat, preposterous.

Under a governmentally sponsored redevelopment effort of the scale proposed by Kennedy Wilson at Sacramento Commons (Capitol Towers and Garden Apartments), a substantial amount of analytical effort would be required to determine the displacement impacts of any such redevelopment together with a relocation plan to accommodate households proposed to be displaced. The City or by extension, the developer, would be responsible for compliance with the Uniform Relocation Act and would be required to fund the costs of moving households so displaced together with any differential between the cost of comparable, reasonably proximate housing that the household is relocated to and the lesser of 30% (including the cost of utilities) of the household's income or the rent of the unit presently occupied by the household. This cost differential would be required to be covered for up to 3 1/2 years.

14-35

14-36

In addition, the relocation plan would have to survey housing in the market area and demonstrate the availability of such housing proximate to the current property. Traditional redevelopment planning would have included the development of alternative housing suitable for relocation in the absence of such housing being readily available. No such planning has been included in the City's housing element. These impacts are not mitigated by the DEIR.

14-37

By permitting Kennedy Wilson to undertake the redevelopment of the Capitol Towers complex while seeking to realize the upside economic development and tax benefits of renewal, the City would be abdicating its responsibilities to protect the interests of existing citizens that it would otherwise have had it been acting in a direct development or funding capacity through the application of any federal or state funds.

14-38

The promulgation of the Urban Relocation Act and its precedents stemmed from the dismal effects that earlier redevelopment efforts had upon defenseless citizens that were at the mercy of larger bureaucratic forces. Today, those forces take the guise of private efforts responding only to market conditions. However, the City has the power to either deny such development, to impose conditions, or end up being an enabler without regard to its other obligations to its citizens. Yet particularly when there are options available to the investor to develop without causing displacement, and when the market for the proposed development is not only questionable in terms of its scale as well as demand at the end of the market to which it is targeted, it should be considered that the proposal may dilute other market making efforts that the city has engaged in such as Township 9. And thereby, where there are direct, tax-payer funded investments, the City has a fiduciary obligation as well as a moral obligation to avert the many environmentally negative consequences of this proposal.

14-39

I had previously outlined in my September 5, 2014 Response to the NOP a threshold set of factors that need to be surveyed and analyzed. The Draft Environmental Impact Statement has failed to undertake any form of survey that would reasonably establish the impacts of the Sacramento Commons proposal and potential resources that should be brought to bear to off-set such impacts.

14-40

Again, this is the wrong concept in the wrong place when more appropriate revitalization of under-serving, poorly designed, and outdated office and other structures could be undertaken in areas immediate to the subject proposal. Rather, Capitol Towers needs to be preserved not only for its historical significance, but also to preserve a critical and difficult to replace moderate and middle income serving housing resource in the city's core, as well as to prevent the many other cumulative negative and significant environmental impacts that would be brought about by the proposal.

14-41

14-42

14-43

14-44

Thank you for your consideration of these comments in regards to the Draft EIR for Sacramento Commons.

14-45

Respectfully submitted,

- s -

Carr Kunze

cc:

City of Sacramento Mayor and Council members
City of Sacramento Planning Commissioners

Evan Compton, Principal Planner
Roberta Deering, LEED Preservation Planner

Gretchen Steinberg, SacMod
Darryl Rutherford, Sacramento Housing Alliance
Jim Pacht, Judith Lamare, and Neighbors of Capitol Towers and Villas, and
Bridgeway Towers Owners Association
Judy Stanley, Pioneer Towers resident's representative
Kathleen Greene
Julie Mumma, NO Sac Commons
Kimberly Anderson, AIA Central Valley
Anthony Veerkamp, SF Field Office, National Trust for Historic Preservation

RESPONSE TO COMMENT I4-1

The commenter thanks the City for the opportunity to comment.

This comment is noted.

RESPONSE TO COMMENT I4-2

The commenter references other comment letters on the DEIR.

Responses to all comment letters received on the DEIR during the public review period and several provided after the end of the public review period are provided in this Final EIR, including those referenced by the commenter.

RESPONSE TO COMMENT I4-3

The commenter provides an introduction to the topics to be discussed in the comment letter.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR, and the City acknowledges this introduction.

RESPONSE TO COMMENT I4-4

The commenter offers background on architects involved in work at the project site, background on urban renewal, and related topics.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Commenter's opinion that any loss of loss of the historic structures or landscaping on the project site would be a loss to the City is noted. Information provided by the commenter will be provided to the City Council as part of this FEIR for consideration. See also Master Response 2.3.4 for a comprehensive discussion of historic resources as presented in the DEIR.

RESPONSE TO COMMENT I4-5

The commenter alleges that the DEIR is in error in summarizing information relating to Capitol Towers as an historic resource.

The discussion from the DEIR that the commenter is addressing concerns Criterion D from the National Register. Criterion D provides that a "[p]roperty has yielded, or is likely to yield, information important in prehistory or history." The National Register of Historic Places Registration Nomination Form prepared by Page & Turnbull does not mark that the property is significant because it has yielded, or is likely to yield, information important in prehistory or history. (National Register of Historic Places Registration Form, p. 7, DEIR Appendix D). Similarly, the National Keeper's determination of eligibility for Capitol Towers did not provide that the site is eligible under Criterion D. Therefore, the DEIR discussion of this criterion is not inconsistent with either Page & Turnbull's nomination form or the National Keeper's

determination. The commenter's disagreement with the conclusion in the DEIR is noted. Notwithstanding this disagreement, the DEIR finds that Capitol Towers is an historic resource and the DEIR evaluates impacts to Capitol Towers in consideration of its status as an historic resource. See also Master Response 2.3.4.3 for a discussion of disagreement among experts relative to historic resources.

RESPONSE TO COMMENT I4-6

The commenter references a previous letter written by the same commenter.

Responses to all comment letters received during the public review period and several provided after the end of the public review period are provided in this Final EIR, including those referenced by the commenter.

RESPONSE TO COMMENT I4-7

The commenter suggests that uses at the existing project site have benefits related to multi-modal transportation.

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 EIR and each of the technical sections of the EIR, including Section 4.11, which describes existing transportation conditions on the proposed project site. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. Additionally, as explained in the 2030 and 2035 General Plans, the City has determined that a number of sustainability benefits are realized through intensification of "development near transit and mixed-use activity centers, and locate jobs closer to housing..." (See, e.g., 2035 General Plan, p. 1-4). These sustainability benefits include "increased walking and reduced automobile use." In addition, "[g]asoline consumption, air pollution, greenhouse gas emissions, and personal commute times will be reduced, which will facilitate and increase the time working parents have to spend with their children and families." (*Ibid*). The proposed project is consistent with the 2030 and 2035 General Plans "grow smarter" sustainability objectives because the project site is located adjacent to transit, in a mixed-use area, and within the City's largest employment center. Please see also Master Response 2.3.10.3, which addresses housing.

RESPONSE TO COMMENT I4-8

The commenter provides background on the intent for earlier developments on-site and adjacent to the project site.

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

RESPONSE TO COMMENT I4-9

The commenter provides background on the intent for earlier developments on-site and adjacent to the project site and notes that Capitol Towers is not an underutilized or inconsistent parcel.

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. 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 Chapter 3 for a discussion of the consistency of the project with the City's General Plan and other relevant plans and development standards. See Master Response 2.3.11 for a discussion of density and Master Response 2.3.10 for a discussion of consistency of the project with the General Plan.

RESPONSE TO COMMENT I4-10

The commenter references the historic intent of development on the project site.

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

RESPONSE TO COMMENT I4-11

The commenter suggests that the EIR fails to address noise impacts.

The DEIR includes a robust analysis and comprehensive reporting of short-term and long-term noise and vibration in Section 4.9. Please see Master Response 2.3.1.

RESPONSE TO COMMENT I4-12

The commenter suggests that the EIR mitigation measures have loopholes.

The comment does not suggest any specific issues with any mitigation measures. However, the City will adopt a reporting or monitoring program (MMRP) for mitigation measures included in the DEIR. The City has the discretion to choose its own approach to monitoring or reporting. The City will adopt a MMRP designed to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP also identifies the timing of implementation and the party/ies responsible for monitoring and enforcement. See Appendix B of the Final EIR, which includes the draft MMRP. See also Master Response 2.3.12.10 regarding construction noise mitigation.

RESPONSE TO COMMENT I4-13

The commenter suggests that the City does not have the resources to respond to noise infractions.

Please see Master Responses 2.3.1.4 and 2.3.12.10 for a discussion of construction noise.

RESPONSE TO COMMENT I4-14

The commenter suggests that the City should have a strong mandate and tools to address noise.

Please see Master Responses 2.3.1.4 and 2.3.12.10 for a discussion of construction noise.

RESPONSE TO COMMENT I4-15

The commenter alleges that estimates of tree canopy loss in the EIR are not accurate and references tree loss associated with a project located nearby.

Please see Master Response 2.3.2 for a discussion of the loss of trees and tree canopy. The comment refers to the loss of tree canopy and states that the EIR's assessment of the loss of the site's tree canopy is distorted because it does not take into account recent tree losses associated with nearby projects (e.g., Central Plant). The loss of tree canopy is addressed in the DEIR in Section 4.3, Biological Resources. The DEIR analyzes the cumulative impact to tree canopy in Section 4.3.4.

RESPONSE TO COMMENT I4-16

The commenter contends that proposed parkland is not sufficient.

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 landscaping, areas for sun and shade, benches, and water features, where appropriate. The proposed project provides a

number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space. Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

RESPONSE TO COMMENT I4-17

The commenter claims that the proposed project is not sustainable or transit-friendly based on part on a study of travel behavior of households based on income.

Please see Master Response 2.3.5.3 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 weather 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 I4-18

The commenter claims that if the project attracts higher-income households, the parking and level of service impact analysis may overestimate the share of trips made using public transit.

Please see Master Response 2.3.5.3 for a discussion of travel demand, Master Response 2.3.5.2 for a discussion of vehicular transportation. See also the Response to Comment I4-17, above. See also Master Response 2.3.5.1 for a discussion of parking. The comment states that the projections used in the analysis understate the parking requirements, as well as impacts on LOS, and overstate transit use projected from the proposed project. The percentage of project trips estimated to use public transit ranges from 2% to up to 6% of total trips, depending on the land use and time of day. This information is compiled by two surveys: 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 House Travel Surveys (DKS 2001). It is a conservative approach to assessing the travel mode choice for a project and is well accepted methodology when preparing the traffic impact analyses.

RESPONSE TO COMMENT I4-19

The commenter provides information from a study of transit demand and income as a predictor of travel behavior.

Please see Master Response 2.3.5.3 for a discussion of travel demand, Master Response 2.3.5.2 for a discussion of vehicular transportation. The comment refers to Dukakis Center study (please see Response to Comments I4-17 and I4-18) that income is the primary determinant of automobile ownership and the choice of travel mode. The commenter recommends re-examining the Transit Oriented Development phenomena before the project approval. The comment does not relate to a potentially significant impact of the proposed project, but it is noted and included for City Council consideration.

RESPONSE TO COMMENT I4-20

The commenter references information related to household income and location.

Please see Master Response 2.3.5.3 for a discussion of travel demand. The commenter acknowledges the release of "Preservation of Affordable Homes Near Transit Toolkit" by the California Housing Partnership Corporation and suggests it is applicable to moderate income housing represented by Capitol Towers. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted and included for City Council consideration. 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 I4-21

The commenter references information related to transit priority areas.

The comment states that Capitol Towers is not a Transit Priority Area basing the statement on “Social Equity and Transit-Oriented Development: Selecting Transit Priority Areas in the Sacramento Sustainable Communities Regional Planning Process” sponsored by UC Davis, Center for Regional Change. “Transit priority area” is a term defined by SB 743. Pursuant to SB 743, a transit priority area includes an “area within one-half mile of a major transit stop that is existing or planned...” (Pub. Resources Code, § 21099, subd. (a)(7)). The project site is located immediately adjacent to a major transit stop, the light rail station on 7th Street and O Street. Therefore, pursuant to CEQA, the proposed project is located in a transit priority area. In addition, Public Resources Code section 21155 sets forth the requirements for a project to qualify as a transit priority project (TPP). The City has determined that the proposed project is a TPP based on requirements, such as density, percentage of residential component of a mixed-use project, the proximity to major transit stop etc. Please see DEIR page 3-4, which provides information and a discussion about the qualification of the project as a TPP project and Chapter 4.0 (Subsection 4.0.3) and Chapter 6 includes numerous information and details about that subject. Please also see Master Response 2.3.9 for a comprehensive discussion of transit priority areas and transit priority projects.

RESPONSE TO COMMENT I4-22

The commenter provides a discussion related to population and housing.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I4-23

The commenter references personal costs and human impacts related to moderate-income households in the Central City. The commenter also references material from the City’s General Plan.

The project applicant has acknowledged the potential for future projects to be proposed on the project site, such as changes to uses in Capitol Towers. However, the proposed project does not include any exterior modifications to Capitol Towers. A future project application would be required for the project applicant to pursue future changes to Capitol Towers. Such a future proposal would also be subject to Mitigation Measure 4.4-2 which requires, prior to commencement of any alterations or renovations to the existing Capitol Towers residential tower, 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.

The commenter states that Capitol Towers residents will not be provided access to a pool under the proposed project. While the existing pool area would be removed, the proposed project includes development of a pool area on the parking structure on parcel 1, which would replace the existing pool

and be available for use by residents of Capitol Towers and the mid-rise building proposed on parcel 4B.

The City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing. See also Master Responses 2.3.10.1 and 2.3.10.3 for a discussion of the project's consistency with the General Plan.

RESPONSE TO COMMENT I4-24

The commenter suggests that the proposed project would not achieve City General Plan goals.

See Master Responses 2.3.10.1 and 2.3.10.3 for a discussion of the project's consistency with the General Plan.

RESPONSE TO COMMENT I4-25

The commenter discusses the potential for the proposed project to displace households.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing. See also Master Responses 2.3.10.1 and 2.3.10.3 for a discussion of the project's consistency with the General Plan.

RESPONSE TO COMMENT I4-26

The commenter suggests that the EIR reporting on the removal of 206 units and addition of new housing units is not accurate.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I4-27

The commenter provides information about rents and incomes.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. The commenter states that average rent for a two-bedroom Capitol Villas garden apartment is \$1,602. Rents of available apartments in buildings comparable to Capitol Towers (including the garden apartments) in the Central City ranged from \$1,175

to \$3,267 for 2-bedroom apartments.⁴ These rents are within the range of rents paid for the garden apartments at the project site (ForRent.com 2014). The City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.10.13, which address housing. See also Master Responses 2.3.10.1 and 2.3.10.3 for a discussion of the project's consistency with the General Plan.

RESPONSE TO COMMENT I4-28

The commenter provides information about rents and incomes.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing. See also Master Responses 2.3.4.5, 2.3.10.1, and 2.3.10.3 for a discussion of the project's consistency with the General Plan.

RESPONSE TO COMMENT I4-29

The commenter provides information about other potential development projects and household incomes.

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 I4-30

The commenter identifies the range of rents for the Central City area reported in the DEIR.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing. The range of rents in the Central City was based on a search prior to the release of the DEIR and references are provided for information presented in Chapter 3.

RESPONSE TO COMMENT I4-31

The commenter notes that the EIR does not identify the number of vacant dwelling units in the City and observes that the range of rents identified in the DEIR is a wide range.

⁴ For comparison purposes, the search did not include the L Street Lofts, a luxury condominium building with rental units.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing. The range of rents in the Central City was based on a search prior to the release of the DEIR and references are provided for information presented in Chapter 3.

RESPONSE TO COMMENT I4-32

The commenter discusses demand for housing in the Central City area.

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. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Response 2.3.10.3, which addresses housing.

RESPONSE TO COMMENT I4-33

The commenter discusses demand for housing in the vicinity of the proposed project site.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and this comment is included for City Council consideration. 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 I4-34

The commenter discusses demand for housing in the vicinity of the proposed project site and trends related to the economy, and suggests that there will not be adequate housing in the Central City area to meet demand.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 2.3.12.12, which addresses housing.

RESPONSE TO COMMENT I4-35

The commenter discusses analysis related to the displacement of existing households.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please

see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing, and Master Response 2.3.12.8, which addresses displacement.

RESPONSE TO COMMENT I4-36

The commenter discusses the Uniform Relocation Act.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. The project is not federally funded and not, therefore, subject to the requirements of the Uniform Relocation Act. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing, and Master Response 2.3.12.8, which addresses displacement.

RESPONSE TO COMMENT I4-37

The commenter discusses preparation of a relocation plan.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. The project is not federally funded and not, therefore, subject to the requirements of the Uniform Relocation Act. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I4-38

The commenter states that the City has a responsibility to protect the interests of existing residents.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. The project is not federally funded and not, therefore, subject to the requirements of the Uniform Relocation Act. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I4-39

The commenter discusses background related to the Uniform Relocation Act and the City's obligation to reduce environmental impacts associated with the project.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. The project is not federally funded and not, therefore, subject to the requirements of the Uniform Relocation Act. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I4-40

The commenter references earlier NOP comments.

Comments on the NOP related to adverse physical environmental impacts were used, in part, to develop the scope of analysis of the EIR. The surveys referenced in the comment related to the previous NOP response are related to household incomes. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing. See also Appendix B of the DEIR, which includes all NOP responses, including the September 5th, 2014 response that is referenced in the comment.

RESPONSE TO COMMENT I4-41

The commenter expresses the opinion that the project is proposed for the wrong location.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the 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. Please refer to Master Response 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT I4-42

The commenter suggests that on-site structures should be preserved due to their historic significance.

See Master Response 2.3.4, which comprehensively discusses historic resources, and Master Response 2.3.7, which discusses project alternatives.

RESPONSE TO COMMENT I4-43

The commenter suggests that on-site structures should be preserved because it is difficult to replace moderate and middle income housing.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see also Master Responses 2.3.10.3 and 2.3.12.12, which address housing.

RESPONSE TO COMMENT I4-44

The commenter suggests that the project should not proceed due to cumulative and significant impacts.

The DEIR comprehensively analyzes and discloses project impacts and cumulative impacts associated with implementation of the project throughout Chapters 4 and 6 in the DEIR. The comment does not specify which impacts are of concern, but please refer to Master Response 2.3.4.6 for a discussion of the City's discretion to approve projects that have significant adverse environmental effects that cannot feasibly be mitigated to a less than significant level based on other project benefits.

RESPONSE TO COMMENT I4-45

The commenter thanks the City for consideration of comments.

This comment is acknowledged by the City.

COMMENT LETTER I5 – DAN PSKOWSKI

Sacramento Commons Project Comments

The Sacramento Commons project is bounded by 5th, 7th, N and P Streets. The tree inventory/ arborist report prepared by DUDEK lists 39 City Street Trees of which 4 are proposed for removal. These City trees should be mitigated by reimbursement to the City for the appraised value of the trees which are proposed for removal. There are 252 trees located on the project site of which 195 are proposed for removal. Removal of 77% of the on-site trees is excessive and the City should not allow the removal of this significant number of trees due to climate change. Serious climate change is inevitable when the carbon dioxide in the atmosphere exceeds 350 parts per million. Currently the level is 400 parts per million. Furthermore, 2014 was the hottest year on record in Sacramento since 1877. This is according to the Sacramento Bee's analysis of records from the National Climatic Data Center. *The average high temperature in downtown Sacramento last year was 78.7 degrees a full degree higher than the next hottest year. (Sac Bee Friday, Jan.9, 2015).* The average high temperature in 1878 was 71.9 degrees.

The DUDEK report lists that the proposed mitigation for the loss of this canopy will be the installation of 247 trees on-site of which 100 of those trees would be roof top trees. I don't believe there is adequate space to replant 147 trees due to the required adequate soil volume and growing space for any new trees to be planted in the approved project. Some of these replacement trees will be removed due to inadequate space i.e. roots causing infrastructure damage in 8 -20 years and are replaced with small canopy trees which will not mitigate the loss of leaf surface area. Furthermore, if there is space to plant 147 trees this is an indication that if the proposed structures were designed to incorporate the existing trees a lot of these trees could be preserved.

I'm pleased to see the DUDEK report included data of the ecosystem services [gross carbon sequestration, avoided runoff etc.] that the entire tree population provided. However, the report included the existing City street trees in their analysis and these public trees are protected and should not be included. When these trees are left out the loss of ecosystem services is sufficiently greater.

I would like to point out that the ecosystem services summary for the newly- planted ground-level trees [pg. 20 Table 6] is based on some false assumptions that the trees will grow and thrive. However, there are various examples in the downtown area where the replacement canopy/leaf surface area replacement has not even come close to replacing the loss of the existing trees removed for the project. One example is at 1300 "I" Street, State of California Attorney General Office Tower. This project is approximately 20 years old. The attached photos show that the London plane tree's canopy is sparse, providing very little leaf surface area compare to the existing elm that was preserved on the 14th Street side of the building. It should also be noted that these replacement trees were 36-inch box size.

This example stresses the importance of tree preservation over removal and replacement and the **significant loss of the ecosystem services that will never be mitigated** which should be addressed in the DEIR. In addition the loss of energy savings to the Capitol Towers, Bridgeway Tower, and Pioneer Tower residents due to canopy loss from the removal of the proposed 199 trees is not addressed in the DEIR.

Finally the social benefits that the existing trees provide to the existing residents Of Bridgeway, Pioneer, and Capitol Towers were not addressed in the DEIR. One example of social benefits as reported by the National Arbor Day Foundation has to do with health. A study conducted by Dr. Ulrich's of 46 gall bladder surgery patients showed that when patients who can see trees outside their room require less pain medication and on average spend 8% less time in the hospital than patients that could not see a tree from their room. Think of the social impact to all the residents when they look out their windows and no longer view the trees.

15-8

RESPONSE TO COMMENT I5-1

The commenter suggests that tree impacts should be mitigated through reimbursement to the City of their appraised value.

See Master Responses 2.3.2.3 and 2.3.2.8, which discuss tree mitigation.

RESPONSE TO COMMENT I5-2

The commenter expresses the opinion that tree removal associated with implementation of the proposed project is excessive and discusses global greenhouse gas concentrations, as well as temperatures in Sacramento.

See Master Response 2.3.2.5, which discusses greenhouse gas sequestration benefits of trees.

RESPONSE TO COMMENT I5-3

The commenter states an opinion that there is not enough room to accommodate 147 proposed ground-level tree plantings that some trees may require removal in 8 to 20 years, and that small trees may be used to replace removed trees in the future.

Please see Master Response 2.3.2.3, which describes the project's landscaping plan, and Master Responses 2.3.2.8 and 2.3.12.5, which describe tree-related mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. Please see also the Response to Comment O2-18.

RESPONSE TO COMMENT I5-4

The comment appreciates the analysis of ecosystem services for the site's trees, but states that City Street Trees should not be included in this analysis and that without inclusion of City Street Trees in the analysis, the ecosystem services loss is greater.

Exclusion of City Street Trees from the analysis has no effect on the time period needed for the post-development landscape to reach the existing condition. Please see Master Response 2.3.2.9 for more information concerning the inclusion of City Street Trees in the DEIR calculations and the resulting tree canopy if the trees are excluded.

RESPONSE TO COMMENT I5-5

The comments states an opinion that the growth projections for ground-level trees falsely assumes that the trees will grow and provides references to projects and representative site photographs indicating minimal tree growth on 20-year-old replacement trees.

The project references and images provided by the commenter do not represent the proposed project landscape. Specifically, the provided images show only streetscape trees that have been planted in small sidewalk cutouts, typically providing 9 to 16 square feet of growing space for a single tree. The proposed project landscape plan identifies tree planting locations primarily within the abandoned O Street and 6th Street walkways, areas that provide much larger growing spaces for trees. Please see Master Response 2.3.2.9 for information about growth calculations and Master Response 2.3.2.3 for a discussion of the landscaping plan.

RESPONSE TO COMMENT I5-6

The comment states that the loss of ecosystem services provided by the site's trees will never be mitigated.

The loss of trees and tree canopy is addressed in the DEIR in Section 4.3, Biological Resources and tree growth calculations for the project site indicate that the ecosystem services values currently provided (existing condition) will be reached in a period of 20 to 25 years based on implementation of the project's landscape plan (excluding podium and roof top trees). Please see Master Response 2.3.2.9 for information about ecosystem services and growth calculations, Master Response 2.3.2.3 for a discussion of the landscaping plan, and Master Responses 2.3.2.8 and 2.3.12.5 for a discussion of tree-related mitigation.

RESPONSE TO COMMENT I5-7

The comment states that the loss of energy savings for adjacent high rise buildings resulting from tree removal is not addressed in the DEIR.

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 I5-8

The comments states that the social benefits of the site's trees is not addressed in the DEIR and provides a reference to a study indicating reduced medicine and hospital time necessary when trees are visible outside a patient's window.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. Social benefits and impacts are not the focus of analysis in an EIR, but this comment is provided for City Council consideration. Furthermore, while private views will change as a result of the proposed project as discussed in the DEIR, existing 500 N Street, Pioneer Towers, and Capitol Towers residential units, as well as residential units in the proposed project will be able to see trees from their windows after development of the proposed project.

COMMENT LETTER I6 – JIM PACHL

Evan Compton

From: Jim Pacht <jpacht@sbcglobal.net>
Sent: Sunday, April 12, 2015 12:37 PM
To: David Nybo; Alan LoFaso; Jose Bodipo-Memba; Kiyomi Burchell; Cornelious Burke; Ed Chandler; Douglas Covill; Rommel Declines; todd.s.kaufman@gmail.com; Kim Mack; Matthew Rogers; Joseph Yee
Cc: Evan Compton; David Kwong; Scot Mende; Scott Johnson
Subject: Sac Commons: other pending infill projects
Attachments: Infill.pending.pdf

Dear Chairperson Nybo and Planning Commissioners,

In connection with the Sacramento Commons project, there has been considerable discussion of the City's desire to add a very substantial number of residential units within the Central City Community Plan area. So last year I compiled a list of residential infill projects in the permitting pipeline, entitled, under construction, or seriously proposed pre-application in the Central City CP Area or nearby neighborhoods. With a couple exceptions, all of these proposed projects are on obsolete industrial or commercial properties, or vacant or blighted properties; and would not tear up an existing successful residential neighborhood.

There are more than enough pending residential infill projects and additional vacant or blighted properties to meet the City's housing goals for the Central City CP area without tearing up the highly successful Capitol Towers and Villas.

Jim Pacht

I6-1

**PENDING RESIDENTIAL INFILL PROJECTS,
Central City Community Plan Area compiled by J. Pachl, 10/4/14**

This is a less-than-complete list of residential infill projects in permitting pipeline, entitled, under construction, or seriously proposed in or near the Central City CP area, based on my review of the City website and recent newspaper articles. The Central City Community Plan Area is bounded by the American and Sacramento Rivers, east side of Alhambra Boulevard, and south side of Broadway. (See Sacramento General Plan Housing Element p. H 3-7.)

Most of the projects below are on unused or underused former industrial or commercial properties, vacant lots, or blighted properties, with exception of a development project proposed for Marina Vista and Alder Grove public housing, for which no application has been filed. To the best of my knowledge, most of the individual project proponents are real developers. There are a number of other vacant or blighted properties within the Central CP area for which there are no project proposals at this time.

RELEVANCE to City's consideration of proposed Sacramento Commons - - there are plenty of residential infill projects and potential for much more without tearing up a very successful neighborhood, tree canopy, and urban green in the middle of downtown, such as the superblock bounded by 5th, 7th, N, and P St.

I. Central City Community Plan

River District Specific Plan - up to 8,000 housing units, including 2,500 units in the Township 9 project currently underway. Also includes potential redevelopment of Twin Rivers public housing project.

Railyard Specific Plan	10,000 – 12,000 unit entitlement
Kings Arena project	550
Metropolitan (10 th & J)	350
Former Clarion	
(700-16 th St)	160
7 th & H (SHRA)	150
Crystal Ice (16 th & R)	150
Whole Foods (2001 L)	140
700 K St	137
Eviva (formerly Warren)	118
Warehouse Artists Loft	116
515 T St	14
Legado (completed)	81
St Anton	65
La Valentina	81
Arbors	55
D & S (15 th & I)	80

16-2

16-3

16 Powerhouse	50
Sutterview (2526 L St)	77
Creamery	98
Hall of Justice	42
1500 S St	70
Tapestry Square (complete.)	58
Maydestone Apt (rehab)	32
2500 R Street Townhouses	34
24 th & S St	5
20 th & S St	9

20,622 units subtotal of above

Additional

Third & Capitol: former Saca Twin Towers now owned by PERS partnered with developer CIM. Approved in 2005 for 804 condos, 200 hotel rooms. The future project may be smaller .

R Street corridor – other projects which I have not catalogued

The Docks – not yet determined

Various other smaller and intermediate projects which I have not identified, including single-lot duplexes, 4-plexes, townhouses, and small apartment projects scattered throughout the Central City CP area and nearby

II. Large residential projects close to Central City (partial list).

North West Land Park	800
(former Setzer site)	
Curtis Park Village	500 units
Curtis Park Court	91
McKinley Village	336
Sutter Park	120
(former hospital site)	

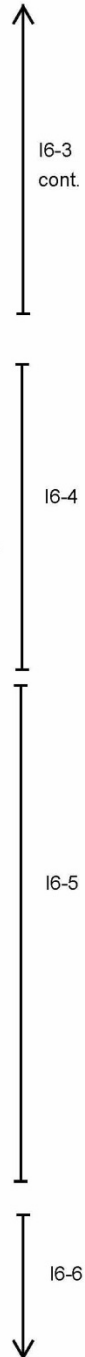
subtotal 1847

Alder Grove and Marina Vista – conceptual proposal for redevelopment of current single-story 750-unit public housing project which would add many market-rate units. Total ## of units contemplated is apparently undetermined at this time. Location is immediately south of Broadway. No application has been filed

There are others which I have not identified.

III. WEST SACRAMENTO near Downtown Sacramento (very partial list)

Bridge District:	4,000 homes	(under construction)
Capital Yards	270 units	(under construction)



There are other West Sacramento projects near downtown Sacramento which I have not researched or compiled. In addition, there is a substantial amount of other vacant or unused industrial land in West Sacramento designated for housing

↑
16-6
cont.

IV. SOME PERSONAL OBSERVATIONS

I must question whether there is or will be in the near future a large market of potential renters and condominium buyers willing to pay “upscale” rents or condo prices to live in or near downtown, even with an Arena nearby, when there is a large supply of for-rent or for-sale housing available at lower prices within the Sacramento area.

There are few families with children in downtown Sacramento multi-family housing. Most current and proposed new downtown residential projects have no features for children. In general, Sacramento families with children choose to rent or buy single-family homes or duplexes, if they can afford it.

16-7

The mainstay of the downtown workforce continues to be middle-income civil servants, clerical, office and service workers who are reluctant to pay “upscale” rents or condo prices. I know of no of major new employers coming into downtown or near the Central City CP, besides Kaiser Permanente’s proposed medical offices (not hospital) on J St. The Downtown Arena would relocate existing Arena jobs from Natomas to downtown, and create a few more.

RESPONSE TO COMMENT I6-1

The commenter discusses goals of the City to add housing in the downtown area.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see Master Responses 2.3.10.3 for a discussion of housing in the vicinity of the project site.

RESPONSE TO COMMENT I6-2

The commenter suggests that most recently proposed projects in and near the Central City area are located on used or underused land.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR.

RESPONSE TO COMMENT I6-3

The commenter identifies housing projects proposed in the Central City area.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR.

RESPONSE TO COMMENT I6-4

The commenter identifies projects proposed in the Central City area.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR.

RESPONSE TO COMMENT I6-5

The commenter identifies a partial list of housing projects close to the Central City area.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR.

RESPONSE TO COMMENT I6-6

The commenter identifies a partial list of housing projects in West Sacramento.

See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy and Master Response 2.3.7.5, which addresses off-site alternatives. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR.

RESPONSE TO COMMENT I6-7

The commenter provides personal observations related to housing and the labor force.

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 Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels.

COMMENT LETTER I7 – JIM PACHL

Evan Compton

From: Jim Pahl <jpahl@sbcglobal.net>
Sent: Monday, April 13, 2015 11:40 AM
To: Evan Compton; Roberta Deering
Subject: Fwd: Sac Commons 2/15/15 Preservation meeting
Attachments: NCTV4.10.15final.pdf; Infill.pending.pdf

FYI.

Jim

From: Jim Pahl <jpahl@sbcglobal.net>
Date: April 13, 2015 11:37:42 AM PDT
To: Caru Bowns <Caru.bowns@gmail.com>, kathleenforrest@hotmail.com, Mark Huck <mark.huck@parks.ca.gov>, jon.marshack@att.net, chad.moffett@meadhunt.com, Matthew Piner <pinerworks@sbcglobal.net>, eric@bbse.com
Cc: Judith Lamare <jlp@sbcglobal.net>, Gretchen Steinberg <sacramentomodern@comcast.net>, Kathleen Green <kdgreenone@yahoo.com>
Subject: Sac Commons 2/15/15 Preservation meeting

Dear Chairperson Caru and Preservation Commissioners,

I am writing on behalf of Neighbors of Capitol Towers and Villas.

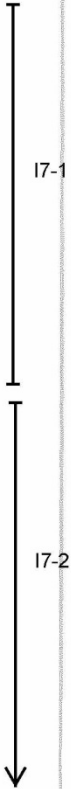
At your meeting on 2/15/15 the Preservation Commission will be asked to consider staff's proposal to vote to recommend to City Council the proposed Nomination of the Capitol Towers Historic District to the Sacramento Register of Historic Resources. (M15-001). Per previous email by Judith Lamare, Neighbors of Capitol Towers and Villas supports that Nomination.

At that same meeting you will also be asked to make a recommendation to the Planning Commissioners on the proposed Sacramento Commons project. (P14-12) The Planning Department staff recommendation is that you support the Sacramento Commons project, includes the demolition of the entire Capitol Towers and Villas Historic District except for the 15 story Capitol Tower. Neighbors of Capitol Towers and Villas urges the Preservation Commission to recommend against the approval of Sacramento Commons.

Please read and consider information in the ATTACHED documents addressing the Sacramento Commons project

1. Letter of Neighbors of Sacramento Towers and Villas, April 10, 2015, addressed to the Planning Commissioners
2. Document titled "Pending Infill" project", 10/4/14, compiled by me, which I emailed to the Planning Commissioners yesterday. As you can see, there are many more residential infill units seriously proposed or in the approval pipeline or under construction in or near the Central City Community Plan area than are needed to fulfill the City's residenital infill goals for the Central City Community Plan Area. Most of those projects are not tearing out existing successful neighborhoods.

There are CURRENTLY 741 residential units in the 4-block superblock (Bridgeway, 134 units, Pioneer House 198 units, Cap Towers and Villas 409 units.) The CURRENT density is as follows: 741 units divided by 12.39 acres (bounded by 5th, 7th, N, and P Sreets) equals 59.8 units per acre.



The current density of 59.8 units per acre is very close to the 2030 General Plan goal of 61 units minimum per acre in the Central Business District. The City can achieve its infill housing goals for the Central City Community Plan area without tearing up the Capitol Towers and Villas Historic District.

↑
17-2
cont.

Jim Pachl
500N St #1403

RESPONSE TO COMMENT I7-1

The commenter asks the Preservation Commission to read the comment letter prior to providing a recommendation to the Planning & Design Commission.

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. See Master Response 2.3.4 for a detailed response related to historic resources.

RESPONSE TO COMMENT I7-2

The commenter identifies that the existing site is close to achieving the minimum required residential density for the Central Business District General Plan land use designation.

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. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, and Master Response 2.3.7.5, which addresses off-site alternatives. See also Response to Comment I4-9 regarding existing density on the project site.

COMMENT LETTER I8 – JIM PACHL

Evan Compton

From: Jim Pacht <jpacht@sbcglobal.net>
Sent: Tuesday, April 14, 2015 9:54 PM
To: David Nybo; Alan LoFaso; Jose Bodipo-Memba; Cornelious Burke; Kiyomi Burchell; Ed Chandler; Douglas Covill; Rommel Declines; todd.s.kaufman@gmail.com; Kim Mack; Matthew Rogers; Darrel Teat Jr.; Joseph Yee
Cc: Evan Compton; David Kwong; Scott Johnson; Steve Hansen
Subject: Sac Commons: Planning Comm. 4.16.15
Attachments: Ltr.Planning.Comm.JP.4.14.15.pdf

Please read my attached letter commenting on the proposed Sacramento Commons project that is to be discussed at the Planning Commission meeting of April 16, 2014.

|
18-1
|

Thank you very much for the opportunity to comment.

Jim Pacht
500 N St #1403

April 14, 2015

James Pachl
500 N Street #1403
Sacramento, CA 95814
(916) 444-0910
jpachl@sbcglobal.net

Chairperson David Nybo and Commissioners
City of Sacramento Planning and Design Commission
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811 delivered via email

Sacramento Commons: Comment and Review hearing
Commission meeting, April 16, 5:30 pm

Dear Chairperson Nybo and Commissioners,

I am an owner/resident of a condominium in the 15-story Bridgeway Towers (500 N Street), next to the proposed project site. Pioneer, and Capitol Towers, and Capitol Villas together comprise a 4-block street-free and pedestrian-oriented superblock, designed by renowned urban architects over 50 years ago as a single City redevelopment project. It is now a very successful high-density urban community (748 units) comprised of three high-rise towers and low-rise garden apartments, interspersed among open lawns, gardens, and a broad tree canopy. It is a shaded green “oasis” for the many office workers who pass through the area or come here for office breaks or lunch. The proposed project would eliminate most of the public green space, most of the tree canopy, and all of the historic low-rise garden apartments.

18-2
18-3
18-4

Some key issues which have not been adequately addressed are as follows:

1. The City should require KW to disclosure its market study.

Persons knowledgeable about the economics of Sacramento development have privately commented that the project is unrealistic, especially as to its timeline and economic feasibility of high-rise apartments and a new 24-story hotel in the downtown Sacramento market. KW says that it is relying on a market study which shows that the project is feasible, but refuses to share it even with the City.

18-5

In light of the failure of the Saca Twin Towers (iconic block-size hole) and the Aura project (large surface parking lot), the City has the responsibility to avoid approving projects having a likelihood of failure or extensive delay due to unrealistic or unsupported economic assumptions. This is especially so because Sacramento

Commons or post-demolition failure of Sacramento Commons would have detrimental impacts upon existing and highly successful high-density residential uses.

↑ 18-5
cont.

There is concern that disclosure of KW’s market study would show its reliance on highly speculative or unsupported assumptions, and perhaps a development alternative that includes maximizing City development entitlements, demolition, maybe installation of backbone infrastructure, and sale of vacant parcels to others (investment funds or developers) for a profit without incurring the risk of huge construction debt and liability (particularly as to the high-rises). Considering KW’s lack of experience in building anything from the ground up, the latter possibility looms large.

↑ 18-6

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

Most Applications for projects of this size include an experienced developer or developer partner with a track record of successfully undertaking large-scale projects. Proposed Sacramento Commons is a notable exception.

A disconcerting “red flag” is that Kennedy Wilson (“KW”) is not a developer but is instead an out-of-town real estate investment firm which, as far as I can determine, buys, improves or remodels, and then sells large existing office, commercial, and residential buildings, but has never built anything from the ground up, except for being a partner with a major developer on a golf course 400-unit residential project in Hawaii (most of those prospective homes remain unbuilt). There are no developer or builder partners in the Sacramento Commons project. KW appears to have unrealistic expectations about the economic viability of its proposed parcelization and entitlements for development of its eleven-acre project area.

↑ 18-7

Unlike most other currently pending large projects in the Sacramento area, this will have major impacts on existing and adjacent residential uses whether it goes forward, or fails or becomes “dormant” after demolition or at early stages of construction (such as Aura and Twin Towers.)

A KW notice to its Capitol Tower renters, June 27, 2014, said that the low-rise garden apartments would be “phased out” over an estimated period of at least four years, and that construction would occur over an estimated period of at least six years. The project’s most recent plan for phasing would demolish the low-rises by 2017, starting in 2015, and would complete construction in 2021. (Draft PUD pp 2-23, 2-24; DEIR pp. 2-22 thru 2-24)

↑ 18-8

In fact there is no reason to believe that the market for “upscale “ (high end) apartments and condos in downtown would be broad enough within six or even sixteen years, to support KW’s massive project, (over 1400 high-end apartment units). Especially

↑ 18-9
↓

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

18-9
cont.

If City approves Sacramento Commons, inclusion of the following project conditions are suggested to prevent a repeat of the Twin Towers and Aura debacles:

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

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

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

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

18-10

2. The forty-foot separation between walls of the proposed 8-story apartments and neighboring high-rise residential towers is an incompatible land use which will devalue the quality of life of residents and value of the impacted units

At its July 24, 2014 meeting, the Planning Commissioners asked for additional information on setbacks for proposed midrise buildings and their interface with Pioneer and Bridgeway Towers. (Staff Report p. 4.) An existing nonexclusive easement for pedestrian and recreational use forced KW to increase a portion of the setbacks to 74 feet but over half of the setback remains at 40 feet from Bridgeway and Pioneer Tower residences. Judith Lamare and I met with KW representative Dave Eadie, who firmly refused to widen the setback beyond 40 feet. He said that apartments next to the setback would face east and west, rather than northward, but that is not in the project documents.

18-11

It would provide more privacy but would not remove the negative impacts for Bridgeway residents deprived of light, air, and views.

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

Proposed PUD Design Guidelines, (draft PUD p. 59) say that “sufficient distance between towers should be maintained to allow individual tower units, ground level units, and rooftop terraces access to sunlight and natural ventilation.” A 40 feet separation between an 8-story building and a high-rise would allow little or no sunlight to reach the lower floors.

There is no reason why this standard should not be applied to the distance between towers and neighboring 8-story mid-rise buildings, or between adjacent mid-rise buildings. The only plausible reason for the minimal 40-foot separation is Kennedy Wilson’s greed to maximize profits.

3. The landscape plan is illusory and unenforceable

In response to Commissioners’ concerns about the project’s destruction of most on-site trees, the developer has proposed a landscape plan which includes rooftop gardens that would include trees atop of buildings and parking podium. This is intended to mitigate for loss of most of the tree canopy. In addition the plan includes ground-planted trees where insufficient soil space would remain to support large trees.

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

Even if the project proponents complete the landscape plan, the project documents give the City no authority to require that the developer or successor landowners retain or maintain that landscaping. This is especially problematic as to the proposed rooftop

18-11
cont.

18-12

gardens, which are expensive to construct and maintain, and are suitable for only a selected range of trees and plants. Rooftop gardens – which are essentially large planter boxes - cannot grow anything larger than small “lollipop” trees and shrubs due small soil volume. It should be noted that the present and past landowners of Capitol Towers and Villas have removed a number of large trees in recent years, and have not replaced them.

18-12
cont.

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

4. The project will subject neighboring residents to unacceptable levels of construction noise and vibration for at least six years.

Kennedy Wilson shows its blatant disregard for nearby residents by proposing that construction – and unacceptable levels of construction noise – be permitted **seven days** per week, from **7am to 6 pm**, Monday through Saturday, and 9 am through 6 pm on Sunday. The acceptable standard for heavy construction activity in residential neighborhoods is Monday – Friday 8 am through 5 pm. The proposed “disturbance coordinator” (MM 4.9-3a) has **no authority** to stop work or fine contractors for violation of mitigation measures intended to protect neighboring residents. (DEIR p. 4-9-28, MM 4.9.3a.)

18-13
18-14

Residents of neighboring Pioneer Towers senior housing are retired seniors and disabled persons. Most suffer impaired mobility or other physical limitations which effectively confine them to the premises or immediate vicinity. Project construction noise will make life hellish for them. Some Bridgeway residents are in the same situation. If construction proceeds according to KW’s schedule, 2015-2021, (DEIR pp 2.22-2-24) residents of Pioneer Towers, Bridgeway Towers, Capitol Towers, and, to a lesser degree, residents of Pioneer House and Governor’s Square south of P St will suffer **six years** of almost continuous daytime heavy construction noise and vibration 7 days per week.

18-15

It is customary for residents to leave balcony doors open during the hot season for ventilation purposes. Construction noise will force residents to close their balcony doors during daytime, creating highly uncomfortable conditions during hot weather and/or increased costs for air conditioning

18-16

The DEIR’s claim that the impacts of construction noise on neighbors will be mitigated to less than significant (with residents’ windows closed) is a falsehood which is the opposite of the real-world experience of many people who live here.

18-17

The DEIR p. 49-24 says that 500 N St, Pioneer, and Capital Towers were built using concrete materials that would substantially reduce sound transmission. In fact most of the south-facing wall of Bridgeway Tower and one-half of the area of the north-facing wall of Pioneer Tower are comprised of conventional plate glass windows and sliding glass doors having minimal sound-reducing qualities.

18-18

Respectfully submitted.

James P. Pachl

RESPONSE TO COMMENT I8-1

The commenter asks the Planning & Design Commission to read an attached letter.

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 I8-2

The commenter identifies his residence and that the existing project site was designed by architects more than 50 years ago.

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. See Master Response 2.3.4 for a detailed response related to historic resources.

RESPONSE TO COMMENT I8-3

The commenter provides characteristics of the existing site, including lawn, gardens, tree canopy, and identifies that the project would eliminate most of the public green space, most of the tree canopy, and all of the garden apartments.

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 I8-4

The commenter states that the project would eliminate most of the public green space, most of the tree canopy, and all of the garden apartments.

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 landscaping, areas for sun and shade, benches, and water features, where appropriate.

The proposed project provides a number of private recreation opportunities including pool areas for project residents and guests. Residential buildings include a podium or rooftop level pool area, and the parking garage included in Parcel 1 will also include a rooftop pool area. In total, the podium and rooftop level community space, fitness center and pool areas include approximately 1.7 acres of private recreation space. Additionally, each of the proposed buildings will have access to a fitness center and similar indoor recreation spaces. These indoor areas include approximately 0.20 acres of private recreation space. The corner of P and 7th Streets would be occupied by a community plaza of approximately 0.29 acres, accommodating pedestrians beneath a tree canopy. The proposed project also includes an East-West Promenade, North-South Promenade, and a central plaza, which provides a balance of hardscape paving lined with existing mature (Heritage) trees and new trees and open lawn and landscape in adjacent areas. The proposed promenades and central plaza also incorporate hardscape pedestrian paths, water features, seating areas, small café tables, public art, and softscape in the form of landscaping, such as shade and ornamental trees open lawn areas, and other landscape features. In total, the East-West Promenade, North-South Promenade, central plaza, and associated pedestrian paths cover 1.83 acres of the project site. The proposed project would not cause or accelerate the physical deterioration of existing park facilities or require the expansion of existing parks in the area.

See Master Responses 2.3.4.1 and 2.3.4.2 for information about historic resources.

RESPONSE TO COMMENT I8-5

The commenter suggests that the City should require the developer to disclose a market study.

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. See Master Response 2.3.6.1 for a discussion related to market demand.

RESPONSE TO COMMENT I8-6

The commenter alleges that the undisclosed market study contains speculative analysis.

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. See Master Response 2.3.6.1 for a discussion related to market demand. As discussed in Section 4.12 of the DEIR, infrastructure is available at the project site.

RESPONSE TO COMMENT I8-7

The commenter suggests that the City impose conditions related to project abandonment and suggests that the project applicant is not a developer.

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. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability.

RESPONSE TO COMMENT I8-8

The commenter discusses project phasing.

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. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability. See Chapter 2 of the DEIR for a comprehensive description of the proposed project, including anticipated phasing.

RESPONSE TO COMMENT I8-9

The commenter expresses the opinion that there is not sufficient demand to support the proposed project.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and this comment is included for City Council consideration. 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 I8-10

The commenter recommends a list of project conditions related to contracting, financing, demolition, and phasing.

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. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability. See also Master Response 2.3.12.9 regarding proposed mitigation relating to financial feasibility concerns.

RESPONSE TO COMMENT I8-11

The commenter discusses setbacks between buildings.

See Master Responses 2.3.3.1, 2.3.3.2, 2.3.3.4, 2.3.3.5, 2.3.3.6, and 2.3.3.7 for a discussion of visual changes associated with the project. See also Master Response 2.3.8 regarding existing nonexclusive easements on the project site. Please see also the Response to Comment O2-4.

RESPONSE TO COMMENT I8-12

The commenter claims that the project's landscape plan is unenforceable, that rooftop gardens can be used for certain types of trees, and that trees near Bridgeway Towers should be set back further.

The podium and roof top level trees included in the proposed project landscape plan are not required to mitigate tree related impacts caused by the proposed project. As discussed in the DEIR and Master Response 2.3.2, the EIR concludes that through planting of 147 ground level trees and implementation of Mitigation Measure 4.3-2, tree related impacts will be reduced to a less than significant level. 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.

RESPONSE TO COMMENT I8-13

The commenter discusses construction noise and vibration.

See Master Responses 2.3.1.1, 2.3.1.2, 2.3.1.3, 2.3.1.4, 2.3.1.5, and 2.3.1.6 for a detailed response related to construction noise and vibration. See also Master Response 2.3.12.10 regarding construction-related noise mitigation.

RESPONSE TO COMMENT I8-14

The commenter contends that the disturbance coordinator does not have the authority to stop work or fine contractors.

See Master Responses 2.3.1.1, 2.3.1.2, 2.3.1.3, 2.3.1.4, 2.3.1.5, and 2.3.1.6 for a detailed response related to construction noise and vibration. See also Master Response 2.3.12.10 regarding construction-related noise mitigation and enforcement. The noise and vibration mitigation included in the DEIR will be implemented and enforced through the City's Mitigation Monitoring And Reporting Program and the measures will be conditions required for construction contractors. With implementation of the identified mitigation, impacts are considered less than significant.

RESPONSE TO COMMENT I8-15

The commenter discusses senior housing in the vicinity and the duration of construction.

See Master Responses 2.3.1.1 2.3.1.3, and 2.3.1.4 for a detailed response related to construction noise and vibration.

RESPONSE TO COMMENT I8-16

The commenter observes that residents in the vicinity leave their windows open during some times of the year.

See Master Response 2.3.1.4 for a detailed response related to construction noise, including information related to windows.

RESPONSE TO COMMENT I8-17

The commenter disagrees with the EIR's findings related to temporary construction noise impacts.

See Master Response 2.3.1.4 for a detailed response related to construction noise and Master Response 2.3.1.2 for a discussion of the significance threshold for construction noise impacts.

RESPONSE TO COMMENT I8-18

The commenter identifies that residences in the vicinity of the proposed project site have windows facing the proposed project site.

See Master Response 2.3.1.4 for a detailed response related to construction noise, including noise transmission through different materials, including windows.

COMMENT LETTER I9 – JIM PACHL

Dear Scott,

A member of the Bridgeway Towers Board of Directors brought to my attention California Fire Code § 903.3.5.2, ATTACHED, which requires a secondary on-site water supply of no less than 15,000 gallons, or greater if warranted by the calculations stated in that Fire Code section, for high-rise buildings. This is not mentioned in any of the Sacramento Commons project documents.

19-1

The Bridgeway Towers swimming pool also serves to meet that requirement for Bridgeway. I strongly suspect that the Capitol Towers swimming pool also serves to meet that requirement for Capitol Towers. Problem is that Kennedy Wilson plans to remove that swimming pool, which would result in non-compliance as to Capitol Towers. Do the swimming pools atop the other high-rises proposed for Sac Commons meet that requirement? I doubt it, based on the conceptual diagrams in project documents.

19-2

This requirement also applies to Group I-2 occupancies having occupied floors more than 75 feet above the lowest level of fire department vehicle access.
Does this apply to the 8-story midrise structures.

The EIR should explain how Sacramento Commons will meet the requirements of California Fire Code § 903.3.5.2, ATTACHED, including calculation of the gallonage required to be available on-site. That legal requirement exists even if the Sacramento Fire Department were to not enforce it.

19-3

Thank you very much.

Jim Pachi

sprinkler demand as required by NFPA 13R.

903.3.5.2 Secondary water supply. An automatic secondary on-site water supply having a *usable* capacity of not less than the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings *and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access* in Seismic Design Category C, D, E or F as determined by the *California Building Code*. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the fire pump supplying the automatic sprinkler system. The secondary water supply shall have a duration of not less than 30 minutes *or as determined by the occupancy hazard classification in accordance with NFPA 13, whichever is greater. The Class I standpipe system demand shall not be required to be included in the secondary on-site water supply calculations. In no case shall the secondary on-site water supply be less than 15,000 gallons.*

Exception: Existing buildings.

19-4

RESPONSE TO COMMENT I9-1

The commenter identifies a section of the California Fire Code related to secondary on-site water supply source.

As discussed in Section 4.10-2, the California Fire Code contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety.

According to the Fire Department, per 2013 California Fire Code Section 503 - Fire Apparatus Access Roads; 503.1.1- Approved fire apparatus access roads shall be provided for every facility. Roads shall extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building. Every building will be required to meet 2013 California Fire Code and California Building Code and will receive a building permit upon meeting these requirements. Regarding the backup water supply requirements for fire suppression in high-rise buildings, 15,000 gallons is the Code minimum. If the location were to remove the swimming pool that was approved as the backup water supply, the building would be required to add a water tank or provide an approved second water supply in lieu of the pool (Tunson, pers. comm., 2015 and Lee, pers. comm., 2015).

There are many way for the developer and design team to comply with the requirement to provide a pumping source of 15,000 gallons of water (or volume required by Code formula per California Fire Code 903.3.5.2). As stated, swimming pools are a common way for projects to comply with this state requirement. Other methods include above or below ground tanks. These tanks can also be designed inside the building footprint, as done at Pioneer Towers. This is a standard requirement and is typically designed by the mechanical engineer or fire sprinkler consultant for the project. As stated in the DEIR, the proposed project is required to comply with this as well as all other applicable California Fire Code requirements. Furthermore, as discussed in the PUD Guidelines for the proposed project, each phase of the proposed project requires future site plan and design review. Project design for each phase will incorporate all features required by the California Fire Code and other applicable laws.

RESPONSE TO COMMENT I9-2

The commenter discusses removal of the Capitol Towers pool.

See response to Comment I9-1, above.

RESPONSE TO COMMENT I9-3

The commenter suggests that the EIR should explain certain requirements of the California Fire Code.

See response to Comment I9-1, above.

RESPONSE TO COMMENT I9-4

The commenter provides an excerpt from the California Fire Code.

See response to Comment I9-1, above.

COMMENT LETTER I10 – JAMES REECE

Dear Chairperson Nybo and Commissioners,

Forwarded to you is the email comment of James Reece, a Bridgeway Towers condominium Owner and resident since 2006, regarding the proposed Sacramento Commons. He will not be able to attend the Planning Commission meeting tonight.

I
I10-1

Jim Pacht

Begin forwarded message:

Jim,

I will not be able to attend the meeting tonight, but I have a comment to share.

When Bridgeway Towers and the other buildings in our four-block neighborhood were first built, it was, and remains, the city's premier high density residential project.

The development is home to hundreds of people: renters, owners, seniors, young people. A mix of high and low-rise structures with beautiful grounds, it has been a roaring success. It is shocking that now the planning commission would wish to destroy something they planned for thirty years ago. The noise, dust, commotion, traffic congestion will last for the better part of a decade and will utterly disrupt what is a wonderful neighborhood if the KennedyWilson project is allowed to proceed.

The bank building with 10 stories of parking the city approved at the corner of 5th and Capitol Mall is an example of the type of structure that is ugly and destroys ground level ambience. This is what the planning commission wants for our neighborhood? Those of us who choose to live downtown have invested time and treasure in our homes. We are the pioneers the city wants. There are dozens of other spots in the downtown area that are suited to what we already have: high density, mixed use residential housing.

J. Reece

I
I10-2
I10-3
I10-4
I10-5

RESPONSE TO COMMENT I10-1

A commenter states that he is passing along a comment from another commenter.

The City acknowledges this comment.

RESPONSE TO COMMENT I10-2

The commenter provides background on the project site.

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

RESPONSE TO COMMENT I10-3

The commenter mentions noise, dust, traffic congestion, and the length of construction period.

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. See Master Responses 2.3.1.1, 2.3.1.2, 2.3.1.3, 2.3.1.4, 2.3.1.5, and 2.3.1.6 for a detailed response related to construction noise and vibration. See Section 4.2 of the DEIR for a discussion of dust, including Impact 4.2-1 and Mitigation Measure 4.2-1, which is designed to reduce fugitive dust.

RESPONSE TO COMMENT I10-4

The commenter expresses the opinion that a different project is ugly.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. Refer to Master Response 2.3.3 for a discussion of aesthetic changes associated with the project.

RESPONSE TO COMMENT I10-5

The commenter believes that there are other locations in the Central City area that could accommodate the project.

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

COMMENT LETTER I11 – KATHLEEN GREEN

Evan Compton

From: Kathleen Green <kdgreenone@yahoo.com>
Sent: Sunday, April 12, 2015 5:11 PM
To: Scott Johnson; Evan Compton; Jose Bodipo-Memba; Kiyomi Burchell; Ed Chandler; Douglas Covill; sacplanning.declines@me.com; Todd Kaufman; Kim Mack; David Nybo; Matthew Rodgers; Joe Yee
Cc: Steve Hansen
Subject: Fw: email addresses
Attachments: April 10 Planning Com ltr.docx

Attached are my comments on the Sacramento Commons project.
Kathleen Green

I
111-1

April 10, 2015

Planning and Design Commission

915 I Street

Sacramento, CA 95814

RE: Opposition to the Sacramento Commons project

Dear Chair & Planning Commissioners,

This proposed demolition and development (if the lots are sold to developers and built??), will not only displace hundreds of households but adversely affect the existing Bridgeway and Pioneer Towers residents of their sunlight, site views and quality of life in a quiet, park-like setting. This could be a Cabrini Green of the future.

With demolition of 4 blocks the Planning Commission should recommend to the Council that Kennedy-Wilson or their assignees show proof of contracts and financing for construction before issuing any demolition permits. This proposal is not mentioned in the DEIR.

The removal of 200 healthy mature canopy of trees has not been adequately addressed in the DEIR. The impact of the heat created with the loss of so many trees and to the air quality in the downtown area should be analyzed in detail. The Arborist Report estimates that it will take more than 25 years to compensate and mitigate for the loss of these older mature trees. Other arborist have noted that new trees planted in the narrow strips near tall buildings do not do well compared to trees in a park setting. Could the Commission propose that alternatives be required in the building sites to save many of the trees with just the siting of a building?

Capitol Towers and Villas is a prime example of mid-century modern architecture in a garden setting, designed by renowned 20th mid-century design professionals. And today after 54 years is a healthy, functioning, beautiful, historic complex of moderate rent housing in the urban core. It is also the only one in the urban core.



I urge the Commission to scrutinize this project and send alternative recommendations on this proposal to the City Council.

↑ 111-4
cont.

Kathleen Green

2010 Vizcaya Walk; Sacramento, Ca 95818

kdgreenone@yahoo.com

cc:

RESPONSE TO COMMENT I11-1

The commenter provides an introduction to comments.

The City acknowledges this comment.

RESPONSE TO COMMENT I11-2

The commenter discusses displacement of residents, sunlight, views, a park-like setting, and a request to show proof of construction financing prior to issuing demolition permits.

Refer to Master Response 2.3.3 for a discussion of aesthetic changes associated with the project. 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. See Master Response 2.3.6 for a discussion of the phasing of demolition and construction. See Section 4.10 of the EIR for a discussion of park and recreation impacts of the project. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels. Should the City Council exercise its discretion to approve the proposed project, City staff recommends the City Council adopt a term in the development agreement requiring demolition for any phase of the proposed project not to commence until building permits have been issued for the associated construction phase.

RESPONSE TO COMMENT I11-3

The commenter opines that tree canopy impacts have not been adequately addressed in the DEIR, that heat created with the loss of trees should be analyzed, that it will take more than 25 years to mitigate tree impacts, that trees planted in narrow strips do not do well. The commenter asks about an alternative that would reduce tree impacts.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.6, 2.3.2.8, and 2.3.2.9 for information about tree impacts, the landscaping plan, mitigation, revisions to the project, and calculations of tree growth. Please see Master Responses 2.3.7.1, 2.3.7.2, and 2.3.7.4 for a discussion of alternatives.

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. See also Master Response 2.3.2.5 for information related to GHG sequestration benefits of trees, Master Response 2.3.2.8 for information related to mitigation of tree-related impacts, Master Response 2.3.2.9 for information related to ecosystem services and tree growth calculations, Master Response 2.3.2.11 for information related to rooftop trees, Master Response 2.3.2.12 for information related to non-heritage trees, and Master Response 2.3.2.13 other environmental benefits of trees.

RESPONSE TO COMMENT I11-4

The commenter discusses the history of existing on-site structures and that the existing structures provide moderate rent housing. The commenter urges the Planning & Design Commission to scrutinize the project and consider alternatives.

Please see Master Responses 2.3.4.1 and 2.3.4.2 for information on historic resources. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including housing policy. The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels. The opinion of the commenter is acknowledged. Please see Master Response 2.3.7 for information related to alternatives.

COMMENT LETTER I12 – KATHLEEN GREEN

Evan Compton

From: Kathleen Green <kdgreenone@yahoo.com>
Sent: Monday, April 13, 2015 10:48 AM
To: Roberta Deering; caru.bowns@gmail.com; kathleenforrest@hotmail.com; Jon Marshack; chad.moffett@meadhunt.com; eric@bbse.com; mark.huck@parks.ca.gov; Piner Matthew; Evan Compton
Cc: Steve Hansen
Subject: Capitol Towers Eligibility to the City's Historic Resources list

April 10, 2015

Dear Chairman & Members of the Commission:

Capitol Towers and Villas is a great example of mid-century modern architecture in a unique garden setting, and after 54 years it is still a functioning, beautiful, desirable, historic, neighborhood! Since OHP and the State Historic Resources Commission, as well as the National Parks Service "Keeper" have determined that it is eligible for the National Register of Historic Places, there is no question that it should be included on Sacramento's List of Historic Resources.

The Plans submitted by Kennedy-Wilson this could become another "hole-in-the-ground," with the demolition of all the Villas, destroying a canopy of mature trees, including many heritage trees, and displacing hundreds of tenants. This project will go down in the annals of the City of Sacramento's mistakes.

I am in hopes that the Preservation Commission will send a **strong message** to the Planning Commission and City Council members as to the negative effects of this proposed project. **To better plan new construction projects that are going to demolished historic properties, to require that construction plans and financing be in place before any demolition permits are issued.**

I12-1

Yours in Preservation,
Kathleen Green
2010 Vizcaya Walk; Sacramento, 95818
kdgreenone@yahoo.com

RESPONSE TO COMMENT I12-1

The commenter discusses the existing project site architecture, historic standing of existing on-site structures, construction and phasing, and conditions related to construction financing.

See Master Response 2.3.6 for a discussion related to construction phasing and Master Response 2.3.12.9 regarding financial feasibility. Please see Master Responses 2.3.4.1 and 2.3.4.2 for information on historic resources.

COMMENT LETTER I13 – KATHLEEN GREEN

April 24, 2015

RE: Comments on the DEIR of March 9⁵, 2015 for Sacramento Commons proposed project (O14-012)

Dear Mr. Johnson:

As a concerned midtown resident watching this "Sacramento Commons" proposed project by Kennedy Wilson I concur with all the comments of Sacramento Modern, Carr Kunze, and the "Neighbors of Capitol Towers & Villas, as well as the comments from Karen Jacque, Board member of Preservation Sacramento. I also hope the tenants of Pioneer Tower will submit comments as they will be greatly affected by this ill conceived project. Capitol Towers' (Sacramento Commons) National Register of Historic Places and State eligibility as a Historic District, is the only garden apartments super-block even near downtown.

I13-1

The Preservation Commission voted unanimously April 15, 2015 to include Capitol Towers and Villas be added to the City's Register of Historic Resources as a Landmark. **They also voted unanimously to DENY this project!**

I13-2

Housing Element of this project-analyzed - The City of Sacramento General Plan 2013-2021 analysis of the type of housing needed in the Central City by neighborhood. Some of that analysis should be included in

I13-3

this EIR report. It also includes the vacant land and lots in the Central City (Section 5.4 Vacant Land Inventory).

↑
I13-3
cont.

An Alternative not noted is an 'off site' project that the City can transfer these entitlements to another site to save this Historic District.

I13-4

Possible "Hole-in-the-Ground" Project I did not see an 'alternative' measure in the DEIR on how the City can avoid this project being another "Hole-in-the-Ground project". Since Kennedy Wilson is not building any of these proposed apartments, and only acquiring the entitlements and demolition permits to then sell to a developer, the "hole-in-the-ground" scenario is a real possibility. The EIR should suggest mitigation measures so this does not happen.

I13-5

An Alternative not noted in the DEIR: The City will not issue any demolition permits without proof of plans, a construction contract and financing.

I13-6

Construction Disruption and Noise:

The EIR should analyze the displacement of the tenants in the Villa apartments, the loss of business the ground floor business' of the Tower; and loss of tenants in the Tower due to construction. As well as Pioneer Tower. KW has said they will phase construction over a 6 year period, but depending on the economy it could will be much longer.

I13-7
I13-8
I13-9
I13-10

Arborist Report-Tree Canopy Loss and its effects. The DEIR was weak on the effect of the loss of 200 trees, some heritage trees, in this project. Trees filter and capture air pollution from cars and with N and P Streets being main corridors in and out of the downtown, it is even more important to save these trees. There should be charts of the carbon monoxide that each tree absorbs, equating into the number of pounds of more pollution in the air that will affect the downtown.

I13-11

These trees are a major reason that Capitol Towers, as it was planned over 50 years ago, in a garden setting, is a desirable, beautiful, historic community to live in.

I13-12

The 'No Project' could be more elaborate in its description of the benefits of not allowing this project to proceed. As an ALTERNATIVE-the City

I13-13
↓

possibility transferring entitlements to another more appropriate vacant parcel for high-rise apartments? In the **City's General Plan 2013-2021, The Housing Element – Section 5 Land Inventory** of the Sacramento General Plan 2013-2015 is the list of the vacant lots and blocks within the Central City that could accommodate this possibility. It did note that there is enough vacant land to accommodate these projected housing needs to 2021.

↑
I13-13
cont.

In closing, this Historic National Register District adds significance to the quality of life. It is a desirable neighborhood to live in the down town area.

I13-14

The recent construction in the Central City and nearby of apartments, townhouses, homes, low income housing, plus the infill of single lots has been progressing at warp speed. All of these projects did not DESTROY a Historic, functioning, community!

I13-15

I have enclosed my compiled list of these development just in the last 5 years. It does not include the many single-family homes on single lots or the Oak Park area.

I13-16

If this project is approved it will go down in Sacramento's annals of City development/City Planning MISTAKES: The Alhambra Theatre, the Francesca apartments, the Merrium Apartments, and the California Hotel, to name a few.

I13-17

Kathleen Green

2015 housing projects cont:

NEW RESIDENTIAL HOUSING NEAR OR IN DOWNTOWN:

Proposed projects:

-Railyards & River District

-Township 9 – Richards Blvd. Hwy 16 – *10,000 to 12,000 units entitled in this district & the River District & Railyards*

-Crystal Creamery property – 11th & C Street & West- 98 townhouses/homes.

-Docks Waterfront – south of capitol Mall along the river-housing potential and business' – Front Street 1155 units

-North West Land Park project -282 single family homes & townhouses – Aug `15

-Former Clarion, 700–16th Sts-160 units –Senior Housing

-5th & 6th & J St. – Hotel & residential Tower-69 condominiums

-The Old Marshal Hotel 7th & L w/be Hyatt Place Hotel w/ 10-15 apartment or condominiums

Ice Blocks – R St – 16th & 17th, retail and residential (?)

Whole Foods Apts. – 140 units L & 21st Sts.

Total = approximately 10,624

Rental units recently completed or underconstruction:

-Alexan Midtown – Alhambra & S Sts. Completed in 2010
275 units

Hall of Justice – 813 6th St. – 42 units

-The KAY –Block between 7th to 8th & K Sts – will be 137 units + 72,000 sqft retail & enterainment

113-18



2015 housing projects cont:

- Legado deRavel** – 16th St between N & P Streets, two 5 story apartments w/ground floor retail. 84 apartments
- 16 Powerhouse** – 16th & P St.- 50 unit apartment six-story building w/restaurant on the groundfloor(Magpie Café, Inspiration Coffee, & Japanese Restaurant)
- The WAL** (Warehouse Artist Lofts) R & 11th Streets – 116 apartments
- The Warren/EVIVA**– corner of N & 16th Streets -50 to 118 rental pre-fab units
- LaValentina** 12th & E Street housing- 3- three story bldgs. w/ 81 units – affordable apartments
- Maydstone**-15th & J Sts., historic 3-story apt rehabbed '12. 32 units
- 7th & H St.** – 6 story w/retail on ground floor w/150 apartment Units-studios & 1 Brd. Mercy Low income housing Reports claim was last of low income financing.
- 15th & I Sts.** – **i15**, 8 story –proposed D&S Development – 80 units but not decided
- 16th & H Sts** – Condos/Apartments w/ground floor retail -44 units SE corner -5 or 6 story completed 2011
TL= approximately 1099

New Residential Homes being built:

- Tapestri Square** – block of 20th to 21st, T & U Streets – 58 Townhouses – 3 story
- Curtis Park Village** – in old Western Pacific railyards, will be retail, homes. 294 single-family homes, 132 market-rate multi-family

I13-18
cont.



2015 housing projects cont:

units & 92 senior affordable housing multi-family units. Also
180,000 sqft of retail space.

-**McKinley Park Village** – close to central City 334 – townhouses
and single family homes

-**SoCAP Lofts** 1717 6th St (solar powered) Townhouses

-**Sutter Brownstones** 27th on N St. – 28 units

-**Single Family on S & 20th St** – two story 2 & 3 Brd, completed
Winter `13 – 9 townhouses

-1724 E Socap Walk (between Q&R & 6th and 7th Sts)

-**24th & S STs** - 5 single family houses

-**2500 R Street Townhouses** (solar powered). – 34 Townhouses- 2
& 3 Brds. 2-story

-**515 T St.** – Townhouse by CALPers, solar powered -14 units

-**Many single lot infill houses** over the last 3 to 5 years.

TL = approximately 672+

West Sacramento near river:

-**Capitol Yards** –apartments in Raley Landing neighborhood,
282 units, W.Sacramento plans approximately 4000 new
residential units in this area. Plans include streetcar
service to downtown Sacramento.

-**The Park Moderns** – just south of Raley Field – 32-unit
townhouses - completed June `14

-**Jefferson Blvd.** east side to river – 8000 homes

My compilations-Kathleen Greenr

revised 4/20/2015

113-18
cont.



RESPONSE TO COMMENT I13-1

The commenter discusses other comment letters.

The City has responded in writing to all comments received during the DEIR public review period and several that were received after the close of the public review period.

RESPONSE TO COMMENT I13-2

The commenter identifies the historic classification of the project site.

Please see Master Responses 2.3.4.1 and 2.3.4.2 for information on historic resources. On April 15, 2015, the Preservation Commission recommended that the City Council list Capitol Towers on the Sacramento Register. The City Council will, but has not yet, held a public hearing to consider the Preservation Commission recommendation and to take a final action on the nomination.

RESPONSE TO COMMENT I13-3

The commenter discusses the City's Housing Element and that information from the Housing Element should be included in the EIR.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. However, the City provides a comprehensive discussion of population and housing that is related to the comment in Chapter 3 of the DEIR, including information from the City's Housing Element. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including housing policy. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels. Please see also Master Response 2.3.7.5 regarding off-site alternatives.

RESPONSE TO COMMENT I13-4

The commenter discusses an off-site alternative.

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

RESPONSE TO COMMENT I13-5

The commenter discusses the possibility that the project could be abandoned.

Please see Master Responses 2.3.6.1 and 2.3.12.9 regarding economic feasibility and abandonment of the project.

RESPONSE TO COMMENT I13-6

The commenter discusses a condition for the project requiring a construction contract and financing prior to issuance of a building permit.

Please see Master Responses 2.3.6.1 and 2.3.12.9 regarding economic feasibility and abandonment of the project.

RESPONSE TO COMMENT I13-7

The commenter suggests that the EIR should analyze displacement of tenants.

The City provides a comprehensive discussion of population and housing in Chapter 3 of the DEIR, including information from the City's Housing Element. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including housing policy. 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 I13-8

The commenter suggests that the EIR should analyze displacement of tenants and loss of ground floor business.

The project does not propose to close the ground floor non-residential development in the Capitol Tower building. Please refer to the Response to Comment I13-7 for a discussion of tenant displacement.

RESPONSE TO COMMENT I13-9

The commenter suggests that the EIR should analyze loss of tenants due to construction.

The purpose of the EIR is to disclose, mitigate, and find alternatives that reduce adverse physical environmental effects associated with the project. It is speculative to assume vacancy rates will increase in the superblock as a result of project construction. All environmental issues related to construction (air quality, noise, vibration, traffic) are analyzed and reported in the appropriate section of the DEIR. Please refer to the Response to Comment I13-7 for a discussion of tenant displacement.

RESPONSE TO COMMENT I13-10

The commenter suggests that project phasing could be longer than indicated 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 comprehensive description of the proposed project, including anticipated phasing. As noted in the DEIR, the proposed order of demolition and construction phasing may be subject to change due to market conditions.

RESPONSE TO COMMENT I13-11

The commenter suggests that the tree impact analysis in the EIR is weak and discusses carbon monoxide (presumably carbon dioxide) absorption of trees.

See Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.4, 2.3.2.5, 2.3.2.7, and 2.3.2.8 for a discussion related to the DEIR tree impact analysis, landscape plan, mitigation, carbon sequestration benefits of trees, and the City's significance determination related to tree impacts.

RESPONSE TO COMMENT I13-12

The commenter identifies aesthetic benefits of trees.

See Master Response 2.3.2.4 for a discussion of aesthetic changes related to trees.

RESPONSE TO COMMENT I13-13

The commenter notes that the No Project Alternative could have a more elaborate description of benefits and suggests consideration of other sites.

See Master Responses 2.3.7.1, 2.3.7.2, 2.3.7.3, 2.3.7.4, and 2.3.7.5 for information on the purpose of alternatives analysis, the process used to develop alternatives, alternatives impacts, and off-site alternatives.

RESPONSE TO COMMENT I13-14

The commenter references a historic national register district.

See Master Response 2.3.4 for information about the existing setting and historic resources impacts. This comment is noted and will be provided to the City Council as part of this FEIR for consideration.

RESPONSE TO COMMENT I13-15

The commenter identifies housing construction in the Central City.

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 see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. Please see also Master Response 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT I13-16

The commenter indicates that she will provide a list of other development projects.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. 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 see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. Please see also Master Response 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT I13-17

The commenter opines that approval of the proposed project would be a mistake.

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

RESPONSE TO COMMENT I13-18

The commenter provided a list of other development projects.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. 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 see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. Please see also Master Response 2.3.7.5 for a discussion of off-site alternatives.

COMMENT LETTER I14 – DR. KNOX MELLON

Scott Johnson

From: Carlotta Mellon <carlotta.mellon@sbcglobal.net>
Sent: Monday, April 27, 2015 2:47 PM
To: Mayor of the City of Sacramento, Kevin Johnson; David Nybo; Scott Johnson; Evan Compton; Sacramento Modern
Cc: Michael Galizio
Subject: Sacramento Commons Project

Dear Mayor Johnson, City Planning Commission Chair Nybo, Mr. Johnson and Mr. Compton:

As a longtime California State Historic Preservation Officer, though now retired, but still an advocate for retention of historic structures and fabric, I want to express my admiration and support for Sacramento Modern's efforts to preserve Capitol Towers and have it become a local landmark on the Sacramento Register of Historic and Cultural Resources. These efforts are clearly in the interests of the wonderful historic city of Sacramento.

14-1

I further support the preservation of the mature and vibrant community surrounding these historic buildings and ask the city to protect this rare central city neighborhood by finding an alternative to the Sacramento Commons proposal.

14-2

Sincerely,

Dr. Knox Mellon

RESPONSE TO COMMENT I14-1

The commenter expresses support for the efforts of Sacramento Modern to preserve Capitol Towers.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. This comment is noted and will be provided to the City Council as part of this FEIR for consideration. See also Master Response 2.3.4 for information about the existing setting and historic resources impacts.

RESPONSE TO COMMENT I14-2

The commenter expresses support for preserving Capitol Towers and finding an alternative to the proposed project.

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 for information about the existing setting and historic resources impacts and Master Response 2.3.7 for information about alternatives to the proposed project.

COMMENT LETTER I15 – JOSH CROFT

Evan Compton

From: Josh Croft <joshua.m.croft@gmail.com>
Sent: Thursday, April 09, 2015 6:26 PM
To: Evan Compton; Steve Hansen
Subject: I DO support the demolition of the villas and mature tree canopy associated with Capitol Towers

Once the arena is built, the demand to live in the area will go up. I support Capitol Towers efforts to increase the supply of available housing. I want to live in the area but can't afford a big rent hike in the coming years! I15-1

Thanks,
Josh

RESPONSE TO COMMENT I15-1

The commenter expresses support for the project's proposal to increase housing in the area and states that they cannot afford a significant increase in rent.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. The City provides a comprehensive discussion of population and housing in Chapter 3 of the DEIR. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for increasing housing 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.

COMMENT LETTER I16 – JANE KRYSKI MORRIS

Evan Compton

From: JANE <jane349@comcast.net>
Sent: Sunday, April 12, 2015 1:18 PM
To: Evan Compton
Subject: Sacramento Commons

Dear Sirs or Mme.:

I would be remiss stating the fact that I was pro development. However, if I must, I can stomach responsible development. What is proposed for Sacramento Commons is not responsible at all. PLEASE DO NOT ACCEPT THEIR PROPOSED PLAN.

I am asking that we would return to the drawing boards and come up with a feasible plan where we will can still enjoy all of our trees.

Sincerely,
Jane Kryski Morris

I16-1

RESPONSE TO COMMENT I16-1

The commenter contends that the proposed project is not responsible development and is asking for an alternative plan that preserves more trees.

This comment is noted and will be provided to the City Council as part of this FEIR for consideration. Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.6, 2.3.2.8, and 2.3.2.9 for information about tree impacts, the landscaping plan, mitigation, revisions to the project, and calculations of tree growth. Please see Master Responses 2.3.7.1, 2.3.7.2, and 2.3.7.4 for a discussion of alternatives.

COMMENT LETTER I17 – LOUISE JACKSON

Evan Compton

From: Louise E Jackson <lejackson@ucdavis.edu>
Sent: Sunday, April 12, 2015 6:57 PM
To: Evan Compton; Steve Hansen; bodipo50@gmail.com; burchillcitypc@gmail.com;
cburke.realestate@gmail.com; ed@loftgardens.com; dcovill@cbnorcal.com;
sacplanning_declines@me.com; todd.s.kaufman@gmail.com; kimjoanmc@att.net;
dnybo@wateridge.net; matt@mrpe.com; jyeepdc@gmail.com; darrellteatjr@yahoo.com
Subject: Protect historic low rise villas and mature trees from demolition

To the Planning Commission:

Why tear down a beautiful neighborhood that is highly cherished by residents? People will move out if you force them to endure years of construction.

In-fill building should draw residents to the city center, not turn them away.

PLEASE SAVE THE TREES AND VILLAS AT CAPITOL TOWERS,

Louise Jackson

--
Louise E. Jackson
500 N St
Sacramento CA
lejackson@ucdavis.edu

I
17-1
I

RESPONSE TO COMMENT I17-1

The commenter references removal of housing structures, construction, and adding population in infill developments.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR. All environmental issues related to construction (air quality, noise, vibration, traffic) are analyzed and reported in the appropriate section of the DEIR. The City provides a comprehensive discussion of population and housing in Chapter 3 of the DEIR. See Master Responses 2.3.4.5 and 2.3.10, which address consistency with General Plan policy, including the City's policies for increasing housing 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.

COMMENT LETTER I18 – KATHY LES

Evan Compton

From: Kathy Les <kathy.les321@gmail.com>
Sent: Monday, April 13, 2015 2:36 PM
To: Evan Compton; Bruce Monighan
Subject: Preservation of Capitol Towers

To: Evan Compton, Senior Planner and Bruce Monighan, Urban Design Manager

Dear Evan and Bruce:

I am writing to express my support for preserving Capitol Towers, both the low and high rise structures, as well as the Lawrence Halprin landscaping. These are gems that speak to early modern architecture in Sacramento. I urge the Planning Commission to find a more viable plan that allows for historic renovation, rather than destruction through demolition of the low-rise structures and inappropriately re-cladding the high rise tower.

118-1

So many times in the past, Sacramento got it wrong with mis-guided remodeling or demolition. We had finally entered a new era of respect for historic structures, and now this proposal. I hope the developers, with your guidance, can revisit their plans and come up with a more creative solution, or find a new site in the nearby area. Isn't the new arena supposed to be bringing out the best in us moving forward? This proposal seems downright disrespectful of our collective architectural heritage, in terms of urban design and planning.

Thank you for your consideration.

Sincerely,

Kathy Les,
Curtis Park resident and former Design Review Board Member

RESPONSE TO COMMENT I18-1

The commenter discusses existing housing structures, landscaping, architecture, a different site for the project, and architectural heritage.

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 for information about the existing setting and historic resources impacts and Master Response 2.3.7 for information about alternatives to the proposed project. Please see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. Please see also Master Response 2.3.7.5 for a discussion of off-site alternatives.

COMMENT LETTER I19 – KENT AND MARY SCHROEDER

Evan Compton

From: Mary Schroeder <findmary@pacbell.net>
Sent: Wednesday, April 15, 2015 7:32 AM
To: Evan Compton
Cc: Schroeder Mary
Subject: Sacramento Commons

This is to ask you to protect the Sacramento Commons. We are retired County residents but spent years working downtown. Sacramento Commons is one of the loveliest areas in The City. It's elegance and architectural significance are irreplaceable. Developers should be required to incorporate the historic buildings and landscape into their new plans. They can look to other vacant lots in the vicinity for residential development.

| 119-1
|

Sincerely,
Kent and Mary Schroeder
4524 Crestridge Road
Fair Oaks, CA. 95628
916-952-0906

Sent from my iPhone

RESPONSE TO COMMENT I19-1

The commenter discusses architectural significance of existing on-site buildings, that the project should incorporate existing buildings into the project, and that the City should pursue alternative sites.

See Master Response 2.3.4 for information about the existing setting and historic resources impacts and Master Response 2.3.7 for information about alternatives to the proposed project include Master Response 2.3.7.5 regarding off-site alternatives.

COMMENT LETTER I20 – HEATHER FARGO

From: Heather Fargo [<mailto:h-fargo@comcast.net>]
Sent: Wednesday, April 15, 2015 2:08 PM
To: eric@bbse.com; chad moffett; caru bowns; kathleenforrest@hotmail.com; mark huck; jon marshack; pinerworks@sbcglobal.net
Cc: Evan Compton; Bruce Monighan; Roberta Deering; Burg, Willian; Kneprath, Kay; Lamare, Jude
Subject: Capitol Towers

Dear Chair Fuller and Preservation Commissioners:

I am writing to urge you to support Capitol Towers listing on the Sacramento Register, and ultimately the National Register. I also ask that you encourage the Planning Commission to consider the preservation of this existing community as a higher priority than increasing the quantity of high rise housing at THIS site. Please urge the Planning Commission to require the developers to incorporate the historic buildings and landscape into their new plans, and to find a way to preserve the existing community of Capitol Towers.

I20-1

I20-2

As a councilmember and later as Mayor, I represented this neighborhood for 19 years. I became very familiar with its residents and businesses and its assets and significance to downtown Sacramento. It's not just an apartment complex, as I'm sure you noticed if you've visited. It's a community of very satisfied residents and business owners who love and contribute to the downtown vibrancy, and have for decades. It is a site which allows the disabled residents to freely navigate from their homes to restaurants, shopping, and other services, without having to cross a street. And for the many employed residents, the adjacency of light rail and the many employers

I20-3

in the area, including the State, means they can get to work without driving. I found it to be one of the safest and happiest neighborhoods in the city. It seems unfair to disrupt this neighborhood just because they are renters. This wouldn't and couldn't happen in another residential block in downtown Sacramento, because the residential property owners wouldn't allow it.

↑ I20-3
con't.
I20-4
I20-5

I support higher density and worked hard for years to encourage more housing in the central city. I'm pleased to see the interest and demand for downtown living. But this is an existing neighborhood, and is already one of the densest housing in the central city. Its success should serve as a model for other development, not a reason to take it down. Within just a few blocks are a half dozen empty or underutilized blocks that would be so much more appropriate for this development. The general plan specifically calls for "protection of existing neighborhoods" (see quote below), based on input from residents throughout Sacramento.

I20-6
I20-7

Sacramento is a special city, and part of what it makes it so special, is that we have preserved what makes it unique. One of my goals as mayor was to preserve the unique historic buildings and neighborhoods in downtown. That effort is part of what has positioned Sacramento for its current round of progress. It's part of what has attracted residents and businesses to locate here. Capitol Towers, with its stability, walkability, tree canopy, and sense of community is a special place that should also be preserved.

I20-8
I20-9

Thank you for considering my comments.

Heather Fargo
former Mayor of Sacramento (2000-2008)

from the City's General Plan - "Protect Established Neighborhoods"

"The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and by requiring new development, both private and public, to respect and respond to those

I20-10
↓

existing physical characteristics buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood. (RDR)"



I20-10
con't.

RESPONSE TO COMMENT I20-1

The commenter supports listing of the project site on the Sacramento and National Registers and would prefer maintaining the project site in its current condition instead of adding housing at this site.

This comment is noted and will be provided to the City Council as part of this FEIR for consideration. See Master Response 2.3.4 for information about the existing setting and historic resources impacts and Master Response 2.3.7 for information about alternatives to the proposed project.

RESPONSE TO COMMENT I20-2

The commenter urges the Planning Commission to incorporate historic buildings and landscaping into the project.

See Master Response 2.3.4 for information about the existing setting and historic resources impacts and Master Response 2.3.7 for information about alternatives to the proposed project.

RESPONSE TO COMMENT I20-3

The commenter provides background regarding the existing site related to satisfaction of residents and business owners, downtown vibrancy, mobility for disabled residents, and proximity to light rail and employment.

The City concurs that the project site's adjacency to light rail and many employers in the area, including the State, means residents of the project site can get to work without driving. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR and is provided for City Council consideration. 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. See also Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction, Master Response 2.3.6.2 for discussion of traffic management during construction.

RESPONSE TO COMMENT I20-4

The commenter identifies the project site as one of safest and happiest in the City.

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

RESPONSE TO COMMENT I20-5

The commenter discusses the equity of developing the project with existing renters being located on the project site.

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

RESPONSE TO COMMENT I20-6

The commenter indicates support for housing in the Central City area in general, but not on the proposed project site.

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

RESPONSE TO COMMENT I20-7

The commenter encourages an off-site alternative and references General Plan policy related to protection of existing neighborhoods.

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 heights, and shared open space areas that contribute to the overall character and livability of the neighborhood. Please see Master Responses 2.3.4.5 and 2.3.10.1 for a discussion of the consistency of the project with the General Plan. Please see Master Response 2.3.7.5 for information related to off-site alternatives.

RESPONSE TO COMMENT I20-8

The commenter generally references historic buildings.

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

RESPONSE TO COMMENT I20-9

The commenter generally references tree canopy.

Please see Master Response 2.3.2 for information related to trees and the tree canopy.

RESPONSE TO COMMENT I20-10

The commenter has quoted General Plan policy related to protection of existing neighborhoods.

The project site is located in a developed area of downtown on an existing developed site with residential development 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 heights, and shared open space areas that contribute to the overall character and livability of the neighborhood. Please see Master Responses 2.3.4.5 and 2.3.10.1 for a discussion of the consistency of the project with the General Plan.

COMMENT LETTER I21 – KATHLEEN GREEN

April 28, 2015

Chairperson David Nybo

Planning and Design Commissioners via email

300 Richards Blvd., 3rd Floor

Sacramento, CA 95811

Dear Chairperson Nybo and Commissioners:

I am a mid-town resident and "Preservationist" **opposed** to the Sacramento Commons project (P-14012).

I21-1

In light of the vacant lots and blocks within the central city, it makes no sense to demolish an existing, thriving Historic (deemed historic by the National Parks Service/National Trust of Historic Places, the State Historic Resources Commission and SHPO, and the City's Preservation Commission) functioning, community that meets all the requirements of the City's 2030 General Plan. Within that Plan under the Housing Element, Sec. 5, 5.0, second bullet; *"The land inventory includes enough capacity to meet the RHNA for all income levels. The City can accommodate 10,891 lower-income units (i.e., extremely low, very low, and low income units), 6,527 moderate income units, and 11,722 above moderate-income units."* There is enough vacant land in the Central City to accommodate this. This and the Preservation Ordinance's mission, as well as the tree policy, puts this project in conflict with all the City's goals.

I21-2

Attached is my list of the housing projects recently completed in the last 5 years and those under construction and those in the pipe-line; i.e., the Railyards, Township 9, and the Docks proposal. **NONE OF THESE HAVE DEMOLISHED HISTORIC BUILDINGS TO BE BUILT!**

I21-3

To avoid these demolitions the City should impose conditions to prevent hole-in-the-ground projects, which this project will be if approved. **Require the investor/developer to have legally binding contracts for all construction, complete financing, and City approved project plans before demolition permits are issued.**

I21-4

I urge this Commission to DENY this project, as the Preservation Commission did. Please send a strong message to the City Council of the negative possibilities if this project is approved.

I21-5

Yours in Preservation

Kathleen Green

C: New Residential Projects Near or in Downtown

2015 housing projects cont:

NEW RESIDENTIAL HOUSING NEAR OR IN DOWNTOWN:

Proposed projects:

-Railyards & River District

-Township 9 – Richards Blvd. Hwy 16 – *10,000 to 12,000 units entitled in this district & the River District & Railyards*

-Crystal Creamery property – 11th & C Street & West- 98 townhouses/homes.

-Docks Waterfront – south of capitol Mall along the river-housing potential and business' – Front Street 1155 units

-North West Land Park project -282 single family homes & townhouses – Aug `15

-Former Clarion, 700–16th Sts-160 units –Senior Housing

-5th & 6th & J St. – Hotel & residential Tower-69 condominiums

-The Old Marshal Hotel 7th & L w/be Hyatt Place Hotel w/ 10-15 apartment or condominiums

Ice Blocks – R St – 16th & 17th, retail and residential (?)

Whole Foods Apts. – 140 units L & 21st Sts.

Total = approximately 10,624

Rental units recently completed or underconstruction:

-Alexan Midtown – Alhambra & S Sts. Completed in 2010
275 units

Hall of Justice – 813 6th St. – 42 units

-The KAY –Block between 7th to 8th & K Sts – will be 137 units + 72,000 sqft retail & enterainment

121-6



2015 housing projects cont:

- Legado deRavel** – 16th St between N & P Streets, two 5 story apartments w/ground floor retail. 84 apartments
- 16 Powerhouse** – 16th & P St.- 50 unit apartment six-story building w/restaurant on the groundfloor(Magpie Café, Inspiration Coffee, & Japanese Restaurant)
- The WAL** (Warehouse Artist Lofts) R & 11th Streets – 116 apartments
- The Warren/EVIVA**– corner of N & 16th Streets -50 to 118 rental pre-fab units
- LaValentina** 12th & E Street housing- 3- three story bldgs. w/ 81 units – affordable apartments
- Maydstone**-15th & J Sts., historic 3-story apt rehabbed '12. 32 units
- 7th & H St.** – 6 story w/retail on ground floor w/150 apartment Units-studios & 1 Brd. Mercy Low income housing
Reports claim was last of low income financing.
- 15th & I Sts.** – **i15**, 8 story –proposed D&S Development – 80 units but not decided
- 16th & H Sts** – Condos/Apartments w/ground floor retail -44 units
SE corner -5 or 6 story completed 2011
TL= approximately 1099

I21-6
cont.

New Residential Homes being built:

- Tapestri Square** – block of 20th to 21st, T & U Streets – 58 Townhouses – 3 story
- Curtis Park Village** – in old Western Pacific railyards, will be retail, homes. 294 single-family homes, 132 market-rate multi-family

2015 housing projects cont:

units & 92 senior affordable housing multi-family units. Also
180,000 sqft of retail space.

-**McKinley Park Village** – close to central City 334 – townhouses
and single family homes

-**SoCAP Lofts** 1717 6th St (solar powered) Townhouses

-**Sutter Brownstones** 27th on N St. – 28 units

-**Single Family on S & 20th St** – two story 2 & 3 Brd, completed
Winter `13 – 9 townhouses

-1724 E Socap Walk (between Q&R & 6th and 7th Sts)

-**24th & S STs** - 5 single family houses

-**2500 R Street Townhouses** (solar powered). – 34 Townhouses- 2
& 3 Brds. 2-story

-**515 T St.** – Townhouse by CALPers, solar powered -14 units

-**Many single lot infill houses** over the last 3 to 5 years.

TL = approximately 672+

West Sacramento near river:

-**Capitol Yards** –apartments in Raley Landing neighborhood,
282 units, W.Sacramento plans approximately 4000 new
residential units in this area. Plans include streetcar
service to downtown Sacramento.

-**The Park Moderns** – just south of Raley Field – 32-unit
townhouses - completed June `14

-**Jefferson Blvd.** east side to river – 8000 homes

My compilations-Kathleen Greenr

revised 4/20/2015

I21-6
cont.



RESPONSE TO COMMENT I21-1

The commenter registers her opposition to the project.

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

RESPONSE TO COMMENT I21-2

The commenter discusses vacant lots in the Central City area and historic characterization of on-site structures.

Please see Master Responses 2.3.4.1 and 2.3.4.2 for information on historic resources. Please see Master Response 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT I21-3

The commenter suggests that the City's Housing Element land inventory provides enough capacity to meet the regional housing needs assessment and identifies tree impacts and the intent of the City's historic preservation ordinance. The commenter references an attached list of other development projects.

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 see Master Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. Please see Master Responses 2.3.4.1 and 2.3.4.2 for information on historic resources. Please see Master Response 2.3.2 for a discussion of tree and tree canopy impacts.

RESPONSE TO COMMENT I21-4

The commenter discusses potential abandonment of the project and suggests a project condition requiring contracts and construction financing prior to approval of a demolition permit.

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. See Master Response 2.3.6 for a discussion related to construction phasing and economic viability.

RESPONSE TO COMMENT I21-5

The commenter urges the Planning & Design Commission to deny the project.

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

RESPONSE TO COMMENT I21-6

The commenter provides a list of other development projects.

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

COMMENT LETTER I22 – JUDITH LAMARE

Thank you. You did not include a mitigation measure we requested in NOP comment:

" to require that there be no demolition of any parcel until Kennedy Wilson or its assignee shows proof of a binding contracts for construction and full financing"

I22-1

because Sacramento does not need another disaster like the former Saca and Aura projects, which, respectively gave downtown a huge hole in the ground and yet another surface parking lot.

JUDITH LAMARE

RESPONSE TO COMMENT I22-1

The commenter discusses potential abandonment of the project and suggests a project condition requiring contracts and construction financing prior to approval of a demolition permit.

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. See Master Responses 2.3.6 and 2.3.12.9 for a discussion related to construction phasing and economic viability.

COMMENT LETTER I23 – JIM PACHL

Dear Chairperson Nybo and Commissioners,

Below are a couple of additional considerations which should be addressed in the project design or redesign (if the project is approved). I apologize for the lateness of this submittal.

1. Potential for subsidence of adjacent buildings from excavation dewatering: The DEIR, pp 4.5-10 thru 4.5-13, section titled "Impact 4.5-2," says "The proposed project could expose people to subsidence, . . .". Among other things, it says that construction dewatering of excavations for Sac Commons structures may be required, that artificial fill was placed on the site in the 1860's, and that "if the dewatering system draws down the water table adjacent to the excavation area, there is a possibility of ground settlement that may undermine existing foundation on adjacent sites, causing cracking." The DEIR says that subsidence has occurred at other locations in downtown and then asserts that unspecified geotechnical analysis, building code compliance, and unspecified future engineering measures would prevent this from occurring. The DEIR does not explain how these unspecified measures would prevent subsidence.

I23-1

Even a few vertical inches of soil subsidence beneath adjacent Pioneer or Bridgeway Towers could cause cracking of foundations, which could create stresses on pipes and structural concrete in these buildings, potentially causing cracked pipes and cracked concrete slabs. Soil subsidence could also crack Bridgeway's swimming pool and spa.

I23-2

If construction of the 8-story apartments requires excavation and dewatering, those buildings should be located a greater distance from Pioneer and Bridgegay Towers to reduce the likelihood of soil subsidence beneath those existing high-rises. KW should be required to post a bond to cover any damage caused by subsidence arising from dewatering the soil for the project.

I23-3

2. California Fire Code § 903.3.5.2, ATTACHED, requires a secondary on-site water supply of no less than 15,000 gallons, or greater if warranted by the calculations stated in that Fire Code section, for high-rise buildings in Seismic Catagories C thru F . This is not mentioned in any of the Sacramento Commons project documents.

The Bridgeway Towers swimming pool meets that requirement for Bridgeway. I suspect that the Capitol Towers swimming pool meets that requirement for Capitol Towers. Removal of the Capitol Towers swimming pool would cause that building to be noncompliant. Based on the conceptual drawings, it appears that the swimming pools atop the proposed Sac Commons high-rises would be too small to accommodate 15,000 gallons each (or more if required by the formula of §903.3.5.2) Project redesign may be needed to accommodate the necessary water storage facilities. Compliance with §903.3.5.2 is mandatory and may not be waived by the Sacramento Fire Department

I23-4

Thank you very much.

Jim Pachl

sprinkler demand as required by NFPA 13R.

903.3.5.2 Secondary water supply. An automatic secondary on-site water supply having a *usable* capacity of not less than the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings *and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access* in Seismic Design Category C, D, E or F as determined by the *California Building Code*. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the fire pump supplying the automatic sprinkler system. The secondary water supply shall have a duration of not less than 30 minutes *or as determined by the occupancy hazard classification in accordance with NFPA 13, whichever is greater. The Class I standpipe system demand shall not be required to be included in the secondary on-site water supply calculations. In no case shall the secondary on-site water supply be less than 15,000 gallons.*

Exception: Existing buildings.

123-5

RESPONSE TO COMMENT I23-1

The commenter quotes from DEIR pages 4.5-10 through 4.5-13 regarding the fact that artificial fill was likely placed at the project site during the 1860s, and states that the DEIR says that construction dewatering could result in subsidence at adjacent sites. The commenter states that the DEIR fails to specify how a geotechnical analysis, building code compliance, and future engineering measures would prevent subsidence at adjacent sites from occurring.

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 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. This conclusion is further supported by the fact that other projects in the project area, such as 500 Capitol Mall, which is located north of and directly across the street from the project

site, have been developed in recent years without adversely effecting nearby buildings related to settlement or subsidence.

RESPONSE TO COMMENT I23-2

The commenter states that even a few vertical inches of soil subsidence beneath adjacent Pioneer or Bridgeway Towers could cause structural damage and damage to facilities, such as swimming pools and spas.

Please see Response to Comment I23-1, above.

RESPONSE TO COMMENT I23-3

The commenter states that if excavation and dewatering are required, the proposed buildings should be located a greater distance from Pioneer and Bridgeway Towers to reduce the likelihood of soil subsidence beneath those buildings. The commenter further suggests that the project applicant should be required to post a bond to cover any damage caused by subsidence arising from dewatering the soil for the project.

As discussed in DEIR Impact 4.5-2 and summarized above in Response to Comment I23-1, the proposed project is required by California law to be designed and constructed to meet the standards contained in the CBC, the requirements of which have been specifically designed to reduce geotechnical hazards and provide building safety and stability, including subsidence and settlement. Preparation of site-specific design-level geotechnical report, which will be reviewed by the City for verification of compliance with CBC, on a phase by phase basis as individual project phases are fully designed and submitted to the City as part of future site plan and design review will ensure the proposed project would not result in adverse effects to nearby buildings related to settlement or subsidence. Thus, the impact is considered less than significant and there is no need to locate the proposed buildings further away from the Pioneer or Bridgeway Towers.

RESPONSE TO COMMENT I23-4

The commenter identifies a section of the California Fire Code related to secondary on-site water supply source.

As discussed in Section 4.10-2, the California Fire Code contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety.

According to the Fire Department, per 2013 California Fire Code Section 503 - Fire Apparatus Access Roads; 503.1.1- Approved fire apparatus access roads shall be provided for every facility. Roads shall

extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building. Every building will be required to meet 2013 California Fire Code and California Building Code and will receive a building permit upon meeting these requirements. Regarding the backup water supply requirements for fire suppression in high-rise buildings, 15,000 gallons is the Code minimum. If the location were to remove the swimming pool that was approved as the backup water supply, the building would be required to add a water tank or provide an approved second water supply in lieu of the pool (Tunson, pers. comm., 2015 and Lee, pers. comm., 2015). As stated in the DEIR, the proposed project is required to comply with this as well as all other applicable California Fire Code requirements. Furthermore, as discussed in the PUD Guidelines for the proposed project, each phase of the proposed project requires future site plan and design review. Project design for each phase will incorporate all features required by the California Fire Code and other applicable laws. See also the Response to Comment I9-1.

RESPONSE TO COMMENT I23-5

The commenter provides an excerpt from the California Fire Code.

See Response to Comment I23-4, above.

COMMENT LETTER I24 – MELISSA GAUDREAU

From: Melisa Gaudreau

I encourage the City Planning and Design Commission, and the City Council to vote NO on the Sacramento Commons project at the Capitol Towers site, as currently proposed. Although I am with the office of Page & Turnbull, and assisted with the nomination for the property to the National Register of Historic Places, I am writing today as a resident of Sacramento, an architect, and a member of a family of 4 that enjoy the many aspects of Sacramento that make this city interesting, beautiful and livable.

I24-1

I see this proposed project as wrong for Sacramento on so many levels;

I24-2

- It ignores the original design, erasing a rare Sacramento example of successful placemaking and urban design
- It demolishes a resource eligible for the National Register of Historic Places, California Register of Historical Resources, and Sacramento Register of Historic and Cultural Resources – a property that gained unanimous vote in favor for listing from the State Historical Resources Commission and the Sacramento Preservation Commission, experts in the field
- It removes a place that represents the formulative work of mid-century, national & local designers, and denies any future generation the opportunity to experience the site to formulate their own opinions/understanding/interpretation of the work (Wurster, Bernardi and Emmons; Edward Larrabee Barnes; DeMars & Reay; Lawrence Halprin; Dreyfuss and Blackford; among others)
- It strips away a mature site weaving urban, landscape, public art and architectural design that continues to be successful and well-loved
- The proposed project does not comply with Sacramento’s General Plan, as it does not protect historic and cultural resources
- The proposed project discards preservation alternatives, and dismisses possible rehabilitation and densification of the site in a manner to protect the historic significance and eligibility of the resource

I24-3

I24-4

I24-5

- The proposed project destroys the eligible resource by demolition, with no feasible mitigation for the adverse effect [124-6]

- The proposed design has no potential to replicate the critical acclaim and architectural awards given to the original WBE design, and will very unlikely duplicate the receipt of National Register eligibility in 50 years [124-7]

I ask for you to have the courage to reassess the proposed project, and study the appropriate redevelopment of the site in a manner respectful of its design, intelligence and quality. Certainly the City can now recognize the significance of the property, and have the leadership to put together a project to be proud of, for 50 more years. Undoubtedly density and value can be added to the property while maintaining its historic character and features intact. Our downtown is dotted with buildings and sites with historic character of different periods of design – a layered fabric that is unique to Sacramento and signifies our individual story. Capitol Towers deserves to remain a physical part of our fabric and a living piece of the story. Please make the correct decision and do not accept the demolition of this site and the proposed design for Sacramento Commons. [124-8]

Thank you for your consideration to this important site,

Melisa Gaudreau

RESPONSE TO COMMENT I24-1

The commenter encourages the Planning & Design Commission and City Council to deny the proposed project and references a nomination of the property to the National Register of Historic Places.

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

RESPONSE TO COMMENT I24-2

The commenter believes the project is wrong due to the impact on what the commenter believes is a successful example of placemaking and urban design.

Please see Master Response 2.3.4 for a discussion of historic resources and Chapter 3 of the DEIR for a discussion of the project's consistency with City urban design policies and standards. Please see also Master Response 2.3.3.6 for a discussion of City site plan and design review for the proposed project.

RESPONSE TO COMMENT I24-3

The commenter discusses historic characterization of the project site and urban design.

Please see Master Response 2.3.4 for a discussion of historic resources and Chapter 3 of the DEIR for a discussion of the project's consistency with City urban design policies and standards. Please see also Master Response 2.3.3.6 for a discussion of City site plan and design review for the proposed project.

RESPONSE TO COMMENT I24-4

The commenter claims that the project is inconsistent with the City's General Plan.

Please see Master Responses 2.3.4.5 and 2.3.10.2 for a discussion of consistency of the project with the City's General Plan.

RESPONSE TO COMMENT I24-5

The commenter suggests alternatives, including rehabilitation and densification.

Please see Master Responses 2.3.7.6 and 2.3.7.7 for a discussion of alternatives suggested by the commenter.

RESPONSE TO COMMENT I24-6

The commenter references historic resources on-site and the lack of feasible mitigation to avoid adverse effects.

Please see Master Responses 2.3.4.1, 2.3.4.2, and 2.3.4.4 for a discussion of historic resources. As noted by the commenter, the DEIR concludes that historic resources impacts caused by the proposed project are significant and unavoidable.

RESPONSE TO COMMENT I24-7

The commenter discusses historic characterization of the project site and awards for the original design.

Predictions related to whether the proposed project or any contemporary development project will warrant consideration as an historic resource 50 years from today is speculative. Please see Master Response 2.3.4 for a discussion of historic resources and Chapter 3 of the DEIR for a discussion of the project's consistency with City urban design policies and standards.

RESPONSE TO COMMENT I24-8

The commenter calls for a new design for the project, and references the historic significance of the property and historic character of other locations in Sacramento. The commenter urges decision makers to deny the project.

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

COMMENT LETTER I25 – BECKY FERGUSON

Letter I25

From: Becky Ferguson

Thanks, Michael. This is in relation to the Sacramento Commons project. Given that the plan would require demolition of the current units that has a significant impact on the downtown rental housing market. Do they have any plans with how they will release tenants from current leases with ample notice? I am concerned that the legal 60 days would make it difficult if all the individuals in the units being demolished are released at once. That seems like a lot of people who chose to live downtown who would be back on the market all at once.

I
125-1
I

Thanks,
Becky

--

Becky Ferguson

Penn State '08 HHD, '11g EDU

RESPONSE TO COMMENT I25-1

The commenter mentions the rental housing market downtown and the process for notifying tenants.

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 Responses 2.3.10.3 and 2.3.12.12 for a discussion of accommodating housing at different affordability levels. Please see also Master Response 2.3.12.8 regarding residential displacement.

COMMENT LETTER I26 – JUDITH LAMARE

From: Judith Lamare

Dear Chair Nybo and Planning Commissioners:

Neighbors of Capitol Towers and Villas has submitted the attached comment to the City's environmental review unit on the DEIR for Sacramento Commons project. This includes the results of an independent arborist report summarized below and attached. We urge you to achieve much more certainty for tree canopy protection and no net loss for future tree canopy than is being offered by Kennedy Wilson in their Sacramento Commons proposal. We also address in detail a number of other issues, **including the proximity of new buildings to our existing residential towers.**

I26-1

Neighbors of Capitol Towers and Villas contracted with Gordon Mann, a certified arborist, to review the DEIR and project arborist's report (Dudek Report). Key findings of the Gordon Mann Arborist report are:

I26-2

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

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

I26-3

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

I26-4

- The non-Heritage trees to be removed provide much higher benefits than the Heritage and City Trees but only the Heritage and City tree removals are mitigated. The Dudek report in Table 2, on page 15, shows that only 16 trees out of 291 trees in the inventory (18.2%) are in Fair/Poor to Poor condition. Almost all of the trees to be removed are in good health and can be maintained and continue to add value and services to the property and community with acceptable risk. (Mann, p. 6, 7, 8)

I26-5

- The proposed landscape plan would remove existing landscape and then take between 20 and 25 years or more to meet the existing site ecosystem services even if fully implemented and

I26-6

maintained by property owner. Absent the project, the existing landscape would continue to provide the current or higher level of those ecosystem services over those 20 to 25 years. The cumulative annual ecosystem services lost over these 20-25 years is not being recognized or calculated. (Temporal loss is not identified). (Mann, p. 7, p. 10)

↑
I26-6
cont.

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

I26-7

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

I26-8

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

I26-9

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

I26-10

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

I26-11

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

I26-12

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

I26-13

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

I26-13

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

126-14

Jim Pachl & Jude Lamare

RESPONSE TO COMMENT I26-1

The commenter makes reference to an attached arborist report and requests that the Planning & Design Commission review the arborist report.

This comment letter and the referenced arborist report are provided for City Council consideration (see Response to Comment O6).

RESPONSE TO COMMENT I26-2

The commenter notes that the arborist report included as an appendix has an accurate and reliable inventory, health assessment, evaluation, and risk assessment and that, in the opinion of the commenter, the City Street Trees at the project site should not be included.

Please see Master Response 2.3.2.9.

RESPONSE TO COMMENT I26-3

The commenter alleges that tree mitigation is not sufficient.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.7, 2.3.2.8, 2.3.2.9, which address tree removal, the landscape plan, tree mitigation, the City's significance determination, and tree growth estimates.

RESPONSE TO COMMENT I26-4

The commenter believes that rooftop trees should not be included in the calculation of ecosystem services.

Please see Master Response 2.3.2.12, which addresses rooftop trees and Master Response 2.3.2.3, which addresses the landscape plan. The DEIR provides information about ecosystem services both with and without the rooftop trees for decision maker consideration.

RESPONSE TO COMMENT I26-5

The commenter states that non-heritage trees are proposed to be removed but not mitigated.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.7, 2.3.2.8, 2.3.2.9, which address tree removal, the landscape plan, tree mitigation, the City's significance determination, and tree growth estimates, and Master Response 2.3.2.12, which addresses non-heritage trees. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT I26-6

The commenter discusses the length of time for the landscape plan to provide current or higher levels of ecosystem services.

Please see Master Responses 2.3.2.2, 2.3.2.3, 2.3.2.7, 2.3.2.8, 2.3.2.9, which address tree removal, the landscape plan, tree mitigation, the City's significance determination, and tree growth estimates.

RESPONSE TO COMMENT I26-7

The commenter suggests that the landscape plan is not likely to be successful.

Please see Master Response 2.3.2.3, which discusses the landscape plan and likelihood of success. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. See also the Response to Comment O2-18.

RESPONSE TO COMMENT I26-8

The commenter discusses the monetary value of trees.

Please see Master Responses 2.3.2.8 and 2.3.12.5, which discuss mitigation for tree impacts.

RESPONSE TO COMMENT I26-9

The commenter discusses landscape plans for each alternative.

Please see Master Response 2.3.7.4, which discusses alternatives analysis, including analysis of tree impacts.

RESPONSE TO COMMENT I26-10

The commenter discusses the monetary value of trees.

Please see Master Responses 2.3.2.8 and 2.3.12.5, which discuss mitigation for tree impacts.

RESPONSE TO COMMENT I26-11

The commenter discusses the monetary value of trees and rooftop trees.

Please see Master Responses 2.3.2.8 and 2.3.12.5, which discuss mitigation for tree impacts. Please see Master Response 2.3.2.12, which addresses rooftop trees and Master Response 2.3.2.3, which addresses the landscape plan.

RESPONSE TO COMMENT I26-12

The commenter discusses protection of trees during construction.

Please see Master Response 2.3.2.3, which addresses the landscape plan, and Master Responses 2.3.2.8 and 2.3.12.5, which discuss mitigation. A landscape architect and arborist have confirmed that the proposed project can accommodate all 147 ground level trees included in the Conceptual Landscape Plan. The applicant has agreed to revise Mitigation Measure 4.3-2 to clarify that the proposed project is required to plant at least 147 ground level trees as part of the landscape for the proposed project. Mitigation Measure 4.3-2 has been revised to list recommendations set forth in Appendix E to the Arborist Report rather than to incorporate the recommendations by reference. See also the Response to O2-18.

RESPONSE TO COMMENT I26-13

The commenter discusses soil volume and growing space.

Please see Master Response 2.3.2.3, which discusses the landscape plan and Master Response 2.3.2.12, which addresses rooftop trees, including growing space.

RESPONSE TO COMMENT I26-14

The commenter discusses the landscape plan, mitigation, tree species, and irrigation.

Please see Master Response 2.3.2.8 and 2.3.12.5, which discuss mitigation and Master Response 2.3.2.3, which addresses the landscape plan.

COMMENT LETTER I27 – MICHAEL GALIZIO

From: [Michael Galizio](#)

Dear Planning Commission:

I am urging you today to find an alternative to the misguided and not workable proposal for Sacramento Commons being considered this week. Here are six key reasons why this proposal should be stopped: I 127-1

1) During the CEQA process it is incumbent upon the City to provide the necessary leadership, guidance, and commitment to ensure that CEQA law is upheld. Design problems warrant design solutions. Preservation and progress can be achieved at the same time through finding realistic and workable solutions. We are depending on the Commission to do just that. I 127-2

2) The Capitol Towers area is a historic district worth preserving for future generations to experience and enjoy. **The neighborhood is already one of the most densely populated residential areas in downtown Sacramento and is vital and working - don't destroy it for some Beverly Hills money guys.** I 127-3

3) Sacramento Commons' planned demolition and redesign of the historic district will have devastating impacts on numerous levels that CAN and HAVE TO be avoided I 127-4

4) There are at least 30,000 new or entitled units in or close to Central City and another 21,946 units nearby in Natomas, South Sacramento, and West Sacramento. More than could ever be sold or inhabited. I 127-5

5) There are other more suitable sites — that do not contain an established historic district and park neighborhood — that would benefit from such development. Be smart, tell the developers what Sacramento needs not the other way round. I 127-6

6) Water. We don't have any. We cannot, and it is not responsible for you, approve more and more housing in an area that just does not have the water capacity to accommodate the thousands more residents the money guys from Beverly Hills are proposing. The Stanford University Report warns: "It's not a multi-year drought that's getting progressively worse as the years go by. It's that it has barely rained at all this year. That's a much more acute situation in a lot of ways." In addition the report concludes that there is more than a 50% chance that this drought is the "new normal". How can you continue to approve more and more residential building when there is not enough water to handle the existing population? I 127-7

Thank you.

Michael Galizio

RESPONSE TO COMMENT I27-1

The commenter urges the Planning & Design Commission to find alternatives to the proposed project and expresses disagreement with the proposed project.

Please refer to Master Response 2.3.7 for a comprehensive discussion of alternatives.

RESPONSE TO COMMENT I27-2

The commenter generally discusses the design and environmental process.

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 I27-3

The commenter expresses support for preserving the proposed project site structures and mentions the site's density.

Please refer to Master Response 2.3.4 for a comprehensive discussion of historic resources and Master Response 2.3.11 for a discussion of density.

RESPONSE TO COMMENT I27-4

The commenter expresses opposition to demolition on the proposed project site.

Please refer to Master Response 2.3.4 for a comprehensive discussion of historic resources. 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 I27-5

The commenter discusses other project entitlements in Sacramento and suggests these other entitlements cannot be sold or inhabited.

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 2.3.7.5 for a discussion of off-site alternatives.

RESPONSE TO COMMENT I27-6

The commenter suggests that other sites would be preferable to the proposed project site.

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

RESPONSE TO COMMENT I27-7

The commenter discusses water supply.

The City along with much of the State of California is in a state of declared drought. The City has implemented water conservation measures consistent with the Stage 2 Drought described in the City's 2010 Urban Water Management Plan (Section 5.2.3.1 "Stages of Action"). This stage of drought is sufficient for conservation of water up to 30%. The City's conservation goal is 25%, consistent with the Governor's Executive Order B-29-15. The City will continue to enforce Stage 2 drought measures and will implement new measures that will be applicable to new development (also consistent with Executive Order B-29-15). The City Stage 2 drought response does not include suspending the issuances of new connections to the water system. The City anticipates that its water conservation measures will protect its water supply and does not foresee the need to suspend new water connections (Armijo, pers. comm., 2015). Moreover, increasing the percentage of City residents that live in high density residential infill units is one tool that can be used to reduce average household water use within the City. Multi-family homes use approximately half the amount of water for outdoor use compared to single-family homes and approximately 42% of total residential water use is for outdoor landscape irrigation (Public Policy Institute 2006). Therefore, the City views higher-density infill development as part of the solution to address the current and future drought situations.

COMMENT LETTER I28 – TOMMY LEUNG

Letter I28

From: tleung@iuno.com

Dear Mr. Johnson:

I would like to echo SacMod's comments regarding this project.

The Sac Commons project falls far short of achieving its lofty goals. In fact, the project does much to destroy the symbiotic relationship between urban living and environmental friendliness that currently exists. What the Sac Commons project guarantees is the destruction of existing housing with no certainty of replacing same, let alone increase housing units. Sac Commons also guarantees the disruption of existing public transportation by eliminating the major bus stops at 7th and O Streets (for example, see what happened to this bus stop during the recent water/sewer pipe replacement work done along 7th Street) and 5th and O Streets without even mentioning remedial efforts in the DEIR -- must seniors and individuals with disabilities be forced to endure this disruption just so some unknown investors can make an extra buck? The Sac Commons project guarantees the erection of barriers to pedestrian travel along N, 7th, P, and 5th Streets, forcing walkers and individuals with mobility problems into the gutter, without providing for remedial measures in the DEIR just so some investors can make an extra buck.

I28-1
I28-2
I28-3

Developers have plenty of vacant lots on which to erect housing -- as you will recall, the former SACA Tower property is available, and a combo condo/hotel project was proposed for that site, just like one of the structures highlighted in this DEIR. Let this developer experiment on that site -- if it fails, no harm, no foul. If this developer fails on this Super Block, the results would be disastrous -- the destruction of hundreds of housing units, and the surrounding neighborhood. I am sure you have all heard of the South Bronx, the ghetto that was the highlight of urban blight. Well, did you know that before the developer Robert Moses decided to put up the freeway (called the Cross Bronx Expressway) that cut through that South Bronx neighborhood, it was a vibrant, thriving community? Well, just like the South Bronx, the failure of the Sac Commons project can turn this Super Block into California's version of the South Bronx -- do you want this to be your legacy? I notice the DEIR does not discuss the results of a failed project -- do you wonder why?

I28-4

Thank you for your consideration of these comments.

Tommy Leung
Bridgeway Towers Resident

RESPONSE TO COMMENT I28-1

The commenter generally discusses the project and the removal of housing.

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. As noted first in the Project Description, Chapter 2 of the DEIR, and then throughout the DEIR, the project proposes a net addition of between 965 and 1,061 dwelling units. Please see Master Response 2.3.10.3 for a discussion of accommodating housing at different affordability levels.

RESPONSE TO COMMENT I28-2

The commenter discusses public transit during construction, a separate project to replace a sewer main, and impacts for seniors and persons with disabilities.

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. See also Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction, Master Response 2.3.6.2 for discussion of traffic management during construction.

RESPONSE TO COMMENT I28-3

The commenter references barriers to pedestrian mobility.

See Master Response 2.3.6 for a discussion of actions taken to ensure public access during construction and Master Response 2.3.6.2 for traffic management during construction. See also Response to Comment I28-2.

RESPONSE TO COMMENT I28-4

The commenter discusses vacant lots and other failed projects.

See Master Responses 2.3.6.1 and 2.3.12.9 for a discussion of economic feasibility and project abandonment. Please see Master Response 2.3.7.5 for a discussion of off-site alternatives.

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.

↑
129-5
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.

↑
129-6

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CITY OF SACRAMENTO
PRESERVATION COMMISSION MEETING
APRIL 15, 2015

TRANSCRIPT OF AUDIO RECORDING

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

Transcribed by:
Lynne M. Homan, CSR #8630

File No. A9052F6

<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>

H1-1

H1-1
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

Page 6

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

Page 7

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.

Page 8

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

Page 9

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

Page 10

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

Page 11

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

Page 12

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,

Page 13

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

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

H1-4

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

H1-4 cont.

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

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.

H1-7

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.

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

H1-8

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.

H1-9

A9052F6
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)

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

H1-14
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,

Page 26

H1-15

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

Page 27

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

Page 28

H1-15
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

Page 29

8 (Pages 26 to 29)

H1-15
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

Page 30

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

Page 31

H1-15
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

Page 32

H1-16

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

Page 33

H1-16
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

Page 34

H1-17

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.

Page 35

H1-17
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

Page 36

H1-18

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

Page 37

H1-18
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.

Page 38

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

Page 39

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

Page 40

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

Page 41

H1-18
cont.

H1-19

H1-20

H1-20
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

Page 42

H1-21

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

Page 43

H1-21
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

Page 44

H1-22

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

Page 45

H1-23

H1-23 cont.	<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.</p> <p>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?</p> <p>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.</p> <p>24 There are more suitable sites that would 25 benefit from such development. As a matter of fact, the</p> <p style="text-align: right;">Page 46</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.</p> <p>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.</p> <p>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 style="text-align: right;">Page 48</p>	H1-27 cont.
H1-24			H1-28
H1-25	<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.</p> <p>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.</p> <p>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.</p> <p>18 CHAIRMAN FULLER: Thank you. William 19 Burg.</p> <p>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 style="text-align: right;">Page 47</p>	<p>1 for improvement on the site.</p> <p>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.</p> <p>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.</p> <p>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 style="text-align: right;">Page 49</p>	H1-29
H1-26			H1-30
H1-27			

H1-30
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.

H1-31

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

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

H1-32
cont.

H1-33

H1-32

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

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

H1-34

H1-35

H1-36

H1-36
cont.

H1-37

H1-38

H1-39

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

H1-39
cont.

H1-40

H1-41

H1-42

H1-43

H1-44

H1-45

A9052F6
TRANSCRIPT OF AUDIO RECORDING APRIL 15, 2015

H1-45
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.

Page 58

H1-45

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?

Page 59

H1-46

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

Page 60

H1-46
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

Page 61

16 (Pages 58 to 61)

H1-46
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

Page 62

H1-47

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.

Page 63

H1-47
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

Page 64

H1-48

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

Page 65

H1-49

H1-50

H1-50
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

Page 66

H1-51

H1-52

H1-53

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

Page 67

H1-53
cont.

H1-54

H1-55

1 dense and could become quite valuable to the city as a
 2 whole, with its 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

Page 68

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

Page 69

18 (Pages 66 to 69)

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
H1-59			H1-63

H1-63
cont.

H1-64

H1-65

H1-66

H1-67

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

Page 74

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.

Page 75

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.

Page 76

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?

Page 77

H1-68

H1-69

H1-70

H1-70
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

Page 78

H1-71

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

Page 79

H1-71
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

Page 80

H1-72

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

Page 81

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

<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>

H1-72
cont.

H1-72
cont.

H1-73

22 (Pages 82 to 85)

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

<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>

H1-73
cont.

H1-73
cont.

H1-73
cont.

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

Page 90

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

Page 91

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

Page 92

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

Page 93

H1-73
cont.

H1-74

H1-75

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

<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>

H1-75
cont.

H1-75
cont.

25 (Pages 94 to 97)

H1-75
cont.

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.

Page 98

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

Page 99

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?

Page 100

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

Page 101

<p>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?</p> <p style="text-align: right;">Page 102</p>	<p>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,</p> <p style="text-align: right;">Page 104</p>
<p>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.</p> <p style="text-align: right;">Page 103</p>	<p>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</p> <p style="text-align: right;">Page 105</p>

<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>	

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

<p style="text-align: center;">A</p> <p>A9052F6 1:24 ability 86:25 108:4 able 19:16 42:14,16 55:23 86:24 absolutely 18:6 absolutely 18:10 33:5 58:5 absorbing 54:11,11 abstentions 4:22 26:6 80:4 85:4 99:13 accept 24:12 88:11,11,14 88:21 acceptable 60:7 94:21 96:6 98:22,25 accepting 76:19 accepts 79:18 accession 65:17 accident 24:19 achieve 46:3 achieved 46:17,20 47:13 66:14 79:4 achieving 84:14 acknowledges 66:17 acre 46:8 48:19,21,24 action 31:4 43:17 68:21 86:5 108:7 actions 26:23 88:20 activities 66:18 actual 16:7 22:21 27:16 29:9 42:16 70:13 98:10 ad 100:4,21 102:25 103:3 103:7,9,10,18 104:12 add 18:17,20 42:4 55:1 76:2 78:6 83:25 92:10 92:16 105:9 added 12:21 66:3 93:5 adding 36:19 46:17 58:11 73:12 addition 8:9 55:13 103:19 additional 8:15 13:3 18:25 27:20 30:12 44:15 53:19 55:13 56:13 58:11 71:25 89:21 103:10 additions 62:7 address 28:7 33:22 67:9 72:12 73:17 100:1 addresses 67:11 addressing 33:17 56:2 adds 54:4 adequacy 33:23 adequately 89:14 adjourned 107:8 admin 106:9 admirable 67:21 adopt 8:21 24:6 adopted 24:16 adopting 4:3 17:10 advisable 81:2 aesthetically 7:6 affordable 12:12 afraid 102:1 afternoon 61:24 Agency 6:7,8 agenda 2:4,19,20 68:13 80:1 99:21 100:16 105:2,3,10 agendize 105:15,23 agendized 105:25</p>	<p>agendizing 105:22 ago 49:15,17 agree 10:6 16:19 39:22 43:15 77:2 82:9 90:11 agreeable 95:6 Agreed 25:5 agreement 43:19 103:18 ahead 93:21 95:21 AIA 13:8 aided 13:24 air 54:12 56:1 alignment 61:20 alley 42:14 allow 13:2 31:7 75:8,19 87:24 allowed 11:9 allowing 12:19 81:1 alluded 82:10 alongside 48:14 altered 65:11 alternative 32:13,13 36:7 37:3,4,23 38:4 39:12,12 40:3 49:2,4 54:17 55:4 56:2 58:9 69:6,15 71:12 76:6 78:8 87:3 88:5 90:18 91:13 92:7 95:13 alternatives 32:4,7,11 34:21,24 35:1,6,8,11,14 35:16 36:9,10,12,25 37:14,19,20,21 38:17 38:19 39:10,11,16,21 49:9 52:1,5 53:10,10 55:2,5,11,14,15,18,21 56:17 57:2 59:5 60:12 60:12,15,20 61:1,4,14 61:14 62:14,21,24 64:4 71:10,11 73:23 75:18 78:2,3,4,11,12 83:12 84:13 87:20 89:21 91:20 92:1 93:21 95:12 95:15,16 96:24 97:1,1,2 98:19 Alveralto 19:3 amazing 25:6 ambiance 52:13 amenable 58:9,16,22 101:17 amend 83:24 87:14 94:6 amended 78:18 amending 79:14 91:9 amendment 87:18,19,23 amenity 20:22 54:3 American 72:11 amount 25:6 70:13 82:19 83:10,14 analysis 55:25 62:20 64:5,8,17,19 71:10,24 73:23 75:1 79:11 86:23 87:2 89:4,5 104:19 analyze 55:16 analyzed 37:12 61:5 76:7 analyzes 89:9 ancillary 80:8 and/or 100:6 Angeles 82:4 Anniversary 99:22 100:6 103:3 answer 9:2 33:19,20 59:17 anticipation 35:23 anybody 4:4,7,12 22:14</p>	<p>24:11 25:25 32:1 33:22 79:15,20 80:12 84:1 90:7 99:2 105:2 anyone's 82:23 anyway 63:1 apartment 7:20 8:4,12 10:23 apartments 10:24 11:15 12:14 55:8 61:21 80:8 90:20 apologies 32:22 apologize 99:17 apparent 83:17 apparently 36:8 61:9 86:15 appeal 45:7 appear 82:18 83:11 84:12 89:20 appeared 75:5 appears 28:9 34:22 64:7 67:7 92:24 appendix 67:5 73:11,11 73:13 applicable 79:1,7 applicant 9:3,16 27:3 29:19 30:13 31:22 32:15 38:1 54:21,23 55:6 58:20 83:19 84:8 89:24 91:8 applicant's 32:12 applicants 90:23 application 5:19 40:22 applications 30:6 59:2 appoint 100:8 102:21,24 103:2 appreciate 25:7 28:8 40:7 63:24 70:5 83:2 100:18 approach 27:9 56:19 57:3,14 approaches 56:16 57:11 appropriate 24:25 32:23 44:17 53:2 56:9 72:5 73:12 76:2 77:10 92:3 93:25 94:18 approval 29:19 30:12 43:19 44:2 86:9,17 90:13 92:19 93:8,9 94:19,19 approvals 30:1,13 92:9 approve 4:9 21:24 27:18 27:19 31:8,16 52:17 81:8 85:21,23,24 86:24 87:14 88:4 92:18,19 93:6,6 97:12,12 approved 55:12,13 56:8 86:11 87:10 approves 30:4 approving 85:10,10 87:16,21 April 1:6 2:2 archaeological 64:8 70:6 archeological 64:17 71:24 architect 12:11 13:11 17:16 81:19 82:3 architects 10:16 14:4,10 19:9 20:14 architectural 10:5 12:9 13:24 24:8 56:25 architecturally 17:1 architecture 9:14 10:6</p>	<p>13:8 19:17,21 25:1 area 5:22 6:13 7:3,3,4,7 11:7 17:7 18:5,23 19:2 21:13 42:16 46:14 48:5 50:24 51:10 53:18 62:1 areas 11:11 14:1 46:6 47:1 52:11 58:14 arena 48:21,22 argue 70:14 argued 77:17 argument 69:21 art 9:14 12:22 Artist 48:13 artistic 7:1 13:18 asked 85:18 asking 30:19 43:22 74:18 74:25 aspect 70:3,9 aspects 7:14 assembling 56:21 assertion 10:2 assist 56:25 associate 5:11 18:8 56:14 associated 7:7 11:19 association 13:20 14:23 assume 5:8 61:10 100:23 100:23 assuming 102:23 assurance 80:21 astronomical 70:12 ATKINSON-BAKER 1:19 attachment 31:14 attainable 60:16 attainment 62:25 attend 48:12 attest 108:2,5 attorney 108:6 attorney's 76:13 audio 1:12 108:3 automatically 15:9 Availability 28:5 available 9:8 28:5 31:22 69:15 avoiding 60:14 62:1,22 award 19:22 awards 13:7,9 awareness 33:9 axial 12:16</p>	<p style="text-align: center;">B</p> <p>B 27:9 61:19 65:24 80:6 86:25 97:9 back 2:15 11:13 27:4 28:6 45:18 57:17 62:11 63:3 66:23 70:11 77:9 78:14 105:8 106:5,16 background 3:1 73:4 baffles 89:23 balance 20:15 36:21 74:2 74:11 balanced 12:24 89:4 balancing 52:5 75:5 balcony 13:1 Ballew 16:13,14,15 Barnes 6:22 12:10 Barnes' 81:16 Barry 17:12,14 51:13 based 15:12 29:21 31:17 41:8 83:11 87:4,7,19 88:2 96:1,3,7 97:16,18</p>	<p>basic 69:16 basically 26:15 34:9 42:22 50:4 55:4 59:17 68:18 80:10,20 85:10 85:11,14 100:5,13 101:1 basis 16:8 97:15 102:14 103:7 Bay 18:23 19:2 beast 26:9 beautiful 10:17 17:4 beauty 43:23 54:9 began 78:18 beginning 11:17 83:2 behalf 2:10 49:12 believe 2:16 9:19 14:5 16:20 35:21 51:18 60:3 71:13 believed 14:4 beneficial 103:21 benefit 31:9 46:25 50:23 57:14 benefits 41:25 67:16 Berkeley 24:20 Bernardi 6:21 12:9 best 55:15 72:14 88:16 102:9 108:4 bet 60:3 better 47:16 56:19 61:15 61:23 74:2,11 91:22,22 beyond 2:11 34:10 51:2 bicycle 46:1 big 50:2,2 Bill 16:21 bills 54:13 Birnbaum 13:21 bit 22:24 26:9 29:9 42:5 86:1 bla 41:23,23,23 Blackford 6:24 blank 4:19 blighted 6:6 11:11 51:3 51:12 block 29:1,1 42:10,14,17 43:9 48:20 69:16 blocks 42:11 69:17 Board 14:21 100:11 Board's 14:24 100:10 boards 30:11 body 28:10 87:21 96:7 bordered 5:22 Boulevard 23:20 boundary 5:22 6:1 Bowns 3:10,11 81:6,7 88:9,10 89:2,2 90:11 91:19 99:24 100:2,3 101:1 102:10,24 103:2 brainstorming 100:23 breaking 19:23 breezeways 12:18 Bridgeway 21:12,12 29:3 brief 16:18 94:20 95:3 briefly 26:23 97:16 brighter 14:11 bring 2:17 90:13 broad 25:1 brought 23:18 67:15 75:4 93:4 build 11:13 50:10 build-outs 28:25 building 7:15,20,24 8:4</p>
--	---	---	--	---	--

8:10,10,11 29:6 30:14 40:21,24 44:8 45:9 48:14,25 70:11 buildings 7:5,19,21 8:12 8:13 10:23 12:12,17,18 13:2,5 16:1 19:18 21:18 23:6,8 41:9 46:4 50:8 62:16 66:15,16 69:8 70:15 72:17 74:11 76:4 built 10:21,25 11:2 20:10 20:12,17 21:5 23:21 51:4 66:16 bullet 40:22 71:2 94:7 bulleted 40:16 Burg 14:19,20,21 47:19 47:20,20 58:21 Burg's 51:17 business 31:20 42:21 69:18 button 95:22 buys 50:8	42:21 48:6 50:24 51:10 52:11 53:13 54:5,5 69:18 century 6:13,18 12:8 CEQA 47:9,11 60:11 61:2 62:21 66:10 71:12,14 71:18 73:24 89:18 certain 38:4,7 73:13 certainly 2:11 21:23 26:22 43:21 45:14 50:18 53:13 70:8 77:1 91:2 92:16,25 CERTIFICATE 108:1 certification 86:18 certified 86:11 certifying 86:13 Chad 77:17,17 chair 5:11 20:4 26:22 34:5 53:7 76:15,25 94:12 102:21 Chairman 2:1 3:20,21,23 4:11,14,18,21 5:3,17 9:4 14:14 15:18 16:12 17:12 18:13,15 20:1 21:8 22:1,3,9,16 24:2 25:5,15,19,22 26:5 27:22 28:14 31:24 32:16,25 33:3,5,18,21 34:2,4 36:1 40:10 43:2 44:4,19 45:16 47:18 49:10 51:13 53:4 54:20 54:22 56:4,10,12 57:20 58:4,15,25 59:21,24 60:3 63:4,19 66:4,7 68:16 71:4,6,15,17 73:20 76:8,12 77:1,24 78:7,13,21 79:9,13,19 79:23 80:3 81:4,11 82:6 83:6,20,23 84:19,23 85:3,20,25 87:12,25 88:9,23 90:14 91:15 92:15 93:22 94:5 95:1 95:13,18,23 96:17 97:20,23 98:4,20,22 99:1,5 100:2,19 101:18 101:21 102:22 103:1,22 104:1,3,8,20,25 105:14 105:24 106:15 107:6 challenge 55:20 challenged 12:2 47:8 chamber 3:1 33:22 chanceral 57:16 change 30:17 59:7,18 changes 88:17 chapter 13:8 64:7 character 14:12 21:4 character-defining 36:18 characteristics 7:23 8:10 8:25 24:11 characterized 19:22 Charles 13:21 check 45:9 Chicago 19:14 choice 92:5 choices 92:22,23 93:10 chunk 54:16 circled 29:6 circular 7:17 8:8 circulation 7:25 13:25 circumstances 91:7 cite 66:20	cited 71:13 cities 11:10 50:14,18 52:7 city 1:5 2:3 5:8,9,16 7:8 8:21 11:18 12:11 14:23 15:15 17:9,20 20:14,23 21:2,4,7 25:14 26:14 31:3,6,7 33:12,12 34:13 38:7 41:21 42:11 46:13 46:20 47:10,16 48:7 49:25 50:13,24 51:10 52:10 53:3,14 54:5,5 59:9 62:12 68:1,3 76:13 85:23 86:11,12 89:24 91:24 92:4 94:1 100:6,7 103:4 city's 14:12 22:20 46:20 48:5,8 51:2 73:7 89:15 clarification 23:1 78:7 79:14 86:5 98:1,15 clarifications 76:11 clarified 76:21 77:18,18 clarifies 97:25 clarify 56:6 71:11 74:6,14 74:16 78:16 83:24 clarity 63:9 76:17 class 21:7 50:12,13,18 classification 48:22 clean 64:22 clear 88:18 clearance 6:7 clearly 15:1,12 48:15 clerk 2:18 close 46:9 co-equal 84:11 code 31:6 codes 66:16 codify 67:1 collaboration 13:12 collection 10:13 23:22 College 82:1 color 30:10 55:2 colossal 90:6 combination 62:6 combined 30:24 33:11 come 3:4 9:8 12:4 19:15 27:4 34:14 43:12 45:1 51:6 52:23 56:22 58:15 60:6 63:3 comes 24:22 71:9 comfortable 77:21 coming 25:7 44:13 51:21 51:21 commemoration 100:5 commend 24:17 62:13 comment 27:1,2 28:3 30:21,25 39:5 44:12,12 45:14,17 57:23 60:2 71:19,20 72:2,18 73:9 80:17 87:1 commentary 3:6 4:6 47:24 60:5 63:11 68:21 77:2,25 85:15 95:6 96:18 commenting 27:23,25 comments 2:4 3:5 4:1 27:7,12,13 28:1,7,8,21 40:6 47:23 51:17,20,21 56:7,13 60:8,10 62:11 63:6 64:1,3 65:10 66:10 68:15 69:4 70:19 71:3,9 75:17,25 76:17,19,23	82:9,11,25 83:5 86:25 96:14 97:19 commission 1:6 2:3,6 3:5 4:1,2 5:16 10:9 17:8,15 17:21 18:16 20:6 22:4 25:9 26:14,24 27:5,7,14 27:15,18 28:15 30:20 30:22 31:1,2,16 34:6 41:5,10,11,15 43:17 44:11 51:22 52:24 59:25 62:10 63:23 68:20 71:23 72:5,15,18 73:10 76:18,24 80:15 81:3 84:7 85:17,19,22 90:25 91:6 92:5 93:19 94:9,17,25 95:11 96:10 96:23 97:6,7 98:18 100:15 103:17 104:13 Commission's 96:14 97:19 99:21 100:10 commissioner 3:8,9,10 3:11,12,13,14,15,16,17 3:18,19 4:9,11,15,16,17 5:10 17:14 24:14,15 25:11,12,17,20,23,24 32:22 33:16 39:23 40:11,12,13 41:18 42:25 43:2 44:20,21 45:20 57:24,25 63:16 63:20,21 64:3 66:5,6,8 66:9 68:16 70:18,20,21 70:21 71:5,8,13,16,19 72:20,24 73:2,9,18,20 74:14,15,16,25 75:2,3 76:9,10,20,21,21 77:5,6 77:19,19,20,25 78:1,10 78:14,15,16,22,23 79:12,15,17,21,23 80:15,16 81:6,7,8,12,13 81:14 82:7,8,25 83:7 84:3,20,21 85:5,6 86:3 86:4,15,21 87:12,13 88:1,9,10,24,25 89:2 90:11,15,16 91:16,17 92:17,24 93:15,17,22 93:23 95:25 96:25 97:5 97:20,21,23,24 98:4,6,8 98:12,14,16,23,24 99:4 99:5,9,10,12,24 100:2,3 100:10 101:1,18,19 102:10,24,25 103:2,2 103:12,14 105:6,7,8,16 105:23 108:18,20,25 commissioners 4:5 9:5 9:12 21:10 22:13 24:3 27:2,11 51:15 54:23 60:4 68:17 69:5 77:4 81:5 83:24 86:1 87:11 91:18 93:14 100:9,20 103:6,20 commit 102:1 commitment 47:11 66:17 committee 99:23 100:4 100:22 101:20 102:25 103:3,4,18,19 104:13 105:17 common 46:3 Commons 9:23 16:7,10 28:18,24 45:20 47:2,4 47:15 community 5:12 10:4	12:24 28:15,22 34:7 42:20 45:25 54:2,4 61:9 89:13 102:15 Company 55:10 compare 67:2 74:21 compared 33:8 34:22 comparing 74:9 comparison 74:19 compensation 79:6 complement 48:11 complete 44:25 45:7 47:24 75:24 completed 10:19 44:7 46:23 66:20 completely 49:7 88:13 complex 14:3 complexes 21:22 complicated 26:9 63:24 complicates 65:2 complications 26:21 component 11:5,16 compromise 36:15 38:12 58:10,17 83:17 91:3,21 92:2 93:24 compromises 82:18 Compton 28:14,15 32:9 33:16 35:20 41:2 42:9 43:15 44:10 45:3 concentration 7:4 concept 31:17 62:3,13 76:3 77:4 79:7 concepts 61:10 62:8 conceptual 29:24 concern 50:2 92:11 concerned 22:6 75:16 97:25 concerns 48:3 concise 95:5 concluded 104:16 concur 81:8,14 92:16 condition 43:19 44:7 45:4,11 conditions 24:13 27:20 29:21 33:8 44:16 49:23 85:11,24 87:24 88:4,4 88:11,12,16,21 90:12 92:19 93:6,9 94:19 97:13 confidential 64:6 configuration 42:24 confirm 5:15 conflict 90:2 conform 30:8 conformance 36:19 confused 34:20 38:18 41:1 confusing 38:24 confusion 74:4 Congratulations 26:7 Congress 65:18 connector 81:23 consider 31:12 41:22 49:2,3,5 73:12 105:12 considerably 62:19 consideration 33:14 103:16 105:10 considerations 41:19 66:10 considered 57:17 59:19 67:4,16,17 100:20 105:13
--	--	---	--	--

<p>considering 33:9 80:19 89:18 95:16 consistent 24:7 89:10 consolidate 42:14 consolidated 62:5 constituent 89:13 constraints 92:20 construct 29:22 constructed 6:20 11:16 construction 6:10 11:12 29:13,17 30:1,15 41:7 48:14 66:18,23,24 67:2 67:2,8,11 70:14 73:17 74:10,20,22 consultant 36:25 39:3,4 consulted 77:15 consulting 5:20 contain 64:13 containing 47:23 contains 28:21 contemplate 20:24 contentious 2:11 context 55:25 57:9 continues 10:18 14:11 continuing 12:16 continuity 7:5 contradictory 48:10 contribute 14:12 contributing 7:9,11,13,18 8:23 16:16 23:17 contribution 101:16 contributions 101:13 contributors 22:19 controversial 2:8 conversation 88:3 convey 95:5 Cooke 106:7 Copies 28:4 core 14:1 52:11 90:19 correct 15:23,24 38:10 43:14 79:12 85:16 98:11 100:25 108:9 correctly 43:5 costly 60:17 costs 74:13 council 5:8 8:21 15:15 17:10,20 21:2 25:14 26:14 30:4 31:4,7,11 85:23 86:11,12 counsel 77:12,18 96:9 counted 19:11 counting 35:21 country 12:6 19:8 county 17:16 County's 46:3 couple 40:14 56:13 65:10 100:14 course 15:4 22:18 29:2 32:14 45:5 59:7,18 88:19 court 1:19 47:8 cover 57:8 Cox 22:2,3 crafted 37:14 crafting 95:19 create 12:23 42:19 52:13 71:2 created 92:7 creating 12:17 42:19 54:10 68:11 creation 20:17</p>	<p>creative 21:16 criteria 6:4,14,18,24 7:2 7:10 11:23,25 12:7 13:16 15:2 22:21,22 23:3,4,12,15 38:20 critérias 7:12 critical 18:24 Crocker 81:24,24 CSR 1:22 108:13 culmination 100:24 cultural 9:18 13:21 15:17 16:17,21 36:6,13,16 37:11 38:14,23 39:3 57:13 61:18 64:2,4 83:13 84:14 91:25 94:3 96:3,5 culturally 17:2 Cupertino 81:20 curation 73:4 current 40:22 48:2 54:3 87:4 currently 9:23 35:23 47:14 62:1 72:1 91:9 100:17 106:21 cut 59:16</p> <p style="text-align: center;">D</p> <p>D 24:9 Dailey 19:4 daily 16:8 21:14 dais 22:14 97:17 99:7 damaged 6:6 data 46:8 date 28:8 106:1 Dated 108:10 Dave 54:21,23 58:25 day 27:12 deal 18:4 104:15 dealt 92:24 debate 54:24 decide 21:21 decision 53:2 59:6 63:5 86:12,13 94:25 95:4 declare 108:8 deconstruction 80:9 dedicated 9:13 107:1,2 deemed 53:25 55:22 DEERING 3:8,10,12,14 3:16,18,20,22 5:1 23:2 33:24 34:3 39:9 56:6 73:5 77:11 85:17,21 86:10 95:8,14 96:9,20 97:18 98:11,16,21 99:25 102:20,23 103:25 104:2,7,23 105:20 106:5,23 107:5 defense 67:19 defensible 59:8 64:18 definable 7:3 define 12:5 definitely 23:17 defy 35:18 degree 37:6 39:25 40:3 60:16 61:6 62:25 75:7 75:20 82:15 83:18 84:4 84:7,13,16,18 DeMars 6:22 12:10 demolish 11:11 49:20 50:5 62:2 83:18 87:22 demolished 49:18 50:16 65:25</p>	<p>demolishes 96:4 demolishing 53:21 demolition 9:24 26:16 27:10 29:4 31:8 41:6,20 41:22 42:7 43:7,16,20 44:2,5,23 45:5 47:6 49:16,22 67:14 69:10 69:13 70:1 74:13 75:5,9 80:7 81:1,1,2,9,16 82:12 83:10 84:4,8,17 84:17 87:16 92:8,11 96:2,6 97:9 104:15 105:18 demonstrated 65:20 demonstrates 15:2 66:22 denial 87:17 88:8 90:12 91:10 92:6,25 94:19 denied 84:8 dense 20:14,15 48:18 67:20 68:1 densely 46:6,14 denser 67:24 densification 70:2 density 20:19 36:19 38:4 42:4 46:8,9,11,17,20 48:19,20 52:2 53:13,13 53:15,17,19,24 54:15 55:19 58:12 61:16 67:21,22,25 68:2 69:25 75:7 78:4,11,11 79:4 80:20 89:22 91:23 94:1 97:2 deny 27:19 52:22 53:8 54:18 84:4 85:24 87:5 87:13,23 91:7 92:18 93:6,18,19 95:11 96:7 96:15,23 97:12 98:18 denying 83:10 87:6 96:1 96:3 department 5:12 28:16 34:7,15 44:8 depend 41:10 depending 64:19 deposits 64:12,14 depth 64:10,14 75:10 describe 26:23 described 37:12 description 15:22 design 6:21,25 8:11 9:14 12:2 13:9,10,17,19,24 17:16 19:22,23 26:14 27:5,15 30:20,21,25 31:2 40:16,19 41:3,4,8 41:11 43:8,13,17 44:11 44:25 45:6 47:12,12 52:24 56:25 68:20 76:18,24 80:15,22 81:25 84:7 85:19,22 90:25 91:6 93:19 94:8 94:17,25 95:11 96:23 97:6 98:17 designation's 24:6 designed 6:16 7:16 14:3 14:9 21:15 24:20 51:18 55:5 57:3 designers 10:16 12:20 designs 35:9 desirable 67:22 69:20 desperately 101:25 destroying 46:11,14 53:21</p>	<p>destruction 53:11 detail 7:12 91:2 determination 31:13 80:25 determine 74:23 determined 15:6 16:22 65:5 96:2,5 develop 11:5 42:16 70:18 developed 11:3 104:15 developer 11:3,17 49:17 50:3 51:5 56:24 91:24 developers 23:21 development 5:12 7:6 9:22 11:20 18:11 23:20 24:19 26:18 27:17 28:16,22 30:3,7,8 34:7 36:24 38:7 40:17,23 43:8,19 46:25 50:1,7 52:9 55:17 57:5,12,16 59:2,14 62:17 67:13 69:3,20 79:2 85:8,12 87:5,6 88:12,15,20 91:2 developments 19:8 46:11 dichotomy 36:5 69:13 died 81:19 different 15:2 23:21,21 26:10,12 39:20,21 41:9 88:14 94:13 difficult 75:25 80:24 99:16 difficulty 99:17 direct 3:5 90:2 directing 76:22 direction 16:1 44:15 88:4 directly 21:12 99:24 director 17:15 55:11 106:22 107:3 Director's 4:24 106:6 Directors 14:21 disagreement 64:22 65:1 disapprove 47:14 discouragement 105:19 discuss 22:14 63:3,10 68:6 78:3 discussed 31:21 32:5,14 51:22 68:4 74:3 85:9 87:15 96:6 discussion 22:13 23:4,24 24:3 25:9 26:1,16 51:20 59:24 60:1,12 68:23 69:7 70:7 73:23 74:4,8 75:9,10 76:6 77:3,7,17 78:22,24 81:5 84:24 85:13 86:1 87:11 88:13 89:12 91:12 93:4,8 94:10 95:2,19 96:13 97:17 99:2,6,22 102:5 103:9,13,23 105:15 107:7 discussions 63:14 70:5 100:22 106:4 dismiss 35:7 dismissed 37:10,25 38:5 60:20 90:22 displacement 57:7 dissertation 27:24 distinctive 11:25 distinguished 13:11 district 5:6,21 6:1 7:1,3 7:10 8:22,24 13:18 14:6</p>	<p>16:16 17:11 22:18 23:16,19 31:20 41:13 41:14 42:21 45:22 46:12 50:15 51:8 53:22 54:1 58:24 69:18 district's 9:23 districts 23:9 50:14 disturb 2:24 disturbance 34:25 35:15 docks 47:1 53:18 document 44:18 47:23 64:18,21 65:3 66:11 documentation 65:11,14 65:16,19,21 68:7 70:7 72:4,6,10 89:3 doing 61:11 97:16 104:10 105:18 106:13 107:3 Don 22:2 doubt 69:14 downtown 17:7 18:3 21:23 46:7,15 50:19,21 50:22 51:3 67:22 downtowns' 11:17 dozens 46:18 draft 26:15,25 27:6,25 28:2,4 47:23 51:20 71:5 drainage 34:8,11 drawing 29:24 Dreyfuss 6:24 due 13:23 28:8 47:2 duration 63:11 dwelling 29:11,15</p> <p style="text-align: center;">E</p> <p>E 24:10 25:18 e-mail 47:22 e-mailed 28:22 e-mails 47:21 Eadle 54:21,22,23 56:16 59:1 earlier 16:22 78:25 81:9 82:11 85:9 93:11 96:5 105:9 early 13:7 50:15 easier 80:17 east 5:23 15:24,25 east/west 61:22 easy 80:24 echo 64:3 89:1 economically 46:5 educational 73:3 Edward 6:22 12:10 81:16 effect 62:23 effecting 57:4 effects 60:15 61:18 66:13 73:25 effort 69:2 102:11 Eglaven 37:17,17,17 38:10,15,21 39:1,22 40:7 eight 7:20 EIR 26:15,25 27:8,25,25 28:2,4,11 32:4,7,24 33:1 34:22 35:10 36:5 36:15,22 37:8,13,13,19 37:20,24 39:4 40:6 45:21 47:24 48:2 49:3,8 49:23 51:20,25 53:9 54:19 55:2,4 57:5 58:18 59:4,16 60:10,10,18,19 61:8 62:9,12,14,20 63:2</p>
--	---	---	--	--

63:3,11,16,18 64:1 66:3 66:10,25 68:15,17 70:4 70:7,9,19 71:3,5,15,16 71:17 74:4,6 75:11 78:9 83:16 84:15 86:7,12,14 86:18 89:12 91:20 94:4 97:8 either 12:25 15:25 36:5,7 36:11 43:18 68:14 73:13 101:2 elaborate 42:5 element 7:15 48:7 80:11 92:4 elements 7:15 13:24 90:21 elevations 30:10 eligibility 15:3 22:20,25 23:2,3,12 64:23 eligible 6:4 7:10 15:1,6 15:12,15 16:23 53:25 65:5 eliminate 37:5 Elise 5:11 9:5 Elle 37:16,17 embellish 9:9 embodied 74:10 embodies 46:2 embraced 14:10 Emeritus 17:17 Emmons 6:22 12:10 emphasis 53:23 emphasize 20:8 76:2 emphasized 75:23 employee 108:6 encourage 22:7 39:4 72:23 103:5 ended 82:24 endorse 18:18 endorsement 18:17 ends 9:1 103:21 energy 66:19 67:1,3 70:13 74:9,10,12,20,21 74:24 engaged 55:10 enhance 59:11 enhanced 52:21 enjoy 14:8 enjoying 16:9 ensure 14:11 47:11 72:16 entire 20:22 54:4 59:13 entitled 46:22 entitlement 47:15 entitlements 43:21,22 44:6,24 45:6 46:19 50:4 environment 20:12 64:15 environmental 28:2 33:24 37:18 39:24 66:12 87:9 envision 38:11 era 14:9 19:25 Escherick 19:4 especially 64:14 69:14 70:15 essentially 42:10 48:4 62:10 74:1 83:17 establish 55:10 100:4 established 43:14 45:21 45:25 55:3 74:6 84:10 90:3 establishing 75:14 evaluate 52:25	evaluated 82:20 evaluation 5:20 39:3 48:3 52:5 Evan 28:12,15 31:24 44:5 evening 5:10 9:11 14:20 16:13,14 18:15 20:2,3 21:9,10 28:12 45:18 49:11 50:16,17 52:3 53:6 54:22 80:18 81:10 88:19 93:11 event 7:7 55:21 101:2 events 7:5 101:3 eventually 71:2 everybody 2:13,22 3:4 45:17 54:25 99:15 everybody's 28:9 evolution 20:9 exact 35:21 78:5 exactly 44:1 58:18 62:21 69:11 75:2 examine 55:14 examined 57:15 59:5 example 6:16 8:3,5 11:25 18:4,21 19:19 21:14,20 23:20 24:25 36:16 38:3 58:13 61:13,19 81:22 82:4,5 examples 8:11 53:20 58:23 81:17 excavation 64:10 excellent 3:23 9:4 25:19 27:22 34:2 63:19 66:7 79:13 81:11 82:6 83:6 83:23 84:23 85:11 87:25 91:15 92:15 101:21,21 103:22 105:24 exception 29:5 excluded 49:8 excludes 29:2 excuse 45:21 86:12 executed 6:17 exhibits 8:2 existing 33:8 35:15 40:21 40:24 42:18 48:24 49:6 50:8 58:13 62:16 66:24 74:11 88:12,15 90:3 92:6 96:2 exists 48:17 62:1 70:11 expected 74:20 expecting 31:2 expended 74:21 expenditure 67:3 experience 14:7 65:20 72:11 experienced 72:16 experts 10:5,6 explain 36:22 65:2 96:14 97:15 102:14 explanation 35:19 98:9 explore 68:12 105:16 explored 36:15,21 40:4 62:3,9 75:15 104:17 exploring 91:14 express 14:24 extent 33:13 exterior 40:20,23,25 extremely 54:6 eyes 10:1	F 73:11 fact 14:6 17:2 18:25 23:19 46:25 48:11 50:14 52:2 69:9 82:17 82:21 83:11 factors 57:4 75:5,9 facts 87:4 fall 38:17 49:9 57:3 failure 49:2,3,5 90:6 fair 19:11 fairly 69:9 77:21 fall 100:24 101:3 familiar 35:21 far 20:7 34:8 36:24 45:10 50:9 61:16 73:18 74:3 91:18 100:14 favor 4:19 16:15 26:3 46:13 79:25 85:1 99:10 feared 49:19 feasible 41:24 75:20 83:17 92:3 93:25 feature 68:3 features 7:22,25 8:1,5,9 8:24 10:24 24:10 36:18 39:16,17,19 62:15,16 76:3,4 federal 15:12 45:23 feel 16:6 feeling 71:23 72:4,14 82:21 feet 29:12,16 64:11 fellow 87:11 FEMALE 23:23 77:11 feverishly 93:2 field 73:1 82:14 File 1:24 filed 59:2 fill 2:16 64:11 final 27:25 28:11 30:1,10 30:19 31:2,4,12 40:22 43:21 44:2,16,18 45:11 55:24 56:11 87:9 finally 22:1 54:20 65:24 financially 108:6 financing 6:10 45:1,10 92:9 find 15:15 24:6 31:9 55:16 67:3 102:8 findings 96:10 98:1 fine 50:13 77:2 104:18 finesse 22:23 firm 5:20 6:23 first 5:14 6:5,9,19 10:22 11:7,16 13:13,14 15:20 19:22 33:6 36:4 40:15 43:7 45:18 49:15 56:13 61:23 63:21 94:13,14 106:16 five 6:25 7:10,12 13:16 24:5 81:17 flexibility 29:21 flip 50:3 flipping 50:5,6 floor 12:25 13:1 30:10 78:17,25 96:22 focus 60:12 61:11 follow-up 44:4 82:24 footprint 62:6 forefront 6:11 foregoing 108:2,9 foreseeable 55:22	Forgive 14:16 form 4:7 12:23 24:12 26:23 48:2 63:7,12 68:18,23 76:16,19 79:6 94:18,22 formal 28:17 43:17 62:11 65:15 86:25 94:16,23 formally 65:16 105:12 formed 49:13 former 17:15,15,16 formerly 14:22 20:5 103:15,16 forming 30:2 formulate 44:15 formulated 45:4 Forrest 3:12,13 4:9,12,15 40:12,13 41:18 42:25 43:3 63:20,21 66:5,6 72:20,24 77:5,6,25 78:1 78:10 79:17,21 88:24 88:25 93:15,17 96:25 98:5,8,17,23,24 99:9 Forrest's 77:20 98:14 forth 91:1,8 fortunate 24:20 forward 4:23 8:20 21:1 25:13 30:20 31:16 32:3 37:13 38:2,18,25 41:13 41:17 42:13 43:12 87:24 93:4 94:15 97:8 97:11 forwarded 26:13 27:15 94:8 forwarding 17:9 58:19 68:19 foster 12:24 found 39:11 Foundation 13:22 founded 104:14 fountain 7:18 8:8 16:9 four 6:19 11:1 12:7 15:1 35:7 36:11 42:11 49:19 49:19 55:12 62:15 framework 30:2 43:24 91:21 frankly 21:22 49:24 51:1 51:4,5 93:7 fresh 10:1 friendly 46:1 78:17 front 5:13 28:20 30:21,25 full 47:24 94:9 103:17 Fuller 2:1 3:20,21,23 4:11 4:14,18,21 5:3,11,17 9:4 14:14 15:18 16:12 17:12 18:13 20:1 21:8 22:1,9,17 24:2 25:5,15 25:19,22 26:5,22 27:22 31:24 32:16,25 33:3,5 33:18,21 34:2,4 36:1 40:10 43:2 44:4,19 45:16 47:18 49:10 51:13 53:4 54:20 56:4 56:10 57:20 58:4,15,25 59:21,24 60:3 63:4,19 66:4,7 68:16 71:4,6,15 71:17 73:20 76:8,12,15 77:1,24 78:7,13,21 79:9 79:13,19,23 80:3 81:4 81:11 82:6 83:6,20,23 84:19,23 85:3,20,25 86:15 87:12,25 88:9,23	90:14 91:15 92:15 93:22 94:5,12 95:1,13 95:18,23 96:17 97:20 97:23 98:4,20,22 99:1,5 99:12 100:2,19 101:18 101:21 102:22 103:1,22 104:1,3,8,20,25 105:14 105:24 106:15 107:6 fully 36:7,12 46:5 89:25 functional 89:25 fund 68:9 75:14 101:5,6 further 34:11,17 66:16 67:8 68:20 71:10 72:6 77:3 78:16,21,23 79:11 84:23 87:2 94:5 95:6 99:1,6 102:5 103:5,23 108:5 furthermore 46:16 54:15 future 14:7,11 16:4 29:21 30:3,5 35:10,24 47:17
			G	
			gain 61:23 game 80:24 garage 7:21 11:1 80:8 garages 29:13,18 62:4 garden 7:20 10:23,23 11:15 12:11 55:8 61:21 80:7 90:20 gardens 14:1 Gardner 19:4 gathered 12:1 gathering 10:20 gem 18:6 general 23:16 24:7 31:6 31:18,20 34:15 46:10 48:6,8 52:8,9,9 57:10 66:22 74:17 84:12 89:6 89:10 90:4 92:3 94:2 generally 29:1 generate 94:7 generating 101:4 generation 101:6 generations 14:7 Gentlemen 101:22 get-go 93:10 getting 54:16 71:21 give 30:17 given 45:14 46:21 79:14 82:16 92:22 93:10 gives 17:23 28:6 53:9 glad 62:18 go 7:11 17:24 20:23 24:20 27:3 30:6 31:2,3 34:10 41:14 45:8 50:1 51:2 52:15 57:17 64:11 77:22 86:22 87:24 90:16 93:21 95:20 99:24 106:5 goal 33:13 39:23 42:2 90:4 goals 34:15 36:20 38:1 46:20 51:2 76:7 83:15 84:11,15 88:6 89:6 90:23 92:3 93:25 94:1 goes 42:1 70:13 86:23 105:17 going 7:11 8:17 14:19 16:8,9 19:11 27:4 31:11 31:11 37:1 41:5,7,13 42:15 44:13 60:9 63:6	
	F			

63:17 70:23 75:6 77:8 80:22 92:12 95:8,19 96:21 98:1 99:23,24 102:24 105:8 good 5:9,10 9:11 14:20 16:13,14 18:15,19 20:2 20:3 21:9,10,19 23:25 28:12 39:6 45:18 49:11 52:7 53:6 54:22,25 89:20 106:10 Governor's 13:9 grand 12:25 great 2:24 19:17 21:20 24:25 32:16 37:7 83:4 greater 40:3 61:6 75:10 greatest 39:25 green 10:20 21:19 50:20 Greenland 66:21 Gretchen 9:12 18:17 32:20 21 45:18 56:14 58:15 grid 12:16 42:3,21 59:11 59:11 Gropius 19:13 ground 50:10 92:14 group 14:4 groups 2:9 growth 35:24 guess 44:22 70:25 71:1 78:19 80:9 82:8,9,20 86:4,21 87:11 88:10 90:23 93:17 101:8 guidance 17:23 47:11 guided 52:4 guideline 61:2 guidelines 43:8,13 49:20 60:11 62:21 71:12,14 71:18 72:12 73:24 guides 58:23 guilt 102:18 Gumm 5:10,11,18 guys 63:25	52:2 75:4 83:9 91:18 97:22 98:8 hearing 8:20 15:21 31:2 95:10 hearings 30:6 heart 86:23 heat 61:23 heating 54:13 height 41:9 heightened 33:9 held 44:6,8 Hello 45:19 help 62:19 70:23 72:19 100:21 102:9 106:11 helper 93:3 helping 54:12 helps 2:25 heritage 17:21 100:7,18 high 7:1,19 10:14 12:4,13 13:5,18 20:15,15 21:18 28:18 58:12 62:5 66:13 80:11 90:21 higher 42:19 48:20 highlight 19:6 22:24 73:23 102:15 highly 13:11 69:19 historic 5:5,21 7:3 8:22 9:17,20,23 10:3,7 14:6 15:16 16:16,18,21 17:11 21:3,23 23:9,16 24:8 31:8 36:6,13,16 37:2,11 38:13,23 39:15 41:13,14,22,25 45:22 46:12,18 48:4,8 50:14 50:15 51:8 52:20 53:1 53:11,21 54:1 58:11,24 61:6,18 62:2 65:8,8 72:11 73:15 74:5,7 75:19 82:15,21 83:13 84:9,11,14 88:7 90:4 91:25 94:2 97:3 history 7:8 10:5 11:20 14:5 20:10 73:6,7 83:1 83:4 105:20 hoc 100:4,21 102:25 103:3,7,10,10,18 104:12 hold 8:20 32:20 hole 92:13 Homan 1:22 108:2,13 hope 15:14 16:25 19:16 21:1 70:17 hopefully 23:14 28:6 44:14 84:19 102:18 hoping 16:3 70:19 hotel 29:10,15 House 16:2 housing 6:16 11:4 12:1 14:3 46:12 50:19 53:14 57:6 Howes 65:15 Hoyer 11:3 Huck 3:14,15 44:20,21 66:8,9 68:17 74:14,16 75:2 76:9,10,22 77:19 78:16,22,23 79:12 81:12,13 88:1,2 101:18 101:19 102:25 103:2 105:7,8,16,23 Huck's 82:25 huge 54:16 63:23	hum 106:17 hundred 48:15 <hr/> I idea 30:18 55:14 104:16 ideal 47:1 ideas 100:23 101:4 105:5 106:4 107:7 identical 12:3 identified 40:2 ignores 53:24 54:1,7 89:8 89:11 ignoring 48:7 53:16,18 54:17 illogical 92:20,21 93:10 illustrated 90:18 91:13 imagine 43:18 95:20 impact 37:6,10 53:1 55:17,23 62:7 84:13 87:9 89:19 impacted 39:17,18 impacts 33:10 37:1,5,21 39:10,13 40:1 55:7 57:7 60:21 impede 60:16 62:24 imply 56:7 importance 53:12,24 54:1 76:2 important 7:8 11:19 16:21 17:22 18:11,20 18:25 21:15 24:8,23 29:25 impressive 10:15 improvement 49:1 91:23 inadequacy 54:18 87:1 inadequate 53:9 64:9 71:25 75:6 inadvertently 100:15 inappropriate 51:19 52:16,17 inaudible 12:1 46:11 92:13 104:14 include 7:16 17:19 29:4 29:10,11,15 43:23 74:12 78:3 97:1 included 6:21 12:22 79:10 includes 10:19 29:13,15 29:17 73:7 including 7:14,19,23 65:21 105:10 inclusion 24:9,10 incorporate 27:13 31:1 incorporated 28:11 77:20 incorporates 27:7 incorporation 13:25 increase 33:7,14 34:9,12 34:17 50:23 58:12 increased 35:25 94:1 increasing 48:6 increasingly 20:14 incredibly 92:20,21 increment 6:10 incumbent 47:9 independent 86:9 indicate 32:10 52:24 61:3 indicating 18:2 individual 27:2,11 63:7,8 63:13 individually 63:10 industrial 51:11	industry 72:13 inefficient 66:15 inevitable 82:16 infeasible 67:17 infill 48:18,25 50:21 infinite 92:23 informally 104:11 information 15:13 71:10 71:25 87:1,2,7,8,19 Ingenuity 47:14 inhabited 46:4 initial 11:15 62:17 inner 38:7 input 28:9 104:11 inputs 56:22 inseparable 20:13 insufficient 76:5 intact 10:17 integration 13:23 20:11 integrity 13:19 intelligent 21:16 intended 46:10 47:23 69:24 intensification 31:18 intensive 64:16 intentions 46:2 interested 91:9 108:7 interesting 51:25 79:1 interior 13:6 67:10 72:8 73:14,16 internationally 19:3 81:19 interplay 32:6 interpretation 47:6 65:25 66:1 73:6 interpretations 19:5 interpretive 72:21 investment 6:5 investments 11:13 invited 12:15 involve 23:5 55:19 72:20 involved 10:16 53:14 100:5 involvement 73:7 irony 80:17 90:7 irreversible 66:12 issue 14:16 18:1 25:8 36:3 44:13 70:3 75:21 85:14 92:8,10 103:23 issued 30:14 44:23,25 issues 2:11 52:20 57:6,6 57:9 63:7 69:25 item 2:17 3:24 4:24 5:4 15:22 24:7,8,9 26:8,25 27:9,12,16,21 32:19 55:8 57:23 68:13 79:25 80:6,13 85:7 87:3 92:21 93:5,13 97:9 99:19,21 100:3 102:19 103:8,15 103:16 104:3,5,6,9 105:1 items 2:5,6,8,19 24:5 25:17 40:16 86:25 <hr/> J Jacques 6:25 7:17 13:17 18:9 20:2,3,4 53:5,6,7 104:7,9,22,24 jail 46:7 James 11:3 Jlm 21:8,11 49:10,12	job 18:19 107:4 jog 60:6 Johnson 34:3,5,6,14 35:3 36:24 37:16 join 101:20 Joseph 19:4 judgment 75:8 Judy 15:19 juggle 75:25 July 31:4 jump 93:21 100:21 102:8 jumping 89:1 juncture 65:4 June 66:21 justification 42:7 48:4 83:9 94:20 justifications 97:15 justify 42:1 75:5 89:14 <hr/> K Karen 20:2,3 53:5,6 104:24 keep 88:25 keeping 18:10 Kennedy 50:3 51:6 54:24 58:8 60:23 kept 12:18 kind 21:6 24:19 30:17 42:19 52:10,13 54:17 67:25 68:8,8 69:4 74:16 80:21,23 82:10,11,20 86:16 87:14,17 88:17 91:10,23 105:17 106:16 knew 106:2 know 2:8,25 8:10,12,16 16:3 18:6 21:21 24:21 26:20 32:5,12,15 33:21 37:25 38:6 39:1,6,14,20 41:23 42:13,20 44:8,17 45:11,14 49:24,25 50:6 50:9,9 55:8 56:16,24 59:4,7 60:5,22,24 68:5 68:7,10 69:6,11,17,18 69:24 70:2,12,17 71:21 72:22,24 73:4 74:1 75:16,22,24 76:3 77:14 79:1,4,7 82:13 88:7 90:12 92:18 93:5 95:4 95:20 101:12,12 102:5 102:6,7,12 104:17 105:12 106:1 knowing 24:19 37:2 known 14:22 81:19 knows 91:6 Kunze 18:14,15,16 56:11 56:12 KW 50:7 <hr/> L laid 34:21 land 42:16 51:11,11 landmark 21:24 22:20,22 22:24 landmarks 23:5,7 landscape 7:16,25 10:5 10:24 12:11 13:22,24 20:12 62:16 72:11 landscaped 12:13 landscapes 72:17 landscaping 8:5 10:14
---	---	---	--	---

76:5 language 22:24 24:16 64:22 66:2 72:7,15,19 74:6,17 78:5 lapsed 45:7 large 13:14 90:19 largely 13:23 Larrabee 6:22 12:10 81:16 Larry 18:8 lastly 19:20 late 11:10 61:24 laundry 7:20 8:13 law 45:23 47:11 Lawrence 6:23 12:11 laws 108:8 lay 37:24 lead 103:13 leader 19:1 leadership 47:10 leads 21:6 87:2 leaning 92:17 leave 63:3 74:7 left 100:15 legacy 11:21 legal 104:10 legally 64:18 89:20 length 49:21 lengthy 97:7 lessen 39:13,25 40:3 52:1 84:13 lessening 39:10 60:14 61:17 62:23 73:25 let's 35:7 57:3 74:6 93:15 letter 5:15 10:10 13:22 62:11 76:23,24 94:7,22 97:7 letters 10:3 level 11:1 39:13,18,19 41:3,10,12 43:22 53:25 60:21 65:15 66:13 72:5 72:6,10 levels 15:12 Library 65:17 life 86:8 lifecycle 75:1 light 16:8 42:22 limited 54:6 line 47:3 lines 86:16 linked 42:21 list 10:15 15:16 50:24 listed 10:11 15:9 16:24 23:6,9 48:13 listen 27:3 listing 8:22 11:24 14:25 15:7,8,13 16:15,23 17:10 22:8 24:6 literature 19:12 little 3:1 22:24 27:24 29:9 34:20 42:5 55:1 75:15 75:24 80:16 86:1 102:16 105:20 Livable 5:16 live 52:14 liveability 54:4 living 10:18 25:2 65:23 86:8 local 6:23 10:4 15:11 Locally 19:3 location 13:19 17:3 42:24	47:1 60:13 Lofts 48:13 logic 35:18 88:22 91:7 93:8,8 95:3 logical 91:11 logics 87:22 long 50:24 59:6 70:10 78:4 95:4 99:14 look 30:9 37:5,20,23 52:1 57:17 61:13 83:2 89:20 looked 37:1 38:8 39:10 68:10 looking 4:1 5:4,6 8:6,18 37:14 41:4 50:3 60:10 61:4 68:18 74:9 75:12 75:18 78:8,19 85:10,14 88:13 91:10 93:13 103:9 looks 24:5 57:24 82:2 83:9 Los 82:3 lose 82:4 loss 31:9 41:25 67:17 82:15,19 83:3,5 lost 62:17 76:3,4 80:18 90:7 lot 22:5 39:15 42:12 44:12 45:14 48:3 50:21 53:20 56:16 58:13 68:10 69:7 love 50:13,22 68:21 101:22,24 102:1,10 103:1 low 7:20 8:12 10:14 12:17 13:2,4 21:18 68:2 low-rise 12:12 lower 78:4,10,11 97:2 lowers 54:13 Lynne 1:22 108:2,13	106:20,25 Marshack's 64:3 master 10:16 14:9 28:25 29:14,24,25 30:2,4,8 31:17 41:3 43:22 masters 12:9 materials 13:19 30:10 matter 22:11 46:25 54:12 57:22,25 matters 54:15,16 97:25 104:5 105:1 mature 54:7 maximize 76:17 95:18 97:2 maximizes 94:2 maximum 48:20 mean 18:7 34:11 39:18 70:10 82:25 86:7 96:17 106:20 107:1 means 9:25 measure 33:6 72:22 meet 6:14,18 7:2,10 22:20 36:12 37:22,23 38:19 48:23 55:6 61:2 72:8 88:6 91:23 92:3 93:25 meeting 1:6 2:7 3:24 4:10 30:23 38:1 43:13 59:9 61:7,16 73:25 75:20 76:7 83:15 90:23 94:3 97:3 100:15,17 105:25 107:8,9 meetings 3:25 100:14 101:15 meets 6:3,24 11:23,25 12:7 13:16 23:15 42:2 48:5 89:6 member 13:10 14:15 20:5 31:22 36:2 104:12 members 4:2 18:16 22:3 22:10 25:10 28:14 34:5 57:21 103:10,10,18,19 105:3,6 memories 60:6 Mental 4:19 mention 18:7 39:9 90:17 mentioned 57:8 78:25 79:2 92:10 merry 27:4 met 38:12 56:2 63:1 89:16 mid 6:17 11:11 12:8 middle 42:15 50:19,20 Mike 26:20 mind 43:5 52:10 minimize 37:1,21 62:6 minimizing 82:19 minimum 46:9 103:10 104:16 minor 88:17 minus 66:22 minute 89:1 minutes 3:25 4:3,6,10 76:22 mis-directions 15:21 missed 77:14 missing 40:18 mistake 90:9 mitigates 36:8 mitigating 34:18 mitigation 33:6 47:4,7	64:20 65:9 66:3 68:4,7 72:3,22 73:5,6 105:11 mitigations 75:13 mix 13:4 mixed 11:21 12:11 45:25 71:22 mixture 21:17 mode 2:23 modern 5:19 6:17,18 9:14 11:18 12:13 66:16 modification 88:15 modifications 40:20,25 61:5 modules 12:18 Moffett 3:8,9 4:13,17,17 4:18 25:11,12,17,23 70:20,21 71:5,8,16,19 73:2,9 74:25 75:3 76:20 78:14,15 79:24 82:7,8 84:20,21 85:6 86:3,4,21 97:5,23,24 98:6,12 99:4 99:5,10 Moffett's 79:16 moment 101:25 monetary 68:8 105:10 Monterey 82:1 monthly 102:14 months 49:17 56:25 60:24 moot 65:4 motion 4:3,8,15,22 5:7 8:20 17:9 22:14 24:12 25:12,23 26:3,6,13 27:6 27:14,21 32:10 63:10 63:12 68:18,23 69:1 70:18 76:16,19 77:9,17 78:4,17,18 79:16,18,22 79:24,25 80:4,14 83:21 83:25 84:2,4,22,24 85:1 85:4 93:13,14,18 94:6 95:9 96:15,21 98:2,10 98:13 99:2,3,6,8,13 motions 63:7,13 move 2:13 4:9 21:1 63:12 70:25 87:23 102:19 105:5 moved 19:5 42:13 98:17 moves 41:17 moving 3:6 4:3 5:4 26:8 26:10 40:11 45:16 76:8 80:6,14 85:7 92:25 99:20 103:8 multi-family 18:21 multiple 23:5,6,6,8 53:16 museum 66:2 72:20 73:1 73:2,4,8 81:24 82:3	64:20 67:18 75:10 94:22 103:20 need 22:5 23:1 28:10 30:8 37:22 57:10 61:16 62:1 65:1 70:23 83:18 93:14 95:20 103:24 105:25 needed 104:16 needs 24:24 37:15 57:17 69:23 negate 81:9 neglect 104:15 105:18 neglected 18:7 neighborhood 6:6 9:24 10:17 16:20 90:1 neighborhoods 90:3 neighbors 49:12,14 net 33:7 34:8,11,12,16 neutral 56:21 never 19:15 new 10:1 11:2,12 41:7 45:9 46:10 66:15,23 67:1,8,11 73:17 74:10 74:20 83:1 88:14 106:14 night 51:22 nine 38:9,19 61:7 67:12 83:16 84:15 88:6 no-brainer 22:6 NOA 28:5,6 noise 3:1 nominate 7:13 nominated 31:5 69:11 nominating 22:18 nomination 5:5,13,18 9:16,19,24 10:8,10 15:3 15:4,5,13 21:1 23:11 41:12 non-agenda 2:6 non-member 104:12 non-profit 9:13 non-renewable 66:18 north 5:22 6:1 15:23 north/south 61:20 Northern 13:8 18:22 note 27:23 28:19 29:12 29:23,25 41:2 73:16 81:14 noted 13:22 31:14 67:20 notes 40:20 66:13 70:22 71:22 noteworthy 13:13 notice 28:4 49:17 noticed 106:7,15 noting 22:19 24:7 42:9 notion 50:15 notwithstanding 69:25 nuclear 48:14 number 3:24 4:24 5:4 6:4 6:15,19,25 15:22,22 26:9,10 51:3 61:21 66:11 92:23 99:21 100:3 102:7 103:8 104:5,6 105:1
--	---	--	--	---

objectives 37:22,24 38:9 52:4,6 55:6 59:9 60:17 61:7 62:25 74:1 75:21 89:16 94:4 97:4	overly 65:2 overriding 70:3 overtaxed 33:10 overview 30:18 owned 20:22 owner 14:16 15:8 32:3 owners 23:21 ownership 23:9	perception 12:3 perfectly 89:25 performed 39:3 perimeter 90:21 period 7:7 11:19 13:12 28:3 60:6 66:23 70:12 74:23 83:1 98:20,21 periods 45:7 perjury 108:8 permeability 12:19 permit 44:23 45:5 permits 30:14 44:6,25 permitted 41:23 perplexed 86:22 person 7:7 39:2 perspective 10:1 90:5 persuading 22:5 phase 10:22 43:7,11 49:25 phases 10:21 43:6 phasing 49:22,24 phones 2:23 photographers 65:22 photographs 65:23 photography 65:21 72:12,16 photos 8:15 54:9 phrase 93:6 94:10 phrased 96:11 physical 7:6 picked 18:24 pictures 54:8 piece 19:12 102:6 pieces 26:12 63:8 pile 14:18 22:4 Piner 3:18,19 24:14,15 25:20,24 63:16,17 80:15,16 81:8,14 87:12 87:13 90:15,16 91:19 95:22,25 Pioneer 16:1,2,6 29:3 pioneering 11:7 place 10:18 14:8,13 17:1 20:19,23 21:5 24:21,24 44:18 52:12 92:9 101:3 106:17 placed 12:14 13:1 placement 7:24 places 10:20 21:3 52:8 53:12,15,23 plan 7:6 8:3 24:7 28:25 29:14,24 30:1,2,5,9 31:6,17,18,20 34:15 40:16,19 41:3,8 43:12 45:9 46:10 48:8 52:8,9 52:9 57:10 59:8 84:12 88:12,14,15,21 89:7,10 90:4 92:3,4 94:1,2 101:6,12 plan's 67:13 planned 6:15 14:3 20:16 43:8 Planner 5:11 planning 11:20 17:15 26:13 27:5,15 30:20,21 30:25 33:24 37:18 41:4 41:11 43:16 44:10 45:6 48:6 51:22 52:24 68:20 69:3 76:18,23 80:15 84:7 85:19,22 89:20 90:24 91:6 92:5 93:19	94:8,17,24 95:11 96:22 97:6 98:17 100:22 106:9,13,24 plans 30:10 49:5 101:4 plant 35:22 play 86:25 played 20:8 playing 75:17 plaza 7:18 10:25 14:1 plazas 12:14 please 54:17 60:8 74:15 80:1 101:23 plenty 58:22 plus 47:5 66:22 100:9 POD 43:13 podium 3:4 point 15:21 17:20 18:20 19:7,20 39:6 43:16 59:3 59:7,7 63:5 65:1,4 67:3 68:13 70:9 78:19 86:4 91:4 pointed 16:22 points 2:12 24:22 71:2 83:16 86:22 94:7 95:3 policies 31:18,21 34:16 59:9 89:6,9 policy 34:13 41:19,20,21 67:15,24 Poly 17:17 Pomona 17:17 pool 7:16 8:16 12:22 popping 32:1 populated 46:6,14 population 48:19 50:22 portion 45:10 57:23 90:19 portions 73:13 pose 58:7 position 91:21 positions 86:2 positively 51:16 possesses 7:4 possibility 68:11 79:8 possible 3:2 40:1 48:20 55:5 56:1 68:7 95:5 possibly 55:7,22 potential 55:15 65:17 potentially 88:14 practical 33:13 59:20 practices 72:14 precedent 19:23 preceding 56:15 preferable 32:11 prehistoric 64:13 premise 96:1,4 preparation 72:9,21 100:5 prepare 93:1 101:2 prepared 57:1 64:6,7,18 65:19 66:2 preparing 65:21 preponderance 38:13 presence 12:14 13:6 present 19:6 presentation 5:9 9:1,3 28:13 presentations 2:14 presented 2:5 15:13 52:18 57:2 62:14 72:1 75:11 87:4,7 95:17 96:24 98:19 99:9	presenting 56:17 106:8 presently 59:19 presents 6:4 preservation 1:6 2:3 4:1 8:19 10:4,9 14:22 17:8 17:21 20:4,4,6 27:18 31:15 41:15 47:13,21 48:1 52:21 53:7,7 55:11 58:8,21 61:8 66:21 68:9 69:2 81:3 89:6 92:4 93:25 97:3,7 100:7 103:4 106:12,21 107:2 107:3 preservationist 81:3 preserve 57:12 preserved 24:24 39:20 69:23 preserving 9:14 14:7 91:25 president 9:12 14:21 presumably 64:12 pretty 42:11 82:1 prevents 15:8 previous 82:9 83:5 previously 11:3 primary 101:5 prime 18:4 principles 12:12 46:2 prior 92:8 104:12 privacy 13:3 private 6:5 11:13,17 12:24 13:5 20:20 privately 20:22 privy 64:5 probably 27:23 31:3 56:8 82:22 problem 59:1 76:12 problems 47:12 procedural 41:16 proceedings 2:24 108:3 process 23:11 28:2 32:24 38:18 44:9 47:9 52:9 59:1 60:24,25 61:11 70:14 86:19 96:21 99:17 processes 99:18 professional 65:1,22 66:2 72:8,13,17,21,25 73:3,3,8 82:14 professionals 56:25 65:20 72:7 Professor 17:17 18:18 program 13:9 100:7 106:12 progress 47:13 Progressive 13:7 19:21 project 6:9,20 9:22 11:6,7 14:15 19:21 20:8 25:4 26:19 27:17,18,19,20 28:18 29:25 30:12,18 32:8,12,13 34:22,23 35:6,7,9,12,13,17,17,22 36:10,11,20 37:3,4,22 39:12 40:17,20,23 41:14,16 42:2,3 43:5,14 45:9 46:21 47:22 48:5 48:21,24 49:4 50:9 51:18,24 52:18 54:2,18 54:21 55:6,13 56:2 58:10 60:13,15,16 61:7 62:22,24,25 63:24
--	---	--	---	--

64:11 67:20 68:9,13 74:22 75:20 76:7 80:12 80:19 82:22 83:15 84:15 85:9,12,18,23,24 85:24 86:9,10,17,19,24 87:6,9 89:4,5,15,19 90:18 91:4 92:2,6,12 93:18,20,24 95:11,15 96:1,3,7,15,23 97:4 98:18 99:16 106:8 project's 46:16 74:1 projects 12:3 19:24 21:15 32:2 35:2 38:12 42:13 43:11 44:2 45:13 46:19 50:24 51:1,9 58:23 68:10 properties 8:7 22:20 23:8 51:3 73:15 property 6:3,14,18 7:2 14:16,25 15:1,6,6,8 22:7 23:5 32:3 39:15 42:8 43:9 50:8 51:11 65:8,14 proponent 9:7 proposal 5:12 28:25 32:12 59:2 91:2 100:4 proposals 31:10 propose 89:24,25 92:1 proposed 5:21 6:1 7:1,10 19:24 26:23 29:7 32:7 34:22,23 35:1,6,9,12,12 35:17,17,22 40:21 42:3 47:3,4,15 49:23 55:12 61:14,19 68:4 72:3,3 76:20 81:16 82:11 83:10 86:5 87:5,6 89:5 91:9 93:20 95:12 96:8 96:23 98:18 proposing 32:15 35:22 81:15 89:23 90:8 protect 17:21 67:18 protected 52:21 protection 36:12 39:24 48:8 90:3 provide 20:18,19 29:20 30:23 47:10 85:15 89:5 91:21 104:11 provided 5:20 12:20 42:6 85:5 87:7,20 89:3 108:3 provides 24:25 54:3,13 89:3 providing 44:14 54:13 provisions 31:7 proximity 47:2 prudent 89:20 public 2:4 4:2,4 8:20 13:5 15:21 20:21 22:10 28:21 30:6 31:9 36:2 41:25 44:12 45:14,17 50:20 52:6 57:14,21,23 67:16,19 69:5 105:2 PUD 49:19 67:6 purify 54:12 purpose 37:19 58:18 pursuant 44:21 45:22 46:10 pursue 59:14 92:7 pursued 84:16 push 95:22,23 put 18:3 32:2 37:13 38:24 52:25 55:25 62:10	63:25 90:21 91:1,8 94:22 103:6 putting 38:2 Q qualifications 72:9,13 qualified 65:23 qualities 80:19 quality 33:9 80:20,21 quantify 74:18 101:16 quantity 80:20 question 9:2 22:17 32:21 34:19 41:19 44:1 49:16 58:7 79:3 questions 3:6 9:6 24:2 31:23,24 32:17,24,25 36:4 40:14 43:3 44:20 52:19 58:3,5 59:22,25 60:4 81:4 100:12 105:6 106:4 quite 21:19 35:20 44:22 68:1 69:13 106:18 quorum 3:22 quote 21:6 quotes 71:18 R radar 82:23 rail 16:8 42:22 53:18 raised 52:19 57:9 86:22 raising 101:5,7 ram-rod 58:19 range 52:1 rank 19:9 rare 42:3,12 69:17,23 82:5 rarity 69:19 rational 15:11 rational 84:5 rationale 97:15 raze 89:25 re-examined 56:20 read 52:3 61:2 63:1 77:9 reading 27:24 realize 69:16 really 16:24 19:7 20:13 20:21 22:6 24:23 32:5 36:22 41:3,5 42:6 44:7 51:16 52:20 53:10 54:6 54:24 56:18 57:10 62:18 67:6 80:21 81:9 83:18 84:5 94:15 102:12,13,15,16 reason 23:18 reasonable 55:1,10 59:5 reasonably 55:22 reasons 84:9 104:10 Reay 6:22 12:10 receive 28:20 received 5:15 28:1,23 46:19 47:22 receives 76:18 recognize 21:2 106:11 recognized 9:21 11:21 13:7 52:14 recognizes 16:25 recognizing 23:15 recommend 15:15 17:19 27:9 64:16,21 66:1,25 87:5 92:5,25 93:18,20	95:10,12,15 96:22,24 98:17,18 recommendation 8:21 17:9,19 21:25 25:13,14 27:5,16 28:17 30:19 31:16,17 44:16 52:23 53:8,12 65:15 79:9 80:5 83:21 85:18,21,23 86:6 92:14 93:24 94:13,16 94:16,18,21,23 96:15 97:9,10,12 recommendations 5:7 24:4,13 68:19 71:6 79:10 80:14 90:24 94:14,14 recommended 65:6 87:15 recommending 31:15 50:15,16 81:1 84:6 102:20 recommends 8:19 27:19 reconsidered 103:17 record 22:21 48:1 77:13 77:22 81:15 93:3 97:16 104:23 recording 47:6 75:14 75:21 recorded 2:25 3:3 77:13 RECORDING 1:12 records 46:21 recreational 14:1 rectangular 12:4 red 29:6 redevelopment 6:7,8,11 6:16,20 11:6,7,10 12:1 12:3,5 14:5 19:24 redevelopments 19:8 reduce 33:13 37:21 60:21 62:7 reduced 89:21 reducing 55:7 61:17 82:19 reduction 34:11,17 reference 8:2 22:22 referenced 23:3 referred 6:17 18:23 refinement 91:19 regard 37:19 regarded 13:11 19:2 regarding 28:17 31:18 40:15,16 41:19 47:22 64:4,22 65:9,10 70:7,18 78:2 80:7 97:8,9 100:12 103:24 regards 31:5 region 9:15 regionalism 18:22,23 19:2 24:23 register 5:6,14 6:4 8:24 9:17 10:12 11:24 15:1,2 15:5,7,9,10,14,16 16:17 16:23,24 22:22 23:7,11 24:9 48:13 53:25 65:5,6 65:7 69:12 regulatory 86:8 rehabilitated 46:5 rehabilitation 41:24 67:11,17 73:16 rehab's 50:8 reiterate 69:4 70:8 rejecting 88:20	relate 64:1 related 7:23 86:14 relates 72:10 73:15 relationship 7:25 19:23 86:6 relative 71:3,12 72:2 73:5 73:10 86:13 95:14 105:21 108:5 relatively 83:3 relocated 29:8 relocation 80:9 remain 40:25 remainder 103:5 remaining 10:23 remarkable 46:9 remarks 18:17 56:14 remember 78:5 remodeling 40:24 remuneration 68:8 renewable 66:19 renewal 11:4 21:15 90:6 renovated 69:9 70:16 renovation 69:10 renowned 14:3 rented 89:25 REOs 29:1 repeat 35:3 52:15 repeating 90:9 repetitive 12:19 replace 6:5 67:10 90:1 replacement 34:20 66:15 92:7 replacing 66:23 73:12 report 4:24 5:1 9:9 15:4 16:19 18:19 22:17 23:4 23:24 31:15,21 32:14 40:14 42:1 52:3 66:20 87:9 89:11 90:19 106:6 report's 25:13 REPORTERS 1:19 reports 64:6 105:6 represent 16:5 representative 60:23 76:13 100:11 representatives 61:8 represents 18:21 23:22 81:20 request 27:6,10,13 28:17 80:6 87:2 92:6 94:15 requested 83:19 84:5,8 94:11 requesting 43:7 requests 40:23 require 41:8 71:24 required 30:13 64:10 89:17 requirement 33:7 requires 49:23 71:10 72:7 94:6 requiring 70:6 research 19:12 reserve 2:12 reshape 6:12 reshaping 13:14 resident 21:11 residential 7:19 11:5 18:5 31:19 42:12,18,20 45:25 48:6,15 58:12 62:5 residents 57:7 resort 41:23	resource 9:20 10:3,7 13:18 16:21 31:6,10 37:2 41:24 42:1 53:1,11 57:13 64:23,24 65:8 70:1 74:5,7 82:13,17,22 83:3 84:9 88:7 92:1 96:3,5 97:3 resources 7:9,11,14 8:23 9:18 15:17 16:17,18 23:6,17 31:8 35:15 36:6 36:13,17 37:11 38:14 38:23 39:15 40:1 41:22 46:18 48:4,9 49:6 58:11 61:6,18 62:2 64:2,4 66:19 70:6 74:21 75:19 82:15 83:13 84:11,14 94:3 respect 27:21 36:6 59:14 respite 20:18 respond 27:25 39:2 51:16 responded 39:7 Response 4:20 26:4 80:2 85:2 99:11 rest 56:15 59:25 102:11 restaurants 12:22 restore 62:15 restored 49:7 restoring 76:3 result 15:9 37:10 53:11 55:23 89:19 results 64:19 retail 12:21 29:12,16 retain 38:23 59:10,10,12 83:14 88:6 retained 29:7 36:17,18 76:4 90:20 retaining 21:3 47:5 83:12 retains 58:10 retention 38:13 75:19 84:10 94:2 returning 76:24 review 17:16 26:15,16,18 26:25 27:1,8 28:2 30:7 30:21,24 32:9 38:19 40:17,17,19,23 41:3,8 43:13 44:11 57:10 63:6 65:17 76:22 77:12 85:8 94:15 97:10 101:12 reviewed 10:9 67:6 80:18 reviewing 27:10 40:25 41:5 44:14 45:12 revise 93:20 revised 88:9 96:24,25 97:1 98:19 revisions 95:16 right 2:1,12,16 3:23,24 5:3,18 16:12 22:9 26:2 26:6,8 28:24 32:18 39:2 40:11 45:17 56:4,20 57:20 69:9,15,21 73:11 77:6,24 78:13,21 79:14 80:4 82:2 85:4,7,20 86:8,16 88:23 93:10 99:1,8,14,20 101:3 102:4,18 103:8,22,23 104:20,25 rights 57:16 79:2 rise 7:19,20 8:12 10:14 10:14 12:4,17 13:2,4 20:15,15 21:18,18
--	---	---	--	---

26:18 58:13 62:5 80:11 90:21 rises 12:13 river 51:1 rivering 64:15 road 99:15 Roberta 3:7 4:25 93:1 97:14 98:6,13 99:23 103:24 106:2 robust 64:17,20 70:6 role 17:20 20:9 52:19 106:14 roll 3:7 room 29:10 48:25,25 91:3 run-off 33:8,10,13 runs 2:11	secured 45:1 see 5:9 14:10 19:16 30:11 31:25 32:21 36:22 48:15,25 50:22 51:5 60:18,19 61:15 62:10 62:18,20 63:16 70:21 80:23 87:17,21 93:1,7 93:15 94:9 95:8 98:12 102:6,10 seeing 4:5,7,22 22:12 24:3 26:2 32:18 84:1,25 96:9 99:19 105:5 107:8 seek 46:3 seeking 29:19 50:4 segregate 23:12 select 2:9 19:8 55:5 selected 11:4 76:10 selection 71:13 sells 50:8 seminal 18:11 send 28:7 sense 14:13 21:5 46:13 50:17 54:10 sensitivity 64:8,17 71:24 sent 28:10 49:17 sentence 42:2,6 separately 23:13 serene 17:4 series 101:2 service 65:16 services 33:25 37:18 set 2:22 36:5 38:17,18 49:9 59:5 60:19 70:15 71:2 setting 12:13,23 13:19 43:23 sewer 33:11,11 shade 25:2 54:13 shame 60:25 61:11 82:4 shared 12:21 20:21 sheet 46:21 short 9:3 66:17 95:19 show 104:23 showing 74:11 shown 2:20 shows 8:16 91:3 sic 65:14 72:4 side 8:17 69:2,3,3 sides 13:2 signature 76:25 significance 16:25 21:2 82:17 significant 6:19 7:4,8,22 8:9,24 10:7 11:22 20:11 24:10 39:13,16,18,19 40:2 42:4,7 55:9,17,23 60:14,21 61:18,21 62:23 65:13 66:12 70:1 73:25 89:18 96:13,13 similar 23:8 98:13 simple 94:23 simply 20:24 51:7 61:22 75:6 simultaneous 86:16,20 sit 21:21 61:25 102:13 site 7:15,15,23 8:3 9:25 12:15,20 13:15 19:14 29:5,8,24 30:3 31:6 36:19 40:16,19 41:2,8 42:10,17,23 43:12 46:17 48:18 49:1,3	53:20,21 59:13 62:7 64:12 67:9,23,24 69:8 78:3,8,10,11 79:5 83:13 89:15,15,21 97:2 site's 14:10 sites 30:7 46:24 49:2,4 69:6,15 76:6 79:6 sitting 106:7 situation 42:12 60:19 82:24 87:18 six 43:10 49:17 50:5 66:11 size 41:9 42:23 slabs 12:4 slid 61:25 slightly 61:25 94:13 slips 2:15 slow 66:18 slum 6:7 small 8:1 smaller 42:17 61:24 so-called 11:11 soils 64:13 sold 79:5 solutions 47:12 somebody 9:8 73:1 somewhat 42:23 sorry 32:20 35:3,20 60:25 73:11 78:24 84:6 88:25 89:2 104:8 sort 2:23 22:4,4 36:15,20 38:16 65:4 75:17 96:18 101:9 sought 91:24 sound 104:10 sounds 88:3 sources 66:20 south 5:23 15:23 61:25 space 12:21 16:8 20:18 20:20,21 21:19,19 34:25 35:16 50:20 54:2 54:5 57:8 90:20 spaces 10:20 12:25 13:5 19:18 52:7 68:2 spatial 7:24 speak 2:9,17 3:4 4:4 9:8 14:16 22:11 24:11 25:8 25:25 26:20 36:2 54:18 57:22,25 59:16 63:17 68:17,19 95:7 97:14 99:23 105:3 speaker 2:11,15 16:13 51:14 56:11 104:6 speakers 14:17 32:19 56:15 58:3,5 63:15 speaking 16:15 49:12 105:9 special 14:8 17:1 52:7,12 specific 24:16 30:7 70:19 71:20 72:7,12,19,23,25 101:13 106:1 specifically 64:2 104:14 specify 8:24 splattering 56:18 split 50:4 spoke 52:10 spoken 20:25 sponsor's 52:4,6 sponsors 37:24 sponsors' 37:22 sprinkled 65:3	square 29:12,16 staff 5:9 8:19 9:6,9 15:3 16:19 17:18 18:19 21:24 22:17 23:4,24 24:4 25:13,15 27:19 28:22 30:22 31:15,15 31:21,21,23 32:14,17 33:17,25,25 40:14 42:1 42:9 44:14 52:17 53:8 54:14 56:3 57:17 63:22 69:1 76:22 77:8 85:15 89:11 90:19 93:1 94:6 97:8,11,13 102:20 106:22,24 107:1,2 staff's 32:11 52:4 Staggering 12:17 stakeholders 56:22 stand 51:23,23 86:2 standards 46:2 67:10,12 72:8,14,23,25 73:14,17 standpoint 56:21 57:5 stands 18:2 Stanley 15:19,20 start 14:19 32:19 44:15 50:5,6 60:10 70:25 93:17 started 10:22 11:10,13,21 82:22 starts 74:24 state 6:12 15:11 16:1 17:16,25 18:2 45:23 60:11 62:21 91:11 95:25 stated 61:7 83:16 89:2 91:8 statement 52:2 61:2 statements 74:18,19 states 35:10 41:21 60:11 stating 49:18 status 21:24 statute 39:25 steered 61:1 Steinberg 9:11,12 32:20 45:19 58:16 stellar 14:9 stick 63:11 sticking 99:15 stock 46:12 storm 33:11 story 8:4,4 11:1 strategies 101:6 street 5:23,23,24,24 6:2,2 6:2,2 8:17,18,18 12:16 15:23,23,24,25 47:3 59:11,12 streets 12:15 stress 75:18 stretched 101:25 strongly 17:8,18 18:9 structure 7:21 26:17,18 58:14 structures 8:14 27:11 29:4 41:6 80:8 studied 36:9,10 study 37:20 style 6:17 sub-committee 103:11 subdivision 43:10 subject 30:17 64:15 submit 5:7 9:19 30:5 45:8 47:25	submitted 5:19 65:16 subsequent 63:13 substantial 83:14 substantially 60:14 61:17 62:23 73:24 success 13:23 successful 10:18 45:25 50:18 90:1 successfully 47:8 sufficient 75:8 84:20 90:13 suggest 76:19 105:22 suggestion 77:7,12 suggestions 58:17,19,22 101:12 suggests 88:17 suitable 46:24 sum 80:23 83:8 summarily 37:9 summarize 2:12 76:23 97:14 summary 40:15 sun 61:24 super 29:1,1 42:10,17 43:9 48:20 69:16,17 supplemental 28:20 supplemented 76:20 support 5:15 10:4,8,11 14:24 17:18 22:8 25:4 29:12,16 52:20 53:13 83:5 90:8 supporting 51:23 supportive 18:10 suppose 63:4 67:5 supposed 58:18 supposedly 89:10 sure 33:25 60:7 77:9,23 79:17 83:22 91:5 92:12 96:20 99:19 106:18 surround 96:14 surrounding 62:2 survey 72:11 Susan 16:13,15 106:7 sustainability 66:14 70:9 74:9 76:11 sustainable 70:10,16 swept 106:8 swimming 7:16 8:16 12:22 synergy 42:19 system 33:11		
				<p style="text-align: center;">T</p> <table border="1"> <tbody> <tr> <td>table 28:6 56:20 59:6 96:16</td> <td>take 2:13 51:23 57:3 61:20 63:6 65:23 68:20 83:20 84:25 94:18 95:19 101:3 taken 2:4,6 43:17 56:1,17 56:20 57:12 106:9,16 takes 59:6 talented 6:21 12:1 talk 67:5 73:24 talked 22:18 talking 29:9 45:15 70:12 88:20 talks 66:11 tangible 91:1 tasks 101:5</td> </tr> </tbody> </table>	table 28:6 56:20 59:6 96:16	take 2:13 51:23 57:3 61:20 63:6 65:23 68:20 83:20 84:25 94:18 95:19 101:3 taken 2:4,6 43:17 56:1,17 56:20 57:12 106:9,16 takes 59:6 talented 6:21 12:1 talk 67:5 73:24 talked 22:18 talking 29:9 45:15 70:12 88:20 talks 66:11 tangible 91:1 tasks 101:5
table 28:6 56:20 59:6 96:16	take 2:13 51:23 57:3 61:20 63:6 65:23 68:20 83:20 84:25 94:18 95:19 101:3 taken 2:4,6 43:17 56:1,17 56:20 57:12 106:9,16 takes 59:6 talented 6:21 12:1 talk 67:5 73:24 talked 22:18 talking 29:9 45:15 70:12 88:20 talks 66:11 tangible 91:1 tasks 101:5					

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

<p>tax 6:9 team 6:21 12:2,9 13:10 14:9,15 19:10 31:22 56:21,21 81:25 tear 50:14,18,20 51:7 tearing 59:13 technical 64:5,6 tells 17:22 ten 64:11 67:12 tenants 16:5,7 49:18 tentative 30:16 term 66:17 terms 37:25 38:7 39:23 54:9,10,10,11,12 59:8 71:2,22 90:24 91:12 thank 4:11,14,18 5:17,25 9:4,6 14:13,14 15:17,18 16:10,12 17:11,12 18:12,13 20:1 21:7,8,25 22:1,8,9,16 23:25 25:3 28:13 31:23 32:16 34:4 39:8 40:7,9,13 41:18 42:25 43:1,2,25 44:2,19 47:17,18,20 49:9,10 51:12,13,15 53:3 54:19 54:20 56:3,4,9,10,12 57:20 59:20,21,23 63:21,22 68:16 69:1 76:15 79:23 88:23 90:14 98:25 99:15 103:7 104:20,22,25 106:3 Thanks 19:25 57:19 thin 101:25 thing 20:10 49:15 54:14 75:4 76:1 90:17 106:6 things 18:2 20:13 21:6 23:22 30:11 40:6 41:9 41:16 52:12 54:16 57:9 57:18 60:6 77:15 87:14 106:10 think 17:6 18:24 22:5 23:10,16 24:22,24 32:10,25 36:20 38:2 42:8 44:17 45:3 49:8 50:21 52:8,16 56:18,19 57:14 59:8,14 62:10,18 63:1,9 65:2,7,14 70:23 71:9 73:10 77:2,11,15 77:21 80:17,25 82:13 82:25 83:4,8 87:18 88:7 88:13 89:3 90:7,10 91:9 91:12,13 94:17,21,22 95:2,4 96:12 97:5,24 98:7,13 102:17 103:25 105:21 thinking 67:8 68:25 third 106:2 thoroughly 37:12 56:3 59:15 82:20 84:10 thought 52:16 67:12 69:13 76:1 78:25 thoughtful 13:25 104:18 threatens 9:23 three 2:9 5:4 7:20 8:4 10:21 11:25 21:18 26:12 27:21 35:7 55:12 55:13,21 61:15 62:15 86:2 87:14 91:20 92:18 92:22 100:8,16 threshold 34:10,10,16</p>	<p>39:14 thriving 45:24 throw 60:5 throwing 79:8 87:10 time 19:4 30:9 31:11 32:24 34:25 35:4,14 36:19 44:24 47:14 49:21 51:19 57:1 58:2 60:2 61:17,25 68:5,6 74:20 83:15 91:25 93:21 94:3 95:20 98:5 101:13 102:8 103:6 timeline 30:16 timely 2:14 times 42:12 timing 44:1,23 today 2:4 5:2 56:23 tomorrow 30:22 51:22 ton 59:16 tonight 2:20 20:7 25:7 26:24 27:6 28:5,9,16 30:19 32:10,24 85:10 89:13,14 96:13 tonight's 80:1 topic 44:22 torn 19:13 51:4 65:12 total 48:18 totality 23:22 totally 51:19 52:16 53:9 104:18 tower 7:19 8:12 11:1 16:2 16:6 29:3,3 47:5 61:19 92:13 towers 5:5,13 6:11,15 8:3 8:22 9:17,20 10:3,7,11 10:13,21 11:5,15,19,23 12:2,4,7 13:12,16,22 14:2,6,8 16:16,20 17:10 18:21 19:7 20:16 21:12 21:13 26:17 29:5 42:18 45:21,22 46:6 48:17,23 49:13 54:3 58:13 59:10 62:5 64:24 65:11,25 80:12 82:1,2 Towers' 13:4 trading 80:20 traffic 57:6 transcribed 1:22 108:3 TRANSCRIBER'S 108:1 TRANSCRIPT 1:12 transfer 79:2 transferred 79:5 transformation 11:18 transient 38:6 transit 48:18 transpired 93:11 treated 49:6 treatment 73:15 tree 21:19 35:10,13,15,18 57:8 trees 10:14 25:2 34:20,24 35:22,24 54:8 59:16 tremendous 107:3 tremendously 83:1 tried 37:5 50:10 trip 102:18 troubles 82:9 true 17:8 28:6 108:9 truly 16:24 try 68:23 98:5 102:5,8,9 102:11</p>	<p>trying 38:22 71:1 77:13 93:2 102:13,14 turn 69:21 Turnbull 5:21 9:19 turned 61:22 two 2:9 4:24 7:14,14 8:4 20:12 28:25 29:14 32:13 35:6 36:4 40:15 40:16 43:6 48:10 61:13 61:14 62:7,14 74:2 75:25 84:5,9 91:20 92:1 94:13,14 100:9,17 type 30:14 38:7 41:7 47:7 49:23 typical 27:1 typically 30:11 45:13</p> <hr/> <p style="text-align: center;">U</p> <p>U.S 46:7 Uh-huh 38:15,21 ultimate 94:24 ultimately 31:10 ultra 82:13 unacceptable 47:7 unavoidable 89:19 underscore 25:3 understand 43:5 44:22 64:23,25 69:20 82:14 83:2 88:11,22 89:17 90:8 107:1 understanding 77:16 102:16 Understood 59:21 95:1 unfortunately 59:17 UNIDENTIFIED 23:23 unified 7:5 unique 13:23 14:9 17:2 19:19 42:23 uniqueness 21:5 unit 12:18,25 67:13 units 29:11,16 46:8,9 48:15,19,21,23 58:12 upheld 47:12 upper 13:1 urban 6:12,16 11:3,14,20 12:5,14 13:5,14 14:5 18:5 21:15 33:10 43:8 48:18 50:19 90:6 urge 17:8 21:1,24 53:8 use 6:9 16:7 17:7 30:22 45:25 64:16 85:15 uses 29:12,17 31:19 utilities 34:15</p> <hr/> <p style="text-align: center;">V</p> <p>vacant 51:11 valuable 49:6 67:25 68:1 value 7:1 13:18 18:3 53:25 54:7,9 variances 39:20 variety 37:6 various 19:5 34:21 version 2:2 versus 44:2 98:10 106:7 vet 61:1,10 vetted 56:3,8 59:15 viable 46:5,12 vibrant 45:24 viewed 9:25 viewpoints 54:25</p>	<p>views 7:25 8:6 55:1 villas 21:13 49:13,18,20 violating 48:7 visit 52:14 vista 8:6 vistas 8:1 visual 66:24 vocal 89:13 Voss 26:22 76:14,15 77:18 94:12 96:12 97:5 vote 26:3 84:25 99:8 voted 27:14</p> <hr/> <p style="text-align: center;">W</p> <p>walk 16:9 20:23 walkability 54:14 walked 21:13 106:17 walkways 12:16 wall 6:25 7:17 8:7 10:15 10:25 13:17 29:7 47:5 59:12 61:24 Walter 19:13 want 5:14 16:5 20:6 25:3 26:20 47:24 51:16 52:15 59:14,18 66:20 72:23 91:5 wanted 15:20 16:2 18:20 19:6 24:17 28:19 29:23 30:17 55:25 90:17 95:25 104:17 106:11 wanting 75:18 wants 50:12 Warehouse 48:13 warrant 47:12 warranted 70:2 wasn't 36:15 56:1 60:25 64:5 75:4 Wasserman 17:13,14,15 18:18 51:14,15 water 33:9 66:19 waterfront 47:2 wave 11:12 way 22:23,25 27:4 37:9 37:12,14 38:24 44:9 48:10 56:2 61:1,22 65:3 65:3,12 92:16 101:11 101:11,17 102:10 ways 53:19 we'll 3:24 26:8 31:1 32:19 45:15,18 57:22 102:19 we're 2:25 4:1 5:6 14:18 23:14 28:16 30:18 31:1 38:18 42:22 59:13 68:18 71:1 74:18 75:6 75:18 78:19 80:13,19 80:22 81:15 82:24 83:1 84:6 88:3,8,13,19 90:10 90:11 91:10,10 92:12 92:12,24 96:21 98:2,14 99:20 100:13 101:4 we've 24:18 44:12 45:21 56:10 59:8 60:23 75:16 77:23 80:18 86:22 87:14 90:5 96:2,5 100:14 105:18 Wednesday 106:3 week 48:12 weigh 73:21 80:13 81:10 weighed 55:11 welcome 2:2 welfare 67:19</p>	<p>went 104:19 weren't 62:9 west 5:24 15:25 50:25 wholesale 42:7 87:15 wide 52:1 William 14:19,21 47:18 47:20 51:17 willing 61:9,10 79:20 100:21 101:19 Wilson 50:4 51:6 54:24 58:8 60:23 wind 34:23 92:13 winding 99:14 winter 100:25 wise 77:12 wish 21:22 withdraw 103:15,15,16 withdrawal 104:19 Withdrawing 104:9 withdrawn 104:2,4 wonderful 2:10,18 5:3 9:10 20:11,18 21:14 22:7,15 62:18 68:24 86:3 105:4 106:11 wondering 33:12 36:14 37:13 word 56:8 worded 37:9 45:12 96:19 words 35:12 work 12:8 13:14 18:11 21:20 24:17 25:7 32:6 49:5 50:7 58:24 63:24 67:7 81:16,18,21,23 82:5,14 102:6 106:23 107:6 worked 9:18 20:14 21:17 41:16 working 51:8 53:14 106:13 workmanship 13:20 world 21:6 50:12,13,18 worth 14:7 24:8 91:14 105:21 worthwhile 102:17 worthy 21:23 49:7 wouldn't 101:14 wrap 57:22 write 77:14 writing 93:1 written 10:8 15:5 23:1 25:16 28:1,7,10 39:5 wrong 16:3 wrote 10:10 Wurster 6:21 12:9 19:1 19:10 24:21 www.depo.com 1:20</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>yards 53:18 Yeah 77:1 year 49:14,19 66:22 years 10:19 49:19 53:15 62:17 York 11:2 young 83:3</p> <hr/> <p style="text-align: center;">Z</p> <p>zero 80:23</p>
---	---	---	---	--

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 15, 2015**

<p>zoning 48:22 57:14</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>10 19:12 73:17 11 41:20 12 19:12 1374 29:11 14 108:10 1470 29:15 15 1:6 2:2 11:1 18 3:25 18th 4:10 1940s 11:10 1950s 11:11 1958 11:4 1959 10:22 1960s 11:12 1961 11:1 1962 19:22 1963 11:2 1965 11:2 1999 21:12</p> <hr/> <p style="text-align: center;">2</p> <p>2.1.14 41:20 67:15 2004 81:20 2013 66:21 2014 10:10 59:3 2015 1:6 2:2 3:25 71:14 108:10 2030 46:10 20th 6:13 12:8 21 47:21 25 53:15 2800 59:4 288-3376 1:20</p> <hr/> <p style="text-align: center;">3</p> <p>3 6:15 15:22 300 29:10</p> <hr/> <p style="text-align: center;">4</p> <p>4 26:9 71:20 79:25 87:3 4.4-2 65:9,10,24 4.4-4 64:9 4.4.4 71:22 4.8-2 33:7 40 18:8 40th 99:22 100:6 103:3</p> <hr/> <p style="text-align: center;">5</p> <p>5 99:21 100:3 5-2 60:11 71:17 5.2 71:14 5.3 38:9 5.4 38:9 50 10:18 55 48:21 56,122 29:16 59 48:19 59.8 46:8 5th 5:24 6:2 15:25 29:2</p> <hr/> <p style="text-align: center;">6</p> <p>6 103:8 104:3,6 6.3 66:11 74:17 61 46:9 48:23</p>	<p>6th 8:17 59:11</p> <hr/> <p style="text-align: center;">7</p> <p>7 104:5 105:1 74,122 29:11 7th 5:23 6:2 15:24 29:2</p> <hr/> <p style="text-align: center;">8</p> <p>80 66:22 800 1:20 8630 1:22</p> <hr/> <p style="text-align: center;">9</p> <p>9 73:17</p>		
---	--	--	--

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

TRANSCRIPT OF AUDIO RECORDING

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

Transcribed by:
Lynne M. Homan, CSR #8630

File No. A9052F6

<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>

<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.</p> <p style="text-align: right;">Page 10</p>	<p>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</p> <p style="text-align: right;">Page 12</p>
<p>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.</p> <p style="text-align: right;">Page 11</p>	<p>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</p> <p style="text-align: right;">Page 13</p>

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.

Page 14

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

Page 15

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.

Page 16

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

Page 17

H2-1 cont.

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.</p> <p>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.</p> <p>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.</p> <p>19 This is the community plaza, once again, 20 at 7th and P.</p> <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.</p> <p>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.</p> <p>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.</p> <p>25 Next slide, please. The open space, the</p> <p style="text-align: right;">Page 28</p>
<p>1 you wish. Thank you.</p> <p>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.</p> <p>17 So --</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>

<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</p> <p style="text-align: right;">Page 30</p>	<p>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</p> <p style="text-align: right;">Page 32</p>
<p>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</p> <p style="text-align: right;">Page 31</p>	<p>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</p> <p style="text-align: right;">Page 33</p>

<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>

<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</p> <p style="text-align: right;">Page 38</p>	<p>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</p> <p style="text-align: right;">Page 40</p>
<p>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.</p> <p style="text-align: right;">Page 39</p>	<p>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</p> <p style="text-align: right;">Page 41</p>

H2-3

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

H2-5

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

H2-6 cont.

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.

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.

15 MR. EADIE: That's correct.

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?

20 MR. EADIE: I think you're speaking about
 21 the alternatives in the EIR.

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.

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.

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.

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.

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

H2-7 cont.

H2-7

1 MR. EADIE: Okay.

2 COMMISSIONER BODIPO-MEMBA: So looking at
 3 the mitigation, it lays out that you would not be able
 4 to --

5 MR. EADIE: Right.

6 COMMISSIONER BODIPO-MEMBA: -- meet that
 7 threshold.

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.

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

1 Saturday from 7 a.m. to 9 p.m., to 6 p.m. on Sunday. So
 2 that's what our Code says.

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 --

8 MR. COMPTON: I might have to have an
 9 environmental planner answer that one actually. I'm not
 10 sure.

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.

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

H2-8

H2-8 cont.	<p>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. 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.</p> <p style="text-align: right;">Page 50</p>	<p>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</p> <p style="text-align: right;">Page 52</p>	H2-9 cont.
H2-7 part II	<p>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</p> <p style="text-align: right;">Page 51</p>	<p>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> <p style="text-align: right;">Page 53</p>	H2-10

<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,

Page 58

H2-14

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

Page 59

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

Page 60

H2-15

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

Page 61

16 (Pages 58 to 61)

H2-15
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.

Page 62

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.

Page 64

H2-16
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

Page 63

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

Page 65

H2-17

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 30, 2015**

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)

H2-19 cont.	<p>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.</p> <p>12 CHAIRMAN NYBO: Thank you. Rob Fong, 13 followed by Brian Sehnert.</p> <p>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</p> <p style="text-align: right;">Page 70</p>	<p>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.</p> <p>8 MR. NOVAK: Chair Nybo, Commissioners, 9 thank you. We're trying to do two for one tonight 10 within three minute, so hopefully --</p> <p>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.</p> <p>24 The original project was created by a 25 design team made up of some of the most well-respected</p> <p style="text-align: right;">Page 72</p>	H2-21 cont.
H2-20	<p>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.</p> <p>11 CHAIRMAN NYBO: You're very welcome. 12 Brian Sehnert and Mike Novak. Are you going to 13 tag-team?</p> <p>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.</p> <p>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</p> <p style="text-align: right;">Page 71</p>	<p>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.</p> <p>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.</p> <p>24 VICE-CHAIR LOFASO: Just one question, if 25 I may. I've got a couple questions for you. Could you</p> <p style="text-align: right;">Page 73</p>	H2-22 H2-23

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

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

H2-24 cont

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

H2-25

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

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 30, 2015**

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
H2-44	<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>	H2-46

23 (Pages 86 to 89)

A9052F6
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)

H2-49
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

H2-50

H2-51

H2-52

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.)

H2-54
cont.

H2-55

H2-56

H2-57

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

H2-57
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 treatre became

H2-58

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.

H2-58
cont.

H2-59

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,

H2-60

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
H2-62		H2-64	
		H2-65	

H2-67
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

H2-68

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

H2-69

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

H2-69
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

H2-69
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

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?

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

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

H2-69
cont.

H2-70

H2-70
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.

Page 118

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

Page 119

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

Page 120

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

Page 121

H2-70
cont.

H2-71

H2-71
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

Page 122

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

Page 123

H2-71
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.

Page 124

H2-72

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

Page 125

H2-72
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

Page 126

H2-73

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

Page 127

H2-73
cont.

H2-74

H2-75

H2-76

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.

Page 128

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.

Page 129

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

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 30, 2015**

H2-78
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

Page 134

H2-79

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

Page 135

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.

Page 136

H2-80
cont.

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

Page 137

H2-80 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

H2-81

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

H2-82

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

H2-82 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

H2-83

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 30, 2015**

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.</p> <p>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.</p> <p>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.</p> <p>3 Well, thank you very much, everybody. 4 Thank you very much for participating.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.

117:8 118:11 119:17 baseline 122:1 bases 30:4 basic 82:24 138:16 basically 19:7,19 21:11 22:4,9 38:21 39:1,14 41:10,15 43:2 47:16 55:24 57:3 64:16 142:22 145:8 basin 8:24 basis 124:2 Bay 90:18 bear 144:10 beautiful 9:12 becoming 35:7 108:5 began 98:19 99:1 beginning 37:24 100:11 behalf 86:17 94:11 beholder 24:10 belabor 112:22 believe 10:23 17:22 18:9 20:1 63:15,25 68:17 73:13 76:25 104:10 105:7 108:25 121:23 122:14 124:7 131:14 141:12 believer 63:14 Bellew 104:6 106:4 107:20,22,23 benefit 93:22 109:2,3 110:3,16 benefits 68:3 80:4 91:3 93:13 108:24 109:4 110:18 Berg 86:18 94:12 100:21 best 50:5 72:22 146:4 bet 53:13 Beta 44:6 Betsy 9:20,24 12:9 better 23:19 26:11 27:19 28:8 38:16 53:8,20 56:24,25 62:19,19 66:11 69:20 76:7 80:11 82:9 95:9 114:25 130:10,23 beyond 72:23 74:20 142:13 big 45:24 54:22 64:11 72:11 97:18,25 114:2 119:12 144:22 bigger 25:20 97:13 biggest 79:8 bike 11:19,20 33:12 Bill 19:7 94:11 100:21,22 billion 65:6 binding 105:13 birds 10:20 bit 19:4 22:1,12 24:21 26:9 27:5,19 33:18 37:16 38:12 40:16 134:25 138:6,12,13 140:22,23 Blackford 73:3 bladder 93:17 blank 97:24 116:11 block 41:11 45:25 55:24 58:17 63:6,17 85:4 91:1 115:2 127:24 141:18 blocked 97:7 blocking 102:18 blocks 65:4 86:1 127:20	blueprint 113:16 board 63:10 71:17,21,23 71:24 77:12 82:9,14 86:17,23 98:14 100:8 102:2,3 105:5 107:23 Bodipo- 16:14 42:12 123:21 129:22 Bodipo-Memba 2:15,16 13:15,16 14:14,15 16:16 42:14 44:13,16 45:17 46:10,16,22 47:2 47:6 48:10 49:3 50:6,11 50:24 129:24 Bodipo-Memba's 132:11 Boghosian 96:7 98:10,12 bold 64:21,21 bond 41:21,22,22 42:1,6 107:2 bonding 107:2 bone 39:18 bonus 120:21 bonuses 120:18,20 book 98:16,23 border 110:9 bottom 39:21 52:10 96:15 112:11 138:15 Boulevard 8:13 bounds 74:8 box 92:24 brakes 45:24 break 24:11 breeze 97:7 breezes 73:7 Brian 70:13 71:12,14 Bridgeway 21:24 22:19 22:20 23:4,15,17,21,23 24:2 26:13,14,18 28:9 51:12,15,22,25 52:1,3,7 52:11 60:8,8 63:5 88:12 93:24 101:24 102:2,6 104:8,25 105:5,6 116:8 127:23 128:2 129:10 138:8,15,16 Bridgeway's 110:8 brief 42:18 briefly 5:9 36:19 38:18 75:9,14 125:16 bring 2:6,6 6:9 15:17 20:3 60:2 63:11 69:18 107:16 132:6 144:8 bringing 28:2 77:22 brings 61:25 79:10 82:23 broad 36:2 118:19 broader 140:22 broke 98:3 brought 11:2 114:14 brutal 67:12 buffer 110:10 Buford 49:11,12 104:11 104:20 106:5 107:7,8 121:6,9,17,22 122:23 123:16,18,25 124:6,22 125:4 Buford's 131:5 build 33:5,5 40:11,24 57:23 64:1 77:20 78:4 88:25 89:1,8,8 98:2,4 105:21 114:20,20,21,21 114:21,22 120:12 142:7 build-out 45:18 building 5:7,12,17,18,23	5:24 21:5 22:16 24:11 24:19 26:15 27:14,25 37:2 39:20 51:22,22 56:23 59:2 63:11,13 64:3,4 66:11 75:12 83:9 92:22 93:9 97:11 98:1,5 102:6 103:12 110:12,13 120:10,10 122:6 124:12 128:3 133:25 135:23 138:10 139:18 141:21 143:19 buildings 24:12 27:16 28:9,22,24 29:6,7,11 30:3,4,4 32:23 33:2 39:6,16 56:2,11,12 64:12 74:12 80:18 93:7 97:23 98:20 99:12,20 138:12,24 139:3 142:11 142:21 bull 64:6,7 81:3 91:8 95:11,12 102:17 140:17 141:7,21,22 142:3 bulk 56:6 bullshit 101:17 Burchill 2:17,18 14:16,17 16:4,5 55:8,9,13 57:7 121:4,5,10,20 122:9,22 123:15,18 124:1 127:6 127:7 129:5,8 132:10 Burke 2:19,20 4:7,8 14:18 14:19 15:20,21 16:2 50:25 51:1,7 66:22 bus 28:5 53:16,22 54:2,3 54:4,5,8,8 68:11 buses 103:24 business 44:9 59:4,8,11 65:4 71:2,9 79:5 88:17 91:6 112:3,4,7,10 114:20 117:2,7 118:1 132:3 businesses 68:5 82:20 bust 41:16 busy 95:3 buy 98:3 121:1	109:15,23 110:1,11,21 130:12 133:19 136:8 138:11 canopy-like 25:2 cap 37:6 capita 78:20 capital 28:10 81:7 87:13 88:6 92:16 99:24 102:7 104:15 107:25 109:10 132:3,6 133:15 135:11 Capitol 25:14 26:8 38:22 46:13 47:10,13,23 103:3,7,9,12 capture 35:18 76:7 79:11 92:10 capturing 9:1,4 carbon 31:10 92:10 care 4:1,21 10:24 61:18 carefully 7:19 cares 85:18 Carr 86:14 89:10,13 carry 58:25 59:10 case 33:4 52:12 59:3 62:4 108:20 121:13 124:19 cases 124:11 129:15 Casino 61:10 catch 53:9 72:15 category 88:8 cations 76:1 cause 142:14 caves 41:24 CD's 143:22 celebrate 145:2 cell 2:13 center 68:2 89:25 137:23 centerpiece 25:21 centers 65:16 66:10 90:15 central 21:8 25:11,19 34:14 71:2,9,16 74:13 77:23 81:14,18 87:4 88:1,4,17,23 89:7 90:23 91:6 94:19 95:15 112:3 113:13,15 114:3 116:15 116:17 117:2,7 118:1 118:20 119:20 132:1 136:7 140:11 century 78:4 99:24 CEQA 19:15 42:19 50:13 50:18 81:22 CEQA's 47:25 certain 23:1 25:10 49:4 57:4 114:13 certainly 36:10 37:18 41:21 51:9 94:10,23 95:5 109:6 115:18 117:4 128:4 142:17 CERTIFICATE 146:1 certification 76:18,21,22 76:23 certified 30:16 cetera 30:11 96:17 114:2 chair 3:1,10 4:8,19 13:17 15:7,24 16:6 17:9 18:22 27:2 30:15 38:11 42:15 49:11 55:10 56:21 61:7 63:3 66:25 71:18 72:2,8 77:10 79:21 86:15 89:12 92:1 94:6,9,12 107:8 113:11 120:1 121:5 123:24 127:7	129:2,25 131:22 144:25 chairman 2:1 3:11,13,16 3:20,25 4:7,10,12,14,17 6:24 9:20 11:25 12:3,7 12:18 13:10 14:8,11 15:8,10,21,23 16:4,8,10 16:12,17 17:1,5 38:8 40:19 42:12 50:25 51:2 52:14,15 55:8 57:9 59:17,21 60:19 61:4 63:1 64:24 66:21 68:22 70:12 71:11 76:5,9 77:6 78:9 79:18 82:12 84:5 84:11,17,23 86:13 89:10 91:12,24 94:4 96:6 98:8,11,13,14 100:4 101:19 103:17,20 104:5 106:4 107:1,6,19 109:11 111:6,20,24 113:3,8 120:3,14,17,20 121:3 123:21 125:1,5 126:9,16 129:1,22 131:21 133:1 134:12 139:7 145:18 chance 7:21 11:9 Chandler 2:21,22 4:4,5 12:20,21 13:3,8 14:20 14:21 16:17,18 57:9,10 57:13 58:6 59:12,15 75:2,3,17 76:20,24 77:3 125:7,8 126:2,7 134:12 134:13 139:8 change 20:25 21:7 22:14 24:5 74:9 81:4 84:1 92:7,10,13 129:13 130:14,15,16,17,20,21 130:22 132:11,12 140:2 changeable 83:6 changed 19:10 21:18,25 22:3,21 30:22 52:12 101:8 changes 5:23 19:2,22 21:11 83:5 87:1 89:4 100:13 130:19 133:4,12 140:15 channel 8:4 chapter 71:16 character 77:15 96:3 charm 77:15 Chicago 93:16 chop 97:12 chose 121:8 chosen 88:24 circle 26:24 85:24 circulate 27:21 circulation 16:21 27:11 28:1,3,6 73:18 cities 35:6,7 89:15 95:22 96:1 Citizen 62:12 citizens 83:2,18 84:4 85:11,14 99:1,7 city 1:4 2:2 11:4 18:13 19:9 21:15 31:3,4,18,24 32:5 33:5,6 36:5,6 37:14,19 43:24 46:2 56:9 57:1 65:16,25 67:20 68:3,19 69:5,12 69:20,25 72:19,20,22 77:13,19,23 78:15,17 78:18,19 79:9,11 80:11
---	--	--	---	--

C

C-2 5:6,11
C-2-LI 5:4
C3 118:2
CADA 91:21
Cal 30:9
calculations 31:7,12 32:8
California 67:4 73:2
90:11 92:21 108:2
146:9
call 2:7,14 3:17 14:13
19:24 63:13 78:16
94:13 116:4 126:11
135:5
calls 94:23,24 95:1
Cameron 63:2 64:25 65:1
65:2
campus 34:15
candidly 114:4
canopied 34:3
canopy 20:16 21:16 31:7
31:21 32:9 34:11,16
36:2,2,5 37:9,12,15
52:18,20 53:5 64:11,13
74:22 77:16 81:12
92:17,25 93:1,6 95:6

81:14,15,18 82:10 83:15 87:4,12 88:1,4,23 89:7 90:23 93:4 94:19 95:22,25 97:21,25 98:14,18,25 99:1,5,9,10 105:11 108:12 110:17 111:2 113:22 114:3,12 114:19 115:18 116:15 116:17 118:20 119:20 122:18 125:14,18 127:13 133:23 136:13 137:9 140:11 142:13 144:20 city's 49:18 67:17,23 68:1 81:12 85:7 100:1 city-wide 43:25 cityscape 102:8 claims 87:3 88:5 91:4 clarification 12:22 clarifications 18:1 clarifies 50:7 clarify 51:5 125:9 clarity 48:20 132:17 134:6 class 95:22,22 clear 10:25 11:18,21 47:10 49:4 57:4 102:7,8 109:23 111:2 114:15 118:21,24 130:25 131:8 132:13 144:17 clear-cut 115:7 clearing 119:19 clearly 78:12 87:14 102:13 112:13 climate 36:12 81:4 92:7 92:10,13 95:9 132:3 137:16 clock-wise 27:21 close 43:5 51:21 61:21 108:5 126:11 128:13 133:23 closed 50:2 closely 31:22 closer 5:17 48:15 closing 13:13 111:21 clouds 132:8 co-exist 93:7 co-operative 133:11 code 49:2,4 51:14 116:3 122:18 codes 112:25 coffee 25:15 34:18 cohesive 126:24 135:7 collaborative 62:5 collecting 106:12 college 65:18 color 28:12 combating 92:9 combination 28:15 come 2:7 12:25 18:19 20:17 24:19 26:22 30:12 36:17 40:20 48:14 56:5,23 57:2,5 60:17 63:16,21 69:3,19 69:20 89:23 103:24,24 106:15 115:7,11 119:15 121:6 126:12 127:2 128:22 131:19 134:5 137:24 142:6 143:18 144:23 comes 8:12,15,22 54:20	79:10 102:23 136:1 138:22 141:15 comfort 83:3 coming 24:23 39:1 55:11 55:18 64:21 86:3 93:15 114:11 126:16 134:11 137:1 139:19 commence 39:17 commencement 40:5 commend 63:16 64:20 commended 62:5 commensurate 125:3 comment 6:2 10:1,8 13:13,14 16:9,13,16,18 16:23,25 17:12 19:18 32:20 50:2 55:14 71:22 104:13 111:16,22 112:15 119:7 122:15 126:20 127:9 128:1 129:5 132:11 commented 11:1 commenters 78:13 commenting 16:24 comments 6:6 7:2 13:11 14:12 17:21 30:24 38:4 42:16 50:3,3,4 59:22 75:15,17 77:7 78:8 86:22,22 87:9 89:4 94:8 94:11,14 104:12 106:13 111:4,7 112:13,18 113:19 118:13 126:9,13 131:2,25 132:9,20 134:14 139:8,9 143:25 143:25 144:6,12,16 145:5 commercial 5:3 commission 1:5 2:3 4:20 6:5,15 17:10 18:5,23 22:7 26:24 43:21,23 49:12 50:20 51:18 56:9 60:6 61:8 63:4 70:19 71:18,19 72:20 73:21 77:11,14 84:23 85:18 86:16,24,25 89:3,13 92:2,5,12 98:11 99:18 99:22 100:18 108:3 109:12 117:13 122:12 122:19 125:10 134:20 135:22 145:10,16 Commission's 87:9 94:14,14 122:21 128:10 144:10 commissioner 2:15,16 2:17,18,19,20,21,22,23 2:24,25 3:3,4,5,6,7,8,9 3:15,21 4:4,5,7,8,10,11 4:14,15 12:19,21 13:3,8 13:11,14,15,16 14:10 14:14,15,16,17,18,19 14:20,21,22,23,25 15:1 15:2,3,4,5,6,20,20,25 16:4,5,8,9,10,11,12,13 16:14,14,16,17,18 17:2 17:3 27:3 38:10,11 40:23 41:6 42:10,12,14 44:13,16,17 45:17 46:3 46:10,16,22 47:2,6 48:10 49:3 50:6,11,24 50:25 51:1,7 54:11 55:8 55:9,13 57:7,9,10,13 58:6 59:12,15 66:21	72:13 75:2,3,17 76:20 76:24 77:3 98:18 100:23 111:11,12 113:5 121:4 122:9,22,24 123:21,23,24 124:1,20 125:7,8 126:2,7,17 127:6 129:1,2,5,8,22,24 132:9,10 133:1,3 134:12,13 137:5 139:8 commissioners 9:23 38:2,9 39:25 59:20 65:2 67:1 69:1 70:14 72:8 79:21 82:15 83:15 93:10 94:7 100:18 101:22 107:22 109:14 111:24 113:9 125:6 126:10,13,18,22 133:4 134:2 139:10 143:16 commissions 89:4 140:8 commitment 81:21 140:19 committed 71:21 100:10 committee 30:15 48:16 98:15 99:4,7 common 54:14,22,25 124:8,9 Commons 17:13 18:6 62:16 66:2,15 67:7,16 67:24 72:23 73:14 80:1 80:7,18,24 81:9,11,20 82:8 84:25 85:6,8 86:4 87:1 90:24 102:9 communications 4:2 15:19 communities 90:17 community 8:16 15:22 16:2,19 17:11 19:6,24 21:16,17 25:6 26:19 34:24 35:3 44:4 62:25 68:9,17,18 72:12 73:18 73:22,23 77:18 78:7,14 80:3,13,16 82:7 100:12 100:14 101:12 112:7 118:22 130:7 131:3,15 132:6 133:6,7,9,22 commute 95:16,19 companies 90:7 company 63:7 comparable 124:5 comparative 23:12 compare 124:4 compared 88:7 comparing 110:24 comparison 31:13 88:15 124:2 compassion 110:7 compatible 6:17 competing 115:12 competition 65:15 competitive 65:21 complementary 66:15 complete 17:25 58:9 97:21 105:13 completed 58:14,15 119:21 completely 41:16 complex 34:21 88:16 99:24 compliance 112:5 compiled 94:17 compiles 49:18	compliment 66:5 components 31:9 56:8 comport 20:2 compromise 97:18 98:6 100:22,25 101:2,5 compromised 97:17 compromises 82:2 compromising 133:13 Compton 15:18 17:8,9,10 48:23 49:8 55:1 84:5,9 84:13 106:5,7,11 107:3 111:13,15 112:20 113:12 115:3 116:23 117:12,20 119:13 120:2 122:10,14 concentration 134:1 concept 27:6 37:23 concepts 20:14 concern 74:4,5 140:3,13 concerned 83:3 84:2 109:14 122:25 134:3 concerns 10:13 12:7 41:9 51:7 76:16 82:19,20,25 131:2 137:21 139:23 140:16 141:8 conclude 144:1 concluded 47:21 concludes 6:20 143:24 conclusion 122:7 conclusions 50:8 concrete 8:4 135:24 142:21 condition 12:23 31:14,15 32:1,2,10 84:8 105:8,16 106:2,8,10 conditional 5:5 conditions 6:15 12:24 95:9 106:24 111:17,19 112:19 127:4 141:14 condo 38:22 39:6 58:14 96:16 condominium 24:6,8 29:24 condominiums 127:17 condos 39:7 conducted 31:2,6,11 conference 90:11 confidence 14:3 confident 37:11 61:24 62:15 130:23 131:3 confirm 117:23 122:19 conflict 137:8 conflicts 142:5 confluence 25:11 conforms 19:22 81:1 115:9,19,22,23 congestion 102:21 connect 34:1 connected 34:9 connections 5:20 connectivity 138:23 139:2 connects 12:1 consensus 15:9 80:2 consequent 81:24 conservation 30:10 consider 50:15 62:22 78:8 87:12 101:2 106:17 108:6,12 133:7 considerate 66:17 consideration 10:11 66:7	68:19 82:11 102:16 138:1 143:12 considerations 62:23 108:9 136:23 considered 13:6 73:10 74:14 76:3 77:25 78:1 considering 41:4 54:15 consistent 6:16 56:13 67:17 68:8 88:22 121:23 construct 5:2,7 construction 35:9 38:13 39:20 40:6 41:2 42:5 45:12,13 46:4 48:19,22 48:25 49:5,6,14,17,17 49:19,21 54:21 57:24 64:5 67:10 81:5 84:14 85:14,21 102:19 104:20 105:13,14 107:14 110:18 121:7,11,14 122:13,16,25 123:1,6 124:3,10,11,15,17,21 124:24 125:2 128:8,11 128:16 134:3,8 135:25 143:1,3,4,4 consultant 50:15 70:21 consumers 82:20 contain 17:20 contained 8:3 containing 9:4 context 130:19 continue 4:6 26:22 30:2,8 36:11 62:22 63:18,24 72:21 129:19 131:15 134:10 145:14 continued 37:18 continues 24:4 62:18 73:21 130:14 contractor 59:7 contracts 105:13 contrast 73:4 82:4 contribute 62:17 contributing 102:25 contribution 20:1 control 142:14 controlled 72:18 conventional 57:24 conversation 40:24 conversations 22:6 113:20 cool 69:10 cooling 73:6 coordination 131:6 17:24 copy 39:25 86:20 core 65:5 67:9 72:14,17 95:15,18,18 corner 4:24 5:19 16:22 21:3,13,17 25:1 29:13 34:23 95:3 138:21 corners 102:24 correct 13:1 46:15 50:13 121:16 122:13 124:23 146:9 correspondence 17:7 corridor 13:5 corridors 64:19 Cosgrove 2:15,17,19,21 2:23 3:1,3,5,7,9,12,23 14:14,16,18,20,22,24 15:1,3,5,7,9 113:12
---	--	--	--	--

A9052F6
TRANSCRIPT OF AUDIO RECORDING **APRIL 30, 2015**

<p>122:16 cost 64:5 77:23 costs 132:12,14 council 18:14 56:9 68:6 68:20 83:16 84:24 92:4 99:1,3 105:11 113:19 113:22 115:18 145:16 counsel 70:18,24,24 75:12 count 59:22 counted 81:17,19 110:15 110:18 counter-balance 74:11 country 65:16 county 69:12,20 133:24 couple 6:1 7:2 11:10 59:22 73:25 75:14 77:7 111:10,25 125:11 128:21 135:8 140:21 course 6:23 32:15 40:11 58:2 61:21 97:23 111:22 113:16 127:5 COURT 1:18 cousins 145:6 cover 31:7,21 32:9 covered 107:2 Covill 2:23 Cox 98:9 100:5,7,7 create 63:12 67:14 69:24 created 35:11 61:16 72:24 85:4 136:4 creating 6:11 29:4 37:9 64:14 68:13 76:14 creation 33:8 62:1,24 creek 7:25 8:1,4,5,10,10 9:9 criterion 61:23 critical 73:13 99:9,17 105:7 144:21 critiques 89:19 crossing 65:17 cry 94:20 crystallize 137:5 crystallized 132:23 CS 63:7 CSR 1:21 146:13 Cultural 99:14 current 32:10 60:7 84:8 85:18 116:6 131:17 currently 4:25 14:5 67:22 67:25 87:20 88:17,19 92:4 140:5 currents 75:8 curtain 140:25 customize 33:16 cut 54:19 110:12,21 111:2 cutting 109:23 cynical 142:10</p> <hr/> <p style="text-align: center;">D</p> <p>daily 84:1 damage 77:18 damn 101:10 Dan 89:11 91:24 92:2 110:5 dark 97:4 101:17 darker 29:1 data 116:5,19 date 30:21 Dated 146:10</p>	<p>dates 121:21 daughter 96:12 Dave 18:23 33:8 34:4,13 101:3 144:22 David 4:20 day 18:25 83:13,21 85:19 85:22 102:12 103:4 121:18 134:8 140:8 141:6 145:17 days 85:16 90:10 102:8 104:20 107:13 134:3 de 95:4 dead-end 61:15 deal 35:16 64:8 70:6 95:2 141:14 dealing 127:3 deals 107:12 dealt 70:25 141:16 142:1 decade 65:5 90:19 December 43:2 decent 61:17 decently 45:22 decibel 49:4,6 122:17 decibels 49:14 50:1 107:11 decide 119:12 decided 25:5 43:8 97:9 115:17 deciduous 36:3 96:17 decision 39:10 44:12 deck 29:19 declare 146:8 deemed 19:14 94:25 135:17 deep 8:5 Deering 117:15 120:3,7 120:15,19,23 125:20 126:6 defense 92:9 defer 120:1 deference 132:4 defined 89:16 definite 74:25 definitely 13:18 74:10 105:5 132:16 145:15 definition 66:13 degree 57:14 125:17 degreed 92:2 degrees 21:6 23:22 52:2 Del 8:12 delay 107:20 delegated 99:3 deliberation 134:19 delicate 63:9 dellver 80:22 deliveries 85:20 Delta 82:5 97:7 100:10 101:11 deltas 79:14 demand 44:21,24 58:1,16 66:1,4 87:1 89:4 demolish 40:21 41:1 95:23 109:6 demolished 98:20 demolishing 41:24 120:11 demolition 38:14 40:4 76:13 80:12 81:10 85:21 87:17,23 99:21 105:9,18 108:11,12,18 demolitions 99:2</p>	<p>demonstrate 25:10 denial 18:8,8 82:3 dense 88:13 densely 81:1 denser 116:15 densification 129:6 densities 71:3 116:4,20 121:1 density 18:10 63:25 66:13 67:25 68:13 71:4 71:4,8 72:11,14,16,17 72:21 80:25 81:17 88:6 88:11 94:16,24 115:14 116:6,17,22 118:25 120:18,20 Department 17:11 99:4,7 99:18 104:11,19 dependent 58:3 depending 39:7 depth 75:6,9 104:17 DER 104:18 described 57:15 design 1:5 2:2 5:6,23,24 18:1 19:1,21 21:19 24:17,20,22,25 30:8 31:21,22 33:20 39:5,17 45:14 51:17 55:2,4,19 55:21,24 56:1,11,12,23 62:22 68:17 71:18,19 72:16,25 73:10,17 75:7 86:24 106:22 112:4,17 127:3 128:9,24 134:5 136:4,15,17,24 137:15 137:21 Designations 108:10 designed 109:19 138:25 designer 31:23 Designers 32:19 designs 73:9 desk 2:6 15:17 destroy 96:1 destroyed 77:20 78:3 destroying 80:24 81:6 destroys 81:11,13 96:5 destruction 94:22 detail 20:7,10,13 21:20 40:9 43:14,15,20 56:14 56:22 80:6 107:17 112:22 137:13 138:6,22 detailed 24:21 31:2,6 40:17 111:4 detailing 137:20 details 11:16 determine 90:2,3 determination 48:21 determine 109:18 determined 46:14 68:7 determines 105:12 develop 11:5 30:3 35:7 59:11 67:19 82:18 99:5 119:11 developed 27:8 41:10 99:7 143:17 developer 48:8 61:24,25 71:23 91:18 100:10,12 100:15 105:2 106:13 111:21 142:25 developer's 110:16 developers 67:17 94:1 developing 125:21,22 development 7:6 10:12</p>	<p>10:18 12:24 17:11 30:9 30:13 32:3 33:1 46:1 55:16,17,22 56:15 58:19 60:9,11 61:21,23 66:6 67:21 84:24 87:2 89:21 94:2,21 106:14 106:23 114:13 117:18 118:8,22 119:15 120:4 120:9,24 121:1 126:4 128:23 135:13 137:13 developments 62:11 79:4 81:24 82:4 deviation 5:10,15,21 deviations 5:7 115:20 dialogue 101:8 Dias 66:24 68:23,25 69:1 different 8:8,9 13:22 19:4 24:24 26:6,10 29:21 43:9 45:1 50:21 55:17 115:5 124:2 134:17 difficult 86:5 130:15,17 139:14 digested 112:18 dioxide 92:10 DIR 91:4 direct 13:4 directed 46:23 direction 74:9,10 134:17 directly 10:9 12:14 17:23 26:18 49:25 73:9 Director 50:16 118:13 119:25 125:12,23 Director's 3:22,24 Directors 86:23 102:2 disappearing 79:3,4 disappointed 104:17,19 111:3 disaster 102:22 disastrous 46:7 disclosed 4:3 disclosures 15:19 disconnect 130:8 disconstruct 83:10 discord 130:9 discovering 10:22 discreet 54:23 discretion 122:12 128:10 discuss 12:12 13:24 71:23 107:17 121:8,12 discussed 16:23 85:3 discussion 11:16 14:4 19:19 26:23 38:17 43:7 46:25 49:25 52:19 72:3 107:15 112:15 118:20 134:22 135:21 discussions 20:8 45:13 134:19 dislocate 82:23 83:11 dislocation 88:3 dismantle 109:6 disparity 67:22 68:1 displaced 87:23 91:1 displacing 90:25 disputes 62:8 disruptive 62:7 distance 22:19,20,23 133:24 distinguished 54:14 distributed 72:22 district 34:1 65:4 71:2,9 72:1 80:6,12 81:7 82:3</p>	<p>88:17 91:7 92:5 94:22 112:1,4 117:2,7 118:1 districts 94:25 99:13 dive 134:25 diverse 36:2 diversity 66:7 docks 94:20 document 7:9 11:3 13:23 46:12 131:1 132:18 137:19 documentation 45:11 documented 76:19 documents 7:14 51:3 106:1 109:21 116:22 126:1 132:13,23 doing 37:18 42:6 47:18 54:20 59:7 64:21 70:19 76:12,17 119:20,22 129:11 133:13 dollars 68:15 domestically 37:7 Don 98:9 100:7 door 57:6 104:9 dotted 34:8 double 29:23 doubled 65:13 doubt 14:3 Doug 93:8 dovetails 54:11 downstream 24:18 downtown 19:25 20:3,4 44:25 45:4,5,6 58:17 62:11 63:15,19,24 65:2 65:5,7,9,11,24 66:12,13 66:16,19 67:9,15 68:15 69:4 80:15 81:2,24 85:5 85:8,19 88:15 89:5 91:7 91:23 95:14 98:21 105:22 112:8,9 113:1 115:14 119:3 120:25 127:11,14,19 128:13 129:6,7 downtown's 66:6 downturn 67:12 downward 58:8 dozens 99:12 Dr 93:16 draft 71:22 80:7 104:14 107:9 123:11 125:21,25 125:25 drained 8:3 drains 8:16,24 draw 117:15 drawback 53:6 drawing 82:9 Dreyfuss 73:3 drill 23:8 113:13,17,23 132:19 drilling 137:16 drinkable 8:22 drive 44:19 90:3 driveway 56:7 driving 49:22 85:21 122:7 143:6 drop 11:7 134:21 drop-offs 25:4 drought 9:12 95:7 dual 40:10 Dudek 20:15 30:17 due 132:4 Dukakis 89:25</p>
---	--	--	--	--

dump 9:2	elevations 24:24	90:1 99:9 112:1 135:10	experience 73:19,22 74:6	federal 19:14 68:14 80:8
durable 30:3	eligible 19:12,15 95:1	establishes 56:6	77:19	feel 25:10 56:9 69:11
dwelling 118:2	108:1	establishment 99:19	expert 78:12	78:15 79:6 83:8,24
dwellings 66:14	Elizabeth 101:23	125:13	explain 41:5 46:17 55:20	126:3 133:14,17 138:23
dying 95:8	elm 31:4	estimate 127:10	80:6 84:3	feelings 145:15
E	email 94:8	et 30:11 96:16 114:2	explaining 43:6 57:2	feels 6:5,16
e-mail 4:16 12:10	embarked 42:21	Eva 79:19 82:12	explanation 38:17	feet 5:13 7:16 8:4,4,5
e-mails 17:23	embodied 135:22,24	evaluate 110:4 116:24	explicitly 105:8	10:5 22:22,23 23:1
Eadie 18:22,23 38:2,8,12	embodies 80:17	117:8	explore 72:21 88:24	28:20 51:15,18,19,23
38:15 40:22 41:6 42:21	embodiment 68:16	evaluated 124:18	explosive 27:14	52:24 60:25 64:10 74:2
44:15,23 45:20 46:15	embrace 130:21	evaluating 106:11 115:15	Expo 4:24 5:10	74:17,24 97:9,20 98:5
46:20 47:1,5,8 50:9,12	embraces 11:5	116:23 118:10	express 52:16 114:5	fell 72:14
51:6,9 52:16 53:2 55:10	Emilie 63:2 64:24 65:2	Evan 17:10 120:24	expressed 114:8	fellow 102:4 133:3 134:2
55:12,23 57:8,11,12,17	eminent 105:15	evening 2:4,11 3:24 7:4	expressing 145:15	felt 112:4 118:15 123:12
58:12 59:14,16,20	emphasis 20:25 33:4	9:22,23,24 10:3 18:22	expression 136:4	fertilizer 53:3
101:3 111:23 113:6	emphatically 20:1	30:14,15 32:17 60:5,6	expressly 42:7	fewer 124:20 125:1
124:23	employee 103:13 146:6	61:7 63:3 66:25 68:25	extend 11:9	field 78:13
Eadie's 54:13	employers 61:24 62:1	70:14 78:11 79:20	extension 82:18	Fifty 27:13 95:16
ear-splitting 85:16	69:17	82:14 84:19 86:15,19	extensive 75:13	figure 49:20 85:10,13
earlier 46:3 74:7 86:21	employment 66:9 85:12	89:14 92:1 94:6 98:10	extent 59:9	137:5
104:10,25 132:1	134:1	101:21 102:10 103:23	exterior 140:11 141:4	File 1:23
early 74:20	empty 103:13 110:11	104:7,10,25 107:22	143:3	filed 42:22 43:1,8
ears 65:8	enable 42:2	109:11 121:17 126:21	eye 24:9	fill 2:5 15:17 116:11
ease 68:1	encompass 60:23	127:3 139:12,20,21	F	filled 60:1
easement 96:21 142:2	encourage 72:19	event 34:17 41:23	fabric 33:5	filling 34:6
easements 5:16	encouraged 45:7 133:4	eventually 58:24	face 52:2 97:25 116:7	final 2:12 18:7 54:20 55:3
easily 81:8	endeavored 24:15,16	Evergreen 36:3	face-to-face 52:11	55:6 91:13 103:18,20
east 23:25 25:25 102:6,7	ended 19:18 124:7	everybody 26:24 41:8	faced 24:1	112:19 126:19 137:7
103:11	endorses 11:4	44:11 57:1 133:12	facilitated 36:20	142:2
east/west 22:25 24:3	ends 29:8	140:19 143:18 144:3,6	facilitating 67:15	finally 31:11 35:5 71:5
25:24 57:23	energy 82:6 135:23,24	144:19	facilities 133:24	76:19 93:13 105:24
easy 115:10	engaged 100:12 101:7	everybody's 126:19	facility 5:2,6 103:7	110:20
echo 134:16	engineer 141:13	evictions 39:13	facing 5:19 23:15,17 24:2	financed 106:8
Eckhart 20:14 30:14,16	enhanced 21:8 47:14	evolve 24:5	24:3 26:14 52:6,8 97:23	financial 40:25 139:15
53:4,13	enjoy 68:3	evolved 25:20 43:11	97:24 102:8 142:20	financially 146:6
eco 109:25 110:19,22	enjoyed 71:19	ex 4:2 15:19	fact 25:7 45:3 47:14	financing 41:2 105:14
economic 41:25 58:10	enlarged 21:8	exactly 71:7	60:11 76:1 86:5 93:2	106:19,25 129:20
economically 57:16	ensure 81:21 132:24	examined 50:19	105:2 110:2 114:7	find 49:24 85:25 100:15
80:19 87:20 108:17	entering 103:4	example 49:21 62:10	facto 95:4	105:20 115:16 117:16
economy 58:8 67:12	entertain 100:22,24	79:8 92:20 93:4	factor 63:18 85:14	126:24
Ecos 44:5	entertainment 66:9 88:15	examples 37:14 62:17	factors 110:5	finding 18:9 123:7
edge 28:3 34:3 90:20	enthusiastically 112:24	exceed 122:17 124:16	failed 52:9	fine 13:18 140:25
effect 31:7,8 73:8 93:25	enticing 70:8	exceeding 124:24	failure 87:10	finish 139:11
119:4 127:19	entire 47:12 109:7 113:14	excellent 3:17,25 12:18	fair 31:25 117:11 140:18	finished 12:2 75:4
effected 84:7,12 97:6	entitles 59:5	13:8 14:8 15:23 17:1	fairly 45:22 143:22	finite 56:1
effective 82:19	entitled 81:18 84:25	106:6 134:14 136:15	fall 19:11	firm 14:1 36:23 73:3
effectively 65:7	entitlement 19:10 81:16	137:3	false 91:5	first 7:7 8:12 10:2 17:15
effects 7:13	entitlements 5:4 38:19	excited 69:13 72:16	familiar 28:13 36:21,24	22:17 40:1,14 41:7
efficient 36:15	80:23 127:1 128:22	excitement 81:23	families 61:19 62:2,14	42:16,25 43:7 47:8
effort 44:9,14	entity 105:1	exciting 63:21	85:24	51:14,17 54:19 55:17
efforts 22:10	entrance 103:14 139:3	excuse 14:1 22:22 23:25	family 32:24 145:6,15	58:15 60:4 65:3 70:15
eight 93:20 97:6 102:5,15	entrances 27:24,25	25:8 34:19 66:12 86:11	family-sustaining 62:6	72:13 76:4 77:24 92:9
140:7	entrepreneurial 45:7	116:13	fancy 142:23	96:20 98:13,13 102:5
EIR 19:16 41:16 46:21	entry 5:18	exhibit 22:16 23:3,6	far 26:15 58:10,25 84:7	105:11 127:8,9,18
47:19,20,21 49:16,23	environment 82:22	exhibits 26:23	87:22 106:19 120:10,13	129:6 141:16 143:14
60:17,21,23 71:22	environmental 13:23	existed 139:18	135:2 143:22	fit 127:8
76:21 80:7 86:22 94:15	19:6 31:8 46:11 49:9,12	existing 20:24 21:23 28:8	farmed 139:18	five 7:10 27:10 28:23
100:19 104:14 107:9	73:11 76:16 77:17 79:7	31:14 32:10 33:24 57:3	Farmers 83:13	31:3 38:16 43:11 57:25
109:17 110:14 111:4	104:12,19 117:23	73:15 74:2 87:16 88:22	FARs 120:9	58:7 83:25 85:10,13
112:14,19 121:14	119:19 123:4,5,13	89:1 96:2 105:9 109:25	farthest 85:12	86:1 102:24 142:8
123:11 124:18,25	125:20,23,25 127:4	110:21	fashion 41:10 60:12	144:12
125:14,22	envisioned 71:8	exit 103:8	fast 39:3	flat 101:2
either 10:20 42:19 105:19	equation 132:7	exiting 103:4	faster 53:11	flatly 104:14
108:25	equity 89:24	expand 68:15	fault 142:14	flaws 7:8
elaborate 119:25	equivalent 140:12	expanded 30:25	favor 3:17 69:23 77:7,21	flexibility 140:1,2,3,23
elaborating 77:4	especially 11:8,10 122:5	expansion 62:1	Fawn 113:19	141:10,23
elapse 39:11 40:3	essentially 9:1 23:11	expect 45:12 57:6,25	feasible 59:9 108:14	flip 80:23 105:19
electronic 17:24	38:16 44:19 86:22	expectation 46:7	feature 34:19	floor 20:13 26:2 27:12
element 87:5,15,16 90:23	establish 59:4 136:11,18	expected 45:2 57:1	February 43:18	floors 97:6,6 138:9
elements 29:11,16	136:21	expedited 19:10	fed 101:17	floor 30:18 103:1 123:6
	established 80:5,13,16	expensive 87:23		flowed 8:1

flows 103:10	121:24 123:5 130:10	126:22 144:9,24 145:20	granular 114:12	harmony 61:1
flushed 137:12	137:23 142:20	given 10:11 32:1 66:7	graphic 52:4,17 90:15	Hashim 77:8 78:9,11
fly 10:20 119:3	fronting 51:25	102:16 128:9,13	gravity 141:18	hazard 31:2
flyway 10:19	fruition 102:23	gives 14:2 20:6 98:6	gray 28:16	hazards 103:3
focus 19:3 72:16 89:19	fuel 63:24	137:22 141:9,23	great 13:17 25:21 28:6,15	HCR 108:10
135:2 137:23	fulfill 67:8	giving 35:12 82:15	32:22 33:3,5,25 34:3	head 58:8
focused 135:23,24	fulfilled 48:7	128:17	37:14 50:7 56:14 64:11	heading 103:11
focusing 133:21	full 68:19	glad 14:6,7	68:18 73:15 75:22 76:2	health 4:1,21 7:17 31:25
foil 35:11	fully 80:19	glass 30:6 140:24	76:3 80:6 82:4 89:6,15	61:18 82:19 108:19
folks 61:17 145:6,6	function 25:22 26:23	Glenn 64:25 66:23 67:1	89:16,16 95:2 112:10	hear 69:22 76:16 145:1
follow 12:9 50:1,9 62:17	34:17 64:4	go 2:4 14:5 19:9,15 20:5	145:13	heard 18:5 32:19 44:25
78:21 86:24 87:10	functioning 35:17	20:8,10,12 21:19 25:1	greater 23:14 25:20	53:16 54:5 72:13 73:14
123:25	functions 35:20	26:15 27:22,23,23 30:4	68:14 105:1 138:22	74:22 75:25 82:5 106:7
followed 61:6 64:25	fundamental 56:8 82:24	35:5 36:12,12 39:2,4,7	greatly 10:6,11 59:25	108:1,15 110:5 112:13
66:23 68:23 70:13 77:8	88:5	39:19 41:15 42:1,2	green 29:1,5,8 30:10	119:5 127:9 128:15
78:10 79:19 82:13	funnel 103:10	49:23 51:2 61:1 70:4,11	54:21 64:18 68:15	134:17
84:18 86:14 89:11	further 11:15 12:24,25	75:9 81:3 82:8 83:22,22	69:10 75:12 78:6 89:1,2	hearing 16:3 17:15 60:6
91:25 94:5 96:7,7,8	14:12 48:11 107:15	104:3 112:9,22 113:1,5	100:14 101:13,14	78:18 124:13 126:11
98:9 100:5 101:19	118:13 126:9,10 131:19	116:1 117:23 121:9	133:19 135:9	hearings 70:16 71:5
104:6 105:18 107:21	137:18 139:9 143:17	126:8 132:18,24 137:10	Gretchen 79:23 100:23	128:21
following 41:9 57:13	146:5	138:3 143:11 144:15	grew 110:1	heart 32:25 34:15
62:10	further 115:23	goal 36:9 46:9 96:1 99:9	grid 47:14,23 74:13 129:7	heat 73:8
Fong 68:23,24 70:12,14	future 55:3 61:24 62:8	100:1 113:1 115:24	129:12	heaven 143:8
Food 61:9	66:16,20 82:10 127:2	goals 26:15 48:8 87:11	ground 20:13 25:9 26:2	heavy 102:25
foot 5:2,12 22:18,20	131:12,17 140:1,23	88:22 115:12	27:12 28:7 32:7,12	height 56:6
26:14,16 31:21 33:12	141:6	goes 21:2 23:10,10 43:24	35:20,21,22 40:21 41:8	held 34:2 42:23
51:3,22		46:4 54:10 83:14	42:8 132:8 141:11	Hello 65:1
forbid 143:8	G	118:10 122:4	groundbreaking 54:25	help 15:13 63:18 68:1,15
forecasted 45:18	gained 22:25	going 2:10,13 5:8 11:22	grounds 78:16	70:2 79:9 113:12
foregoing 146:2,9	gall 93:17	17:17 18:17 19:2,5,19	group 63:16	114:24
foreplay 29:15	gap 34:6	20:5 26:21 27:4,11 29:2	groups 44:5	helped 11:5 13:19
forest 81:12 136:8,14	garage 22:8 29:22,22	29:19 30:17,20 39:2,4	grow 36:6 69:7	heritage 31:3,4,18,24
form 2:5 15:17 26:23 27:8	52:12 103:2	39:13 41:1,20 43:8,16	growing 67:8 142:9	32:5 52:19 94:2 99:15
27:14 28:22 29:21 65:5	garages 28:21 86:8	44:24 47:12 54:15 56:3	growth 31:12 32:8,11	hey 70:4
75:7,20 126:24	102:25	56:10 58:21 63:20	53:5 63:15 72:16,21	high 21:18 22:24 26:3
formal 17:13,18 18:18	garden 35:13 39:11 48:6	64:19 69:14,14 71:12	guarantee 95:11	29:7,13 33:24 40:11,13
19:16	72:19 73:5 77:19 87:17	72:2,3 74:19 75:25	guess 48:9,15,18 53:6	40:14,15 57:20 59:23
formed 73:18	gardens 37:5	76:17 83:13,22,24 84:1	56:18 76:19 104:18	64:4,7,13 68:13 69:5
former 7:25 9:7 70:18	gateway 35:2	86:4,7,10 89:17,17,18	111:24 126:7	71:4 76:10,14 83:11
77:13 113:19	gathered 85:2	89:19 90:8,9,20,22 91:8	guidance 75:21 81:21	98:2 102:9,17,19,22
formerly 8:17 21:4	gathering 33:10 34:8	91:9,19 92:18 93:25	guidelines 11:4 13:25	110:10 116:17 119:2,2
forms 137:20	gavel 144:2	95:9,11 106:12 109:3	24:18,22 49:18 55:16	121:1 134:1 138:24
forth 75:11	geez 142:17	111:1,2 115:17,17,18	55:18,22 56:15 57:3	high-tech 69:19
forward 39:10 42:1 44:21	Gen 69:18	116:1,7,18 117:15	109:18 128:23 129:14	higher 66:13 68:4 69:21
46:8 58:24 68:4 70:10	genderfication 90:5,8	118:19 119:2 121:12	137:14 139:24	82:24 116:4
70:11 106:20 113:2	general 6:17 7:13 10:15	122:6 126:10 129:3,18	guys 51:4 70:16,17 144:9	highly 75:12 79:16 80:13
114:19 119:6,16 121:6	19:23 54:23 59:7 65:25	131:24 132:19 134:4,10		99:23
127:2 128:20 131:19	66:4 67:17,20 70:25	134:16 138:2 139:1,1,5	H	Highway 7:16,17
134:11,24 137:10,24	71:6 81:1 87:5,11,15	140:16 142:5,22 143:19	habitat 9:9 11:9 93:15	hike 86:1
138:3,10 140:16 141:15	88:8,10,23 92:22 94:23	143:20 144:1 145:18	half 51:21,21 96:24 97:4	historic 18:11 46:13,19
forwarded 18:7	96:1 108:9 112:2 113:9	good 6:19 7:4 8:6 9:22	102:12 135:19 136:10	47:11,25 72:1,4 77:14
found 33:15 123:8	113:13,22,25 114:16	11:7 13:3 18:22 27:10	hand 20:9	77:15,16 78:7 80:5,12
founded 58:18	115:1,3,8,24 116:3,9,20	27:24 30:14,15 32:17	hand-outs 39:23	81:7 82:3 87:7,11,13,14
four 43:9,11 50:16,17	119:10	56:20 57:2 60:5 61:7	handed 86:20	91:18 94:22,25 95:23
57:15	generated 68:5	62:2,6,13,25,25 63:3	handle 106:21	98:17,20 99:12,13
fourth 34:23 56:3	generating 67:9	64:14,20 66:25 67:9	happen 37:6 98:23	107:25 108:2,6,7,11,12
frame 56:24,25 57:24	gentle 145:4	68:25 69:11,15 70:14	102:22 110:20 126:22	108:24 112:1 114:1,25
framework 56:5	gentleman 13:20	73:23 74:24 76:24	132:21	115:13 120:10 134:24
Francisco 90:18	gentleman's 14:4	78:11 79:20 82:14 83:6	happened 11:15 21:10	135:15,15,17
frankly 61:17 104:17	genuine 101:8	86:15 92:1 94:6 98:6,7	50:23	historical 19:12 48:8
145:4	George 100:5 101:19,23	98:10 101:21 104:7	happening 90:12,21 92:7	50:10,15 79:3 136:3
free 8:23 52:18	Gerlach 84:18 86:14,15	107:22 108:22 109:11	92:17,19,20	histories 98:24
freeway 8:17 37:6,8	86:16 94:11	113:5 120:21 123:23	happens 46:6 124:9	history 14:4 62:12 97:20
Frequently 69:3	get-go 141:17	130:20 133:20 134:22	132:25 143:8	98:16 113:18,21
Friday 19:19	getting 79:25 107:10	139:8 145:8	happy 107:16 131:18	hit 142:15,22
friendly 11:4 89:22	114:14	gotten 75:5	hard 39:25 61:13 70:20	hitting 111:24
friends 144:23	gift 8:23	Governments 68:6	86:9 98:12 109:17	hold 2:10 124:22
frogs 100:14 101:13,14	give 2:12 15:11 18:17	Governor's 91:20	130:4 132:12 133:10	holding 45:18
froudous 21:18	42:17 50:5 56:8 66:18	grading 41:23	harder 22:5 96:23	holds 104:1
front 2:6 5:18 15:17 35:3	68:14,19 92:11 93:14	graduates 65:18	hardscape 22:9 39:18	hole 40:20 42:8
52:2 60:2 118:11	97:1 101:10 119:8	granted 81:16	141:20	holes 41:8

holistic 52:18 115:21 holistically 119:18 Homan 1:21 146:2,13 home 32:24 79:24 137:17 Homeland 103:12,15,23 homework 7:21 9:18 69:2 honest 111:3 Hong 4:18 honor 145:19 hope 7:20 12:5 38:3 46:7 73:20 79:24 109:9 134:5 hopefully 20:6 44:10 59:8 62:9 72:10 142:11 hoping 11:14 hospital 9:7 93:20 hospitality 62:18 hotel 8:20 9:16,17 21:3 22:18,19 24:7 29:7,7 29:21,21,23 38:22 39:6 58:13 61:9,21,22 62:6 62:10,16,16 102:9,23 127:17 hotel/ 24:5 hotels 62:12,13 hottest 92:11,14 hour 124:11,15,24 hours 82:18 85:25 107:13 121:7,11,13,20,21 122:13,16,24 123:1,6 124:3,17,19,21,24,25 125:1 128:12,18 142:16 house 8:12 47:18 65:21 77:22 85:15 households 90:25 91:10 houses 98:17,24 housing 20:4 44:25 45:6 65:23 66:7,12,13 67:8 67:23 68:5,13 69:14,18 72:14,21 78:3 80:15 81:13 85:8,9 87:4,8,17 87:22 88:1,20 89:5,20 90:11,14,23,24 91:6,7 91:22 95:10 117:3,6 119:20 127:17 129:7 133:25 135:19 hovering 113:14 Hudson 61:5,6,7,8 huge 81:11 140:15 hundreds 62:14 99:12 Hung 4:19,20 10:3,8 12:9 13:2,7 husband 95:17 hybrid 112:14 hypothetical 58:7	illness 145:1 imagery 25:9 images 24:23 36:25 imagine 64:22 110:8 130:21 immediate 43:3 immense 127:21 immune 60:10 impact 14:7 46:12,14,24 48:21 49:6,20 52:18 87:13 102:16 123:7,9 127:22 136:2,10 138:16 impacted 90:13 impacts 10:22 41:13 49:13 73:12 79:7 81:4 128:6 Impart 145:9 Implementation 111:14 implemented 106:1 109:19,21 implications 73:11 importance 34:10,11 73:21 important 8:8 10:17 18:4 28:18 34:12 35:24 36:19 62:14 65:14 98:23 99:20 132:7,18 133:8 138:1 144:21 importantly 35:15 51:23 66:5 imposed 105:8 impractical 41:12 Impressed 130:13 improve 37:18 70:2 improved 24:13 73:19 74:7 130:12 improvement 72:7 74:9 74:25 96:20 131:20 improvements 38:24 39:19 74:15 81:6,8 100:13 130:12 improving 131:5 inappropriately 81:25 inaudible 14:2 15:13 29:1 96:16 Inaudible- 96:18 Inaudible-Witness 96:23 96:25 inch 92:24 include 91:8 116:8 141:20 included 11:13 24:18 31:1 128:7 135:19 includes 135:13 including 16:2 31:9 47:12 56:25 72:23 73:2 99:4 125:22 128:22 Inclusion 13:5 22:10 Income 85:9,10,11 90:1 90:14,17,22 91:6,11,19 91:22 132:5 Incomes 90:7 incorporate 11:3 Incorporated 12:8 126:4 Increase 65:11 88:23 90:7 102:25 118:24,25 Increased 71:3,8 103:3 129:5,8 increasing 53:11 77:22 Incredible 135:9 136:7 incredibly 88:21	Independent 110:3 indicated 65:11 66:4 124:8 Indicates 45:11 Indication 44:20 45:3 indications 45:9 Indicator 45:24 90:5 Individual 39:6 105:10 individuality 96:3 Individuals 44:4 105:4 Industries 61:12,14 Industry 62:18 Infill 33:1 66:6 96:11,11 Influenced 73:5 Information 10:23 Informed 44:11 Infrastructure 38:24 39:17,18 45:14 141:9 141:10 143:13 Inhabited 80:19 87:20 inherent 136:4,14 initial 20:9 45:12 130:18 initiative 114:4 input 22:6 43:10 82:6 125:18 137:21 inside 9:16 Insights 119:8 insofar 112:7 install 53:5 Instance 39:2 58:14 Instances 7:19 23:23 Institute 71:16 97:8 Insurance 61:18 intact 34:2 Integral 73:17 Integrate 48:4 81:8 82:6 Intelligence 145:3 intend 23:7 Intended 34:19 107:9 intensification 25:18 intensive 5:4 Intentions 80:17 intents 138:17 interest 65:12,13 85:8 101:5 122:21,24 134:19 Interested 36:1,7 48:12 65:10 118:22 123:10 146:7 interesting 24:9 interface 23:8 26:12 Interfaces 21:21 interior 94:18 143:3 interplay 30:7 Intersection 34:13,24 Introduce 82:25 Introduction 118:19 introductory 114:23 Intrusive 10:16 Inundated 85:15 inventory 31:1 invest 67:18 Investing 112:8 Investment 132:3 139:15 Investments 65:6 investor 119:12 Investors 109:4 Invigorate 112:9 Invitation 43:2 invitations 43:4 invite 18:16 125:11 Invited 71:23 121:8,11	125:24 Involve 106:25 Involved 37:1 75:12 91:15 125:21 Involvement 133:7 Ion 73:8 Irrefutable 13:25 14:1 Irresponsible 79:6 issue 10:14,24 13:21,21 13:23 15:15 16:20 40:20 51:2,5 73:13 74:18 76:11 90:11 102:20 104:13,16 106:7 110:14,20 111:13 113:13 119:25 129:20 130:25 134:22 139:14 141:16 Issues 6:4 13:4 20:16,16 22:13 89:20,23 101:25 123:4,5 127:3 131:4 item 3:22,25 7:3 15:12,18 138:19 144:1,5,12,15 itemized 7:9,20 items 3:23 7:11 27:11 137:12 iteration 43:14 iterative 24:24 IV 40:8,15	Kennedy 18:24 60:13 61:3 62:4 100:16 101:1 101:4,6,9 kept 101:17 key 33:24 63:18 72:6 135:8 137:6 Khan 77:9 78:9,11,12 kicked 44:20 kids 69:7 kind 24:1 25:19 26:1 27:14 28:12 29:23 35:2 43:15 50:21 52:6,11 69:8 70:2,19 71:7 83:23 97:1,16 112:11 119:19 123:5 130:24 138:11 145:9 kindly 140:20 kindness 145:3 kinds 11:14 120:15 Kings 86:2 kiosk 25:14,16 34:17 know 11:19,23 18:4 30:7 30:10 32:23 37:16 39:4 43:25 44:23,25 45:6,9 45:25 47:15 50:19 51:20 53:19 55:5 57:18 58:7,13,21 61:22 63:16 64:5,10,16 69:4,11,12 69:12,17,24 70:5,9,15 70:16 74:6 75:11,24 76:12 83:22,23 86:7 89:6 93:13 103:23 108:3 110:2 112:16,21 114:17 115:5,20 116:7 116:16 118:4,12 119:16 119:17 121:1 122:19,19 122:20 123:16 128:16 129:10,19 132:18 133:15,23 134:5,14,18 135:10,15,23 136:13 137:2,17 138:6 139:5,7 139:13 142:1,17 143:5 144:2 knowledge 50:12 57:5 knows 144:19 Kryski-Morris 60:4,5,7 60:21 Kunze 86:14 89:10,12,13 91:14 Kwong 144:23,25	
ice 8:12,13,13 idea 11:2 32:24 33:15 35:19 47:16 56:4,22 130:16 Ideally 39:15 ideas 11:14 72:3 Ideation 33:19 Identical 23:9 identifiable 34:21 identified 46:19 95:24 Identifying 46:17 114:13 ignore 129:25 II 40:1 58:3 III 40:7 58:2	I	in	J	L	
			Jacques 26:5 47:13 91:25 94:5,6,7 Jail 81:2 116:16 Jane 60:4,7 Jim 101:20 104:5,7 Job 64:14 65:19 66:11 68:2 99:23 jobs 45:4,5 61:15,16 62:2 62:7,13,19,25 67:10,14 67:23 68:6 69:15,20,21 Johannes 26:22 27:3 33:8 Joint 59:6 joking 121:13 Judith 107:21 109:12 Judy 82:13 84:18 July 17:15 20:22,24 30:23 38:18 Jump 137:11 jumping 111:20 June 43:19 jurisdictional 13:24 Justin 78:10 79:18,21 juxtapose 116:21 juxtaposed 114:10 juxtaposing 114:2	K	L
			Kandel 94:5 96:7,9,10 Karen 91:25 94:5,7 Kaufman 2:24,25 4:14,15 14:22,23 16:8,9 38:10 38:11 40:23 41:6 42:10 46:3 111:11,12 123:23 123:24 124:20 129:1,2 Kaufmann's 44:17 54:11 Kay 82:13 84:18 keep 62:24 114:14 keeping 47:16 137:23 Keith 66:24 69:1	L L.A 75:24 labor 5:3 62:7 lack 65:23 94:15 96:16,18 lake 8:1,1,3,10,14,16,19 8:20 9:9,16 Lamare 109:11,12 land 7:6 8:6,17 69:6 87:15 88:8 109:18 115:5 landing 24:1 landowner 105:19 landscape 11:13 12:10 20:12,14 22:5,10 24:11 30:20 31:14,23 32:3,14 32:15 33:13,15,20,21 33:23 35:1,6,10,17 36:9 36:14 37:23 38:24 39:18 65:8 73:1 105:10 105:25 109:17,19 110:1	

110:16,25 111:14 129:17 143:14,17 landscapes 36:18,21 landscaping 11:1,2,4,14 12:8 22:7 29:20 30:12 42:4 129:16 141:20 Lane 4:24 5:10,14 language 106:15,17 129:15 large 29:15 31:3 82:4 98:20 105:21 135:10 largely 112:16 134:16 larger 22:23 25:12 53:5 largest 63:8 68:2 law 81:22 lawn 34:17,17 laws 146:8 layout 52:5 lays 47:3 lead 30:9 76:23 leadership 61:13 81:21 92:13 leading 90:20 leaf 31:10 leap 45:8 leaps 74:8 leases 39:11,12,14 40:3 leasing 40:12 leave 139:5 142:8 leaves 79:12 92:10 leaving 35:20 left 22:12 23:20 24:6 39:21 legacy 33:6 136:18,21 legal 7:12 105:12 Leisure 4:24 5:10,14 lender 105:20 lengthy 104:16 lens 135:4 136:20,25 let's 3:17 14:13 20:18 41:22 58:17 89:8 112:4 letter 6:10,11 10:1,9 11:6 18:12 24:15 56:18 71:22 86:21 104:16,18 116:5 117:12 118:12 letters 6:2 85:1 level 22:2 29:6 32:7,12 43:25 49:4 85:16 129:15 levels 122:17 leverage 34:3 levy 9:2,3 life 72:19 73:11 78:25 84:1 108:22 145:2,3 light 13:5 28:4 30:7 68:12 74:21 76:2 96:16,18 lighter 29:5 30:5 lighting 10:14,14,16,17 10:21,23,24 12:25 lightly 132:15 lights 27:18 54:21 limit 2:9 59:24 122:4 131:13 134:15,15 limitation 123:6 limited 120:8 limiting 122:12 limits 118:6 126:18 Lindsay 15:13 line 26:1 51:16 67:20 68:15 112:11 lined 28:11,12,21	lines 20:17 34:18 65:17 68:12 linking 29:2 Llon 8:20 list 17:20 38:18 65:20 listed 99:12 listen 82:6 134:19 listened 100:12 134:18 listening 130:6 listing 19:12 little 11:23,23 19:4 22:12 24:21 26:9 27:5,19 33:18 37:16 38:12 39:3 40:16 48:20 56:20 76:7 96:22,23 97:12 119:12 134:25 138:6,12,13 140:22,23 livable 74:17 80:14,16 95:25 96:1,10 live 8:8 10:20 61:1 65:19 65:24 67:4,15 69:4,6,8 70:4,8 83:1,18 95:15,17 95:19 127:24 133:16 134:10 live/work 26:1 28:13 lived 75:24 83:4 92:3 139:17,18 lives 139:18 living 23:21 28:15 61:18 65:11,16 84:8 108:16 108:21 134:4 136:9,14 137:9 loads 97:15,15 lobby 99:1 local 61:9 67:2,12 70:21 73:2 80:8 located 4:23 7:15 19:8 21:6 location 20:20 26:6,10 33:17 70:3 88:14 locations 56:7 LoFaso 3:1,2 4:10,11 14:24,25 15:24,25 38:8 38:12 52:14,15 53:12 53:14,24 54:2,5,9 55:7 73:24 74:16 75:1 113:10,11 116:1 117:10 118:17 119:23 131:21 131:22 137:5 long 8:4 14:2 20:6 44:25 49:17 50:23 64:17 70:16 114:23 127:15 130:1 139:17 142:10 143:8 144:20 long-time 73:2 long-winded 130:1 136:1 longer 45:23 52:12 look 9:18 10:17 22:5 23:19 35:9,14 50:21 52:2,5 70:10 79:7 93:23 104:2 111:18 114:18 115:8,18 116:25 117:6 118:14 119:18 122:20 124:14 127:20 128:10 128:14,18,20,22 131:11 134:21 136:11 137:2 143:1 looked 23:23,24 74:5 109:17 112:1,2,2 121:18 looking 10:18 12:22	20:18,22 23:11 25:25 26:2,17 36:12 47:2 48:12 51:15,25 58:16 75:6 79:5 94:16,18 106:19 110:19 115:21 117:22 119:10,15 129:17 131:19 133:20 134:10 135:2,4,14,18 136:25 looks 42:4 105:25 118:25 121:14 Los 90:19 lose 90:22 91:6 losing 11:10 90:14 91:20 95:2 135:22 139:2 loss 18:11 80:5 87:18,25 91:5 108:24 109:25 145:14,14 losses 90:24 137:21 lost 90:18 93:2 104:18 129:10 137:25 139:4 lot 9:6,6,18 11:3 14:3 20:6 22:4,10 23:18 25:2 25:19 28:13 32:25 37:5 40:13 42:16 43:14 56:21 63:21 69:9 70:3 75:22 76:14 79:11 83:5 83:24 84:2 91:20 98:4 103:9,14 105:18 111:4 112:13,18,22 115:4,6 117:5 118:4,15 130:5 132:6,20 141:10,23,24 142:3,19 143:7 144:21 145:13 lots 78:2 88:25 89:8 98:3 102:24 114:14,14 119:5 132:21 love 89:19 114:17 133:14 Lovely 84:20 low 48:1 61:15 85:9,9,11 88:21 116:20 132:5 135:25 136:5,6 137:21 lower 24:6 97:5 Lynne 1:21 146:2,13	87:19 95:13,13 massing 27:14 29:10 56:6 75:7,20 material 6:8,13 36:12 materials 30:3 55:6 76:13 76:14,15 matters 6:1 144:13 mature 33:25 36:6 37:12 109:23 142:5 mayor 70:24 mayor's 19:24 45:3 114:4 119:17 Meadowview 100:14 101:11 mean 54:2,3 60:16 69:16 69:22 70:1 89:1 104:22 112:14 119:1 143:13 meaningful 101:9 129:6 means 19:15 85:14 87:17 87:25 117:19 132:2 measure 107:11 122:3 123:8 measures 105:16 123:11 124:3 125:2 131:4 media 98:22 114:5 median 91:10 medication 93:19 medium 71:4 meet 30:8,10 47:6 88:12 91:17 126:14 meeting 1:5 43:4,12 100:9,17 101:4 106:16 109:13 125:10 126:11 130:3 134:23 143:5 145:19,22 meetings 71:5 101:7 125:24 meets 87:4 Melendrez 20:12 32:18 Memba 16:15 42:13 123:22 129:23 member 16:19 30:15 70:18 71:17 73:2 100:8 102:2 107:23 113:19 144:20 members 4:19 15:22 16:1 17:4,9 18:23 38:6 49:11 50:20 61:8,12 67:3,10 77:11 84:23 86:16 89:12 92:2 98:11 99:5 109:12 144:15 memorial 144:18 memory 83:17 125:16 145:2 Mending 144:17 mention 47:12 52:9 mentioned 32:9 34:16 76:23 110:23 112:20 143:16 mentor 145:4 merit 118:11 merits 117:1,9 merrier 64:14 met 16:6 19:1 44:3,4,5 46:18 50:18 71:24 Metal 67:2 method 53:10 metropolitan 19:23 68:8 mic 119:24 microphone 96:19,24,25 mid 13:5 21:22 22:11,20	23:4,20 24:11 28:22 29:6 40:1,2,6 51:21,24 57:22 58:15 77:19 78:3 78:4 99:23 110:10,12 119:4 129:9 middle 23:25 58:22 90:14 90:17,22 91:6,19 98:2 migraine 85:16 migration 10:21 Mike 71:12,15 72:1,5 mile 7:15 million 65:17 mind 62:24 minimum 116:12 minor 73:4 minute 2:9 59:24 72:10 75:14 126:12,17 129:3 129:25 minutes 3:14 127:8 131:10,23 missed 53:17 missing 34:7 mission 61:20 mistaken 76:25 mitigate 47:22,24 77:17 111:1 mitigating 47:15 mitigation 47:3 105:16 106:2 107:11 109:22 122:3 123:8 124:3 125:2 131:3 mix 137:25 mixed 66:6 80:13 mixed-use 67:13 mobility 115:5 Mod 71:25 model 59:11 80:14 112:8 moderate 90:14,17 modern 63:12 79:4,22 100:3,24 modest 61:17 91:22 modification 96:12 modifications 138:7 moment 15:11 21:19 22:1 24:25 60:20 76:6 106:5 144:9 Monday 48:25 85:20 121:15 monetary 109:3 money 82:24 83:12 105:21 months 18:25 19:18 43:11 82:1 96:13 morning 50:3 74:20 motion 3:14 13:14 14:7 mourn 145:14,14 move 20:21 39:10 41:25 44:21 46:8 76:6 83:25 moved 3:15 26:8 96:21 moves 106:20 137:24 moving 40:4,5 58:24 68:4 multi-story 66:14 multiple 68:11,12 72:22 115:4 mushrooms 101:14,15 101:16 music 65:8 myth 78:19
--	---	---	--	--

63:5,8,10 101:24 102:21,23 103:4,10,14 109:13 name 7:4 9:23 16:2 17:10 30:16 60:7 61:8 63:4 67:1 69:1 77:11 79:21 86:16 89:13 96:9 98:11 100:7 101:23 104:7 narrow 103:10 140:24 141:3 nation 78:22 national 65:14 95:1,24 108:1 natives 11:7 36:13 natural 33:21 nature 73:5,7 near 13:5 16:22 81:18 nearby 128:18 nearly 65:13 necessarily 59:3 95:14 115:22 117:24 118:6 137:8 necessary 7:1 81:21 108:19 need 9:3,8,11,11 12:25 66:19 67:8,18 86:8 89:15 94:1,2 95:4,10 118:6 121:1 124:10,15 137:4 needed 34:2 45:2 needs 7:17 9:16 66:13 69:15 73:9 92:12 nefarious 140:4 negative 81:4 82:22 neighborhood 28:17,18 32:25 33:3 77:15 79:2 80:5,14,24 81:7,25 88:11,22 108:17,23 109:1,7 133:14,17 135:7 neighborhoods 32:22 79:2 89:24 90:4,13 96:2 neighbors 6:11 16:7 17:7 22:13 43:3,3 51:8 104:15 128:19 net 118:2 never 60:9 85:5 101:7,8 110:23 nevertheless 22:14 new 23:5 26:3,3 29:3,3 37:10,20 63:21,23 68:5 72:14 76:14,15 81:17 87:24 88:6 93:15 103:2 106:22 127:10 142:23 newer 79:4 86:3 news 25:15 nice 64:10 96:22 105:25 133:16 140:2 nicely 138:25 night 10:14,17,21 103:5 143:9 nightmare 85:23 nine 7:11 18:25 19:17 96:13 Noak 61:6 63:1,3,4 104:24 105:2 nodes 33:11 34:9 noise 48:19,22,24,25 49:13,16,19 50:4 85:14 85:16 104:13,20 107:12 122:5,5 123:9 130:25	131:1,8 142:22 noisy 143:4,8 nominate 18:14 nomination 19:11 47:11 72:1,4 non-existent 86:5 non-Heritage 31:1,19,24 32:6 52:19 non-renewable 40:3 non-stop 85:16 normal 124:25 normally 61:15 107:1 north 4:24 21:25 26:8 40:1 57:22,24 north/south 26:9 north/south/east/west 25:12 northeast 21:3 38:23 northern 67:4 73:1 notably 22:17 65:22 note 17:19 noted 109:14 116:3 notes 84:22 notice 98:19 111:16 noticed 121:17 122:3 notifying 10:3 noting 98:23 128:11 notwithstanding 13:4 Novak 71:12,15 72:8 74:4 76:6,8,22 77:5 November 19:17 43:1,12 43:12 number 2:11 3:13,22,25 15:18 19:1 21:9,10 22:17 41:17 45:5,5 65:15 67:2 78:19,20,20 78:21,21,24 85:25 89:22 98:20,24 99:14 102:4 107:4 108:18 110:5 113:24 125:13 129:10 144:12,15 numbers 88:10 numerous 114:7 116:3 Nunez 79:19 82:12,14 84:16,17 nursing 5:2 nurturing 132:3 Nybo 2:1 3:10,11,13,16 3:20,25 4:7,10,14,17,19 6:24 9:20 11:25 12:3,7 12:18 13:10,17 14:8,11 15:7,8,10,23 16:4,8,10 16:12,14,17 17:1,5 18:22 27:2 40:19 42:12 42:15 50:25 52:14 55:8 56:21 57:9 59:17,21 60:19 61:4,7 63:1 64:24 66:21,25 68:22 70:12 71:11 72:8 76:5,9 77:6 77:11 78:9 79:18 82:12 84:5,11,17 86:13 89:10 91:12,24 92:1 94:4,6 96:6 98:8 100:4 101:19 103:17,20 104:5 106:4 107:1,6,8,19 111:6,20 113:3,8 120:3,14,17,20 121:3 123:21,25 125:1 125:5 126:9,16 129:1,3 129:22,25 131:21 133:1 134:12 139:7 145:18	O O 25:23,23 28:2 34:7 129:12 oak 11:10 objective 20:2 objectives 46:18 48:4,5 91:17 obligated 78:15 87:12 obliterate 102:11 obsolete 60:16 obvious 90:5 obviously 115:4,13 occasions 105:23 occur 60:11 occurred 130:19 occurs 54:25 oceans 79:15 October 71:22 odd 52:24 off-site 117:17 141:25 142:7 offer 121:13 offered 116:5 offhand 44:8 office 28:15 127:17 official 108:6 oh 60:22 76:8 98:4 111:10 okay 25:8 38:20 47:1,8 54:5 55:7 58:13 60:21 69:15 77:3 96:9 107:6 113:6 118:17 120:14 122:22 124:20 125:1 126:2,20 old 47:16 63:12,22 77:13 78:19 92:22 93:8 older 37:16 63:11 82:19 98:24 omit 72:3 on-grade 28:10 29:1 on-site 25:4 once 26:19 41:12,15 one's 142:19 one-third 105:3 ones 44:8 50:17 77:7 139:17 onion 40:16 online 6:9 open 23:13 27:12,13 28:25 35:21 49:16 56:7 66:8 69:10 95:1 96:4 107:4 114:19 130:11 openness 64:19 operation 82:17 142:16 opinion 48:1 112:9 opponents 113:21,24 114:7 116:5,13 118:23 opportunities 24:11 132:22 opportunity 9:15 17:16 55:13 68:14 80:11 82:16 83:20 112:11 131:14,15 138:9 oppose 7:5,5 79:17,25 102:18 opposed 3:20 opposes 84:24 opposite 9:3 103:15 opposition 85:2 option 53:5	options 53:1 65:23 66:8 91:16 107:4 order 2:8 30:18 45:21 58:19 ordinance 48:24 49:19 121:23,24 124:17,25 organization 85:2 organizations 44:5 orientation 23:19,20 original 72:24 73:17 91:2 119:9 135:20 originally 26:7 52:10 91:1 originates 8:1 outdoor 73:6,16 76:2 outlining 72:6 outreach 42:18,23,25 43:13,25 101:7 outset 53:6 outside 9:17 52:11 88:4 93:18,21 outweigh 80:4 108:24 over-ride 136:23 overall 20:19 74:5 75:20 80:2 135:12 overcome 81:4 overhead 4:22 Overhoff 26:5 47:13,23 overlay 5:4 overlooked 143:7 oversized 36:22 overview 20:8 owned 105:1,4 owner 18:25 60:7 104:8 owners 63:13 102:4,14 Owners' 105:6 ownership 90:2,6 127:16 owns 63:7 105:3 oxygen 92:11 93:14	P p 21:14 25:1 26:20 27:23 29:2,13 34:25 53:24,25 83:1 95:3 p.m. 49:1,1 85:20 121:15 121:16 pace 40:12 Pachl 101:20 104:5,7,8 Pacific 10:19 packet 18:3,12 packets 17:20,20 pages 7:10 paid 102:15 pain 93:19 pair 29:12 pallet 33:20 36:1 palm 21:14 paper 98:21 parallel 21:4,5,6 parameters 24:17 56:16 parcel 7:6 105:10,14,19 116:4 Pardon 30:14 park 10:18 69:6 80:14 83:3 95:4 parking 22:8 23:23 25:3,3 25:4,5 28:10 29:19 37:2 56:6 70:7 78:2 85:23 86:4,9 88:25 93:4 102:24 103:2,7,8,9,16 105:18 114:14 117:5 parks 37:6	parkway 4:24 5:11 10:5 10:12,15,20,21 11:9,19 12:2 parody 45:4 part 13:6 21:23 30:13 35:17 42:19 59:7,8 61:20 70:23 71:1,3,7 73:17 74:13 76:4 81:12 84:10 87:3 96:21 105:1 105:16 126:3 130:15,21 133:8 134:5 136:19 138:1 139:24 parte 4:2 15:19 partially 142:7 participate 44:11 participated 139:13 participating 139:20 144:4 particular 9:17 10:15 39:11 65:12 90:4 104:3 113:18 120:1 135:4 particularly 10:17 91:18 115:1 128:1 137:18 partife 27:6 partly 137:20,22 partnership 65:3,9 parts 87:6 party 146:6 paseos 34:5 Paso 8:13 pass 68:19 passed 144:18 passing 145:1 path 19:4,5 pathway 139:5 patience 144:11 patients 93:17,17 Patrick 77:8,11 pattern 74:19 105:22 Paula 96:7,8 98:9,12 paved 11:23 142:3 pay 61:20 83:12 85:12 paying 67:9 69:21 peace 134:8 pedestrian 16:21 28:1,6 33:10 34:3,10 73:19,22 74:6 138:22 139:2 141:25 142:7 pedestrian-oriented 25:7 pedestrians 5:20 34:5 penalty 146:8 penmanship 84:19 people 8:7 11:22 35:23 35:23 65:8 69:18 77:22 82:10,21,23 83:11,25 84:2 85:10 86:10 87:19 90:3 93:21 94:1 95:15 97:14,14 98:1,3 108:16 118:21 119:5,11 132:4 133:16 134:4,9 144:7 percent 27:13 29:9 36:23 65:18 66:4 91:10 93:20 95:16 percolates 8:25 perfect 69:7 perfectly 109:7 performance 41:22 82:18 period 13:13 14:2 18:20 19:18 49:5 50:2 104:14 112:15 126:21 perjury 146:8
--	---	---	--	--	---

<p>permanent 66:19 67:14 142:19 permanently 91:5 permissive 129:14 permit 5:5 permits 143:19 permitted 108:13 permutations 48:13 perpendicular 103:25 person 98:19 110:16 personal 94:8 personally 77:21 perspective 41:5 119:19 perspectives 13:22 Pete 61:6 63:1,4 104:24 pets 83:4 pharmaceutical 69:19 phase 38:23 39:2,3,10,22 40:1,7,8,9,10,10,14,14 40:15 41:20,23 56:3 58:2,3 59:12,13,14 141:16,24,24 phase-specific 38:25 phases 41:11 57:16 58:8 59:1 phasing 38:13,18,20 39:1 40:17 44:18 45:25 54:12,17 64:3 128:24 129:20 141:8 143:13 phenomenal 90:16 phones 2:13 photos 136:12 phrase 58:15 phrasing 57:14 picking 65:18 piece 21:18 29:24 34:4 35:25 37:19 pieces 27:15 29:14 48:13 135:2 Piggybacking 44:16 pile 49:21 85:21 122:7 piles 41:8 pillings 143:7 pink 23:20 Pioneer 21:23 22:21,23 23:7,9 28:9 51:13 83:1 83:18,25 84:7,9,23 85:15,15,24 88:11 93:24 116:9 127:23 128:16 129:9 138:8,17 pipe 8:15 144:7 piped 8:20 Pipefitters 70:21 place 19:13 21:7 33:14 41:2 42:2 46:2 49:21 65:19 67:21 69:7 80:2 80:10 83:3 95:16,19 96:4 110:2 131:4,16 placement 52:20 Places 108:2 placing 108:4 plain 34:14 plan 5:6,8 6:17 7:13 10:15,16 11:2 12:10,12 19:23,23 20:23,25 21:12 22:3 32:15 33:8,9 33:23 39:5 42:20 43:10 54:14,16,21,22,23 55:1 55:3,15,17,18,22 57:6 58:18 59:8 65:25 66:5 67:17,20 68:9 69:9</p>	<p>70:25 71:6 81:1 84:24 87:5,6,11,15 88:10,23 94:23 96:1 97:22 105:25 106:22 108:9 109:17,19,21 110:1,3,6 111:1,14 112:2,24 113:13,22,25 114:16 115:1,4,8,24 116:3,10 116:20 119:6,10,17 122:4 128:23,24 plane 27:12 28:7 35:21 35:22 planned 26:6 55:15 56:15 67:24 88:20 135:7,12 137:13 planner 4:20 49:9,12 planning 1:5 2:2 6:22 27:6 43:20,22 51:18 70:19 86:24 98:18 99:3 99:6,10,18,18 116:21 117:23 123:5,17,19 125:20,24 plans 11:13,21 24:19 43:10 44:7 45:14 55:3 129:18 143:14,17 plant 32:6 37:11 planted 95:7 planters 36:22 planting 36:7 37:19 53:7 plantings 31:13 play 37:22 99:19 played 37:25 125:14 players 137:24 plaza 16:22 21:9,13,17 25:6,11,19 26:19 29:4 29:17 34:14,17,24 95:2 124:4 138:20,23,25 please 2:12,14 4:6 9:18 9:19 15:12,12,16 28:7 28:25 29:10 30:1 35:6 36:16 39:3 68:18 85:19 89:3 120:6 pleased 89:13 pleasing 35:13 plenty 78:2 Plumbers 70:21 plus 85:1 ply 142:23 PM&D 7:8 pockets 135:13 podium 18:17 20:13 22:2 22:11 29:6 36:24 101:3 point 20:6 22:14 26:21 27:7 35:1,1 37:17 39:15 58:11 105:24 119:14 125:9 pointed 96:14 110:9 points 11:7 33:24 72:11 75:14 116:19 135:8 137:4 poled 65:9 policies 6:17 80:8 99:14 115:4,8 132:2 policy 90:1 108:9,10 115:19 politeful 139:20,21 poll 65:22 pollutants 79:11,14 pollution 79:10 poof 109:24 pool 8:14,15 25:13,14</p>	<p>26:7 29:8 135:11 populated 81:2 population 88:24 90:23 portion 74:24 115:13 126:11 posed 6:9 125:13 positive 79:5 133:21 possible 34:2 82:22 115:20 117:17 134:3 possibly 25:15 45:12 48:4 141:7 post 32:2 pot 130:25 potable 8:22 potential 13:25 62:7,24 69:24 72:7 90:25 114:13 123:7,9 127:13 127:21 132:10 142:4 potentially 128:21 pots 36:22 Powell 7:3,4,5 Power 20:6 practice 49:15 praising 100:15 101:12 preamble 136:1 precedent 96:10 precious 35:8,22 36:8 preclude 141:3 predicated 24:20 prefer 64:6 preferential 21:16 preliminary 27:7 prepare 15:11 130:1 prepared 30:17 106:10 preparing 130:3 present 2:20 72:2 109:16 presentation 6:20 17:18 18:18 19:3 30:19 38:3 112:16 131:12 presented 100:19 132:21 presently 21:12 24:22 41:18 preservation 18:5 48:16 50:16,20 71:17 77:12 86:18,23,25 87:9 89:3 94:9,9,14,24 98:14 99:6 99:8,9,22 100:1,8,17,21 100:21 107:23 108:3 117:13 118:13 119:24 125:10,11,23 132:5 134:20 135:22 preserve 44:5 46:18 93:12 preserved 77:16 preserving 114:1,25 president 79:23 86:17 pressure 141:18 pretty 2:10 5:13 10:25 40:7 60:19 70:7,8 136:12 143:9 prevent 79:9 prevents 5:17 previous 52:3,5 71:18 72:13 73:20 136:12 143:9 previously 71:17 priced 87:18 primarily 127:3,23 141:11 primary 90:1 principle 20:25 22:3 27:3 32:18</p>	<p>principles 80:17 printed 17:22 prior 8:2 141:21 prioritize 31:23 prioritizes 87:16 priority 19:8 68:7 private 9:16 33:11 35:20 65:6 119:15 privately 131:24 probably 2:3 42:3,3 50:5 53:19 61:22 63:7 79:23 79:25 118:8 144:19 problem 50:11 79:13 proceed 70:10 proceedings 146:3 process 19:10,14,16 24:25 31:22 39:5 40:2 42:19,19 46:17 50:23 77:17 78:1 81:5 106:12 125:17,18 126:4 132:19 produce 140:4 produced 43:23 98:15 product 43:9 57:25 140:4 professional 78:12 profit 80:23 program 20:16 99:6,8,11 99:19,20 progress 42:6 132:16 137:3 prohibits 105:9 project 4:20,21 5:9 6:2,7 6:12,15,16,19 7:5,8,18 8:3,6 9:10 10:1,4,8 11:22 12:8,13,17 17:13 17:17,21 18:5,7,14 19:8 19:20,22 20:19 21:1,22 21:23 22:4 23:4,5 24:4 25:11,21 26:13,16 27:10,22 28:18 30:8,22 31:2,5,7,8,17,18,21,22 32:4,6,14,20 35:2,4 36:1,10 37:7,10,21 38:13 39:8 41:10,13,15 41:21 42:9,9 43:5,6 44:19,22 45:8 46:8,12 46:24,24 47:18,21,22 48:4,5,7 49:18 55:14 56:8,10 57:15 58:9,20 58:20,23,25 59:7,10 61:3,25 62:21,23 64:12 64:17,20 66:2,3,7,14,15 66:18 67:7,7,13 68:4,7 68:16 69:3,10,11,24 70:10,11,22 71:8,10,24 72:12,15,24 75:6 76:1 78:4,16 79:6,17 80:1,10 80:11,22 81:15 82:22 82:25 83:14 84:7,10 87:3,24,25 88:3,6,16,16 89:6 90:20 93:8 95:11 96:5,12 100:11,13,16 100:19,20 101:9,12 104:9 105:12,21 106:1 106:20 110:17,18,19 114:8 116:25 117:3,8 118:11,23 119:16 120:13 123:3 124:4 126:23 127:1,9,11 128:3 130:10,15,20,21 130:22 131:14,20 135:3 135:20 137:2,24 138:18</p>	<p>139:13,16,23 141:9 projected 31:12 projections 32:11 projects 19:8 37:1,16 49:17 67:19 78:5,22 82:7 87:12 92:18 115:7 115:10,11,15 116:24 118:4 124:10 140:10 144:22,22 promenade 22:25 23:24 25:12,24,24 26:9 57:23 prominence 90:12 promised 137:8 promptly 10:10 property 9:14 properties 80:23 120:25 property 7:12,13 18:24 19:12,14 20:20 21:3 34:1 51:16 63:8,14 73:16 74:13 102:17 112:1 120:21 139:16 143:6 property's 88:8 professional 110:9 proposal 24:6 89:18 97:16 109:16 proposals 119:16 propose 60:14,14 proposed 9:7 21:22 22:19 26:13 31:5,12,14 32:4 67:7 74:1,3 81:5 87:12,22 89:21 102:9 102:22 110:6 120:8 123:11 127:11 128:3,11 129:18 135:3 136:17 138:24 141:14 proposing 5:1 143:12 prosper 63:24 protect 89:5 93:9,11 96:3 99:15 108:19 protected 109:16 protection 87:7,8 proven 57:25 provide 26:25 30:20 31:20 46:5 48:20 62:19 69:14,15,20 72:20 81:20 85:9 93:14,14 110:3 118:13 provided 17:19 18:1 31:9 62:13 126:3 146:3 provides 8:13 24:10 140:1 providing 129:7 provision 121:18 provisions 112:25 proximity 13:5 43:5 66:8 Pskowski 89:11 91:24 92:1,2 95:6 110:5 psych 9:7 public 6:21 9:17 13:12,13 17:4,20,25 33:11 34:14 35:1,21 38:6 39:24 43:13 50:8 59:21 65:6 70:3,5 71:5 80:4 81:15 88:2 95:4 98:22 99:5 100:5 101:4,6,8,10 104:13 106:13 108:23 109:2 112:15 126:11,20 133:22 144:5,12 145:5 published 98:25 PUD 18:2 24:22 105:10</p>
---	---	--	---	---

109:18 129:14 139:24 140:15 141:9,23 pull 49:23 pulled 143:20 pump 9:2 punched 75:4 purchased 111:25 pure 8:21 purple 28:12 purpose 42:6,7 45:25 72:5 purposes 138:17 purview 122:11 pushing 139:16 put 5:8 8:7 24:8 26:10 33:4 37:15 43:24 45:24 60:14 70:17 75:10,11 83:8,10 86:7 88:11 91:14 102:12 105:20 111:19 117:5 126:25 140:20 141:11,19 putting 29:11 35:19 79:13 114:19	ratio 67:23 rationale 55:20,23 re-establishing 9:5 re-routing 141:17 re-visit 41:16 reach 32:9 reached 49:5 122:7 read 7:22 23:13 44:24 107:12 ready 66:2 143:21 real 42:17,17 53:10 54:25 92:7 94:15 95:12 realize 130:8 really 13:19 28:2,14,21 29:20,21,21 33:1,2,7,9 33:23 34:2,6,14,25 35:25 36:4 46:4 50:7 54:10 55:4 56:2,11 63:14 64:17 69:13 70:18 76:18 83:8 86:4,8 86:8 91:20 97:17 106:17 109:9 114:15,18 117:3 119:10,11,15 123:19 127:18 130:24 131:10,14,16 132:25 133:4,6,10,10,11,13,17 133:20 134:9,9,21 135:24 136:5 138:15 142:1 realm 63:12 rear 26:15 reason 42:1 56:17 65:23 88:5 92:14 95:8 102:18 136:22 142:9 144:16 reasonable 41:4 50:14 109:5 reasonably 87:18 reasons 7:7 21:9 recall 21:13 50:4 124:13 receive 12:11 125:19 received 4:15 6:1,10 17:7 17:21 30:24 71:25 94:7 117:12 recess 126:12,15 recession 45:23 58:22 72:15 recognize 127:22 128:8 recognizes 100:1 recommend 70:9 108:4 138:2 recommendation 18:7,8 18:13 68:20 134:23 136:19 recommendations 75:10 86:25 126:6 recommended 99:23 126:17 recommends 6:14 88:9 reconnection 129:11 record 17:25 92:12 recorded 101:4 RECORDING 1:11 recover 67:11 recovered 93:18 recovering 136:10 recreational 22:5 66:8 rectangular 21:4 recusals 4:2 15:19 recycle 136:9 recycling 76:13 red 2:11 8:20	redevelop 117:5 redevelopment 67:16 91:2 redirected 8:5,18 reduce 36:9 reduced 73:8 reducing 18:11 redundancy 59:25 refer 7:11 reference 56:24,25 references 107:11 refers 41:8 refined 24:13 reflect 87:10 refresh 125:16 regard 132:2 regarded 104:22 regarding 10:23 13:20 16:21 48:19 82:3 87:11 107:10 regardless 49:6 regards 7:13 12:13 region 33:22 67:4 region's 68:8 regional 68:11 80:8 89:25 Register 18:15 95:1,24 99:13 108:1,2,5 regroup 18:20 regulatory 112:3 rehabilitated 80:19 rehabilitation 108:14 reiterate 94:10 reject 81:20 relate 128:2 related 49:25 55:2 81:5 129:20 relates 48:22 relating 49:13 82:17 relationship 23:4,6,9 137:15 relationships 21:25 relative 75:6 125:13 135:22 146:5 relatively 37:9 62:11 relocation 91:3 relying 110:25 remain 100:2 remains 82:1 remember 44:8 88:9 100:9 113:16 140:8 remind 12:23 59:23 70:23 77:14 99:17 remiss 37:13 removal 25:13 92:6,15 remove 93:11 142:5 removed 84:14 92:23 renderings 30:2 140:6 renovated 108:16 rent 64:6 87:24 renting 90:17 reopening 64:19 reoriented 23:15 reorienting 128:4 repairing 9:8 replace 92:19,25 93:11 replaced 81:14 85:5 88:2 92:24 replacement 87:22 93:2 93:6 reply 119:3 report 3:22,24 6:3,4,4,10	13:23 16:24 17:22 30:17 52:17 98:22 108:9 111:3,15,16,18 reporter 119:1 REPORTERS 1:18 reports 13:18 110:23 represent 61:11 105:5 140:17 representation 38:17 representations 45:20 representative 4:9,13 56:2 67:2 104:11 128:15 representatives 16:6 represented 72:4 104:24 135:20 representing 9:24 18:24 65:4 71:15 79:22 represents 34:15 66:3,5 66:14 67:3 reps 71:25 reputable 14:1 request 99:25 requested 17:13 38:19 117:25 require 55:3 required 36:10 54:24 93:19 111:22 117:24 129:15 requirement 50:18 51:14 requirements 30:9 40:25 87:5 129:20 requires 5:9,12 50:13 106:1 109:18,21 research 69:11 99:5 reserve 48:11 reservoir 9:17 reservoired 9:13 reside 92:4 109:12 resident 60:8 69:2 70:9 78:14 79:1 104:8 residential 21:15 32:24 37:3 48:22 63:18 66:12 103:16 116:18 119:2 128:13 140:12 142:18 residents 35:23 66:19 67:14 69:13 78:17 84:13,24 88:3 108:20 108:21 114:11 127:10 127:23 128:7,17 130:16 131:17,18 135:12 139:17 residents' 84:8 resilient 36:5,14 resolution 126:21 resonates 112:24 resort 108:13 114:2 resource 19:13 35:22 36:8 46:13 87:13,14 91:22 100:2 107:25 108:7,14,24 135:17 resources 18:11 46:19 78:7 87:7,11 95:23 99:14 108:11,12 114:1 115:1,13 respect 19:21 57:22 63:25 64:3,9 75:20,23 83:15,15,17 94:1 131:2 134:25 141:1 144:17 respectful 128:19 respects 94:3	respond 84:6 116:19 responded 6:3 38:4 respondents 65:22 responding 125:18 response 3:19 11:6 80:7 responsible 60:12,14 61:25 77:24 rest 79:25 138:18 restoration 52:24 restore 9:8 restored 87:20 restrict 122:5 restriction 129:4 restrictions 36:11 result 91:4 94:21 results 137:7 retail 28:17,18 34:17 60:25 63:21,21,21 127:18 retailers 63:22 retain 32:4 retainage 47:22 retained 47:13,14 99:24 retention 31:5,23 87:16 reticence 21:14 reurbanization 63:15 revenue 68:5 69:25 review 5:7 13:1,6 17:12 17:16 24:19 39:5 54:21 54:22 55:2,14,15,19 104:12,19 111:16 127:9 128:1,24 reviewed 18:6 71:21 74:7 118:5 125:24 140:20 reviewing 46:11 reviews 54:24 55:4 106:22 revised 12:10,11 22:2 revisions 132:17 rich 89:24 90:4,13 Richards 94:20 ridiculous 104:23 right 4:17 11:20 23:12 25:15 26:7 27:23,25,25 28:19 47:5 49:16 50:5 51:10 52:5 59:18 68:12 69:16 72:3 74:10 79:20 80:10,10 84:2,13 90:12 90:16 92:8 93:5,23 96:16 106:17 120:18 126:19 138:24 139:3,10 141:25 142:20 rights 117:18 120:4,9,24 121:2 ring 130:14 rink 8:13 ripe 78:3 ripple 127:18,19,21 ripples 132:10 rise 21:22 22:11,20,24 23:4,20 26:3 28:22 29:6 29:7 40:1,2,6,11,13,14 51:21,24 58:15 69:5 76:14 77:19 78:4 102:9 102:17,22 110:10,10,12 119:4 135:25 136:5,6 137:22 138:24 rises 21:18 29:13 40:15 57:20,22 64:4,7 76:11 98:2 119:2,2 129:9 rising 90:6,12
Q qualifies 87:14 quality 33:25 41:17 72:18 73:10 78:24 82:21 136:24 137:15 140:5 question 12:19 16:20 18:20 44:17 48:18 49:13 50:10 52:22 53:15 54:10,12 55:10 55:14 57:11,14 58:4 66:22 73:24 95:12 107:10 113:14 114:3,11 114:24 115:25 117:13 118:18 119:9 121:6 122:10,23 123:19 124:1 125:6,12 128:9 132:1 questions 6:6,21,22,25 7:1 10:10 12:5 13:11,20 18:19 20:17 26:25 32:16 36:17 38:7,9 40:19 46:11 48:11 59:18 73:25 107:13,16 111:11 113:4,8 117:10 121:10 126:10 128:7 131:24 quick 12:22 37:22 46:11 53:14 57:10 111:10 quicker 93:19 quickly 42:17 111:13,25 quiet 85:22 134:8 quite 17:6,7 22:1 42:22 48:1 quorum 3:12 quote 72:15 117:17	R R5 116:10,17 118:3 rail 28:4 68:12 91:9 94:20 rain 79:10 raise 16:20 61:14 102:19 raised 11:6 36:21 107:13 ranging 136:22 rapidly 37:5 rare 81:13 rate 53:11 87:19 90:16 rated 31:25			

<p>risk 7:17 83:11 risks 132:13,14 river 8:23,24 9:25 10:4,5 10:12 11:3,8,19 rivers 9:13 79:15 road 56:4 132:24 Rob 68:23,24 70:12 robust 36:4 robustness 132:1 Rodgers 3:5,6 15:3,4 17:2,3 Roger 93:16 Rogers 141:13 role 2:14 73:4 92:13 99:18 125:14 roof 22:2,8 32:7 35:6,9,12 36:23 37:5,18 60:16 63:23 129:15 rooftop 22:5 36:18 131:11 rooftops 35:7 room 24:7,10 89:1,2,9 144:16 rooms 43:5 root 33:19 roots 110:11 rotate 24:8 rotated 21:5 22:18 23:22 26:17 52:1 RT 44:7 rubber 9:10 run 39:15 63:19 run-off 31:11 35:16 rung 138:11 running 5:16 95:21 rush 81:24</p> <p style="text-align: center;">S</p> <p>SABA 44:6,6 Sac 98:19 Sacramento 1:4 2:2 4:1 4:21,25 9:14 17:12 18:6 18:14 33:6,17 44:6,6 61:2,10 62:3,11,15,16 62:20 65:3,19 66:2,15 66:17 67:5,7,10,14,16 67:19,24 68:6 69:2,16 70:9 71:25 72:23 77:12 77:13 78:15,25 79:1,22 79:22 80:1,7,18,24 81:9 81:11,20 82:8 83:4,5 84:25 85:5,8 86:3,18 86:23 87:1 90:21,24 92:3,12,14 94:10 95:21 97:21,25 98:21 99:13 100:8,22,24 102:9 105:22 107:24 108:4 109:8 127:13 131:16 137:16 142:13 144:20 Sacramento's 94:2 98:17 99:15 100:2 sad 145:17 saddened 145:1 safeguards 46:2,5 safety 108:19 Salerno 100:6 101:19,21 101:23 103:19,22 San 90:18 satisfy 100:20 Saturday 49:1 85:20 121:15</p>	<p>save 9:25 10:3 28:1 56:10 91:18 109:9 saved 99:20 saving 47:9,10 48:5 saw 11:2 19:21 73:20 90:15 97:10 100:9 127:18 130:5,10 saying 58:13 64:18 69:23 76:21 117:21 119:11 143:18 says 13:24 48:24 49:2 108:11 115:22 116:21 scale 34:11 82:4 scant 45:5 SCEA 19:16 scheduling 143:1 schematics 143:23 scheme 28:19 schools 70:1,2 scientists 92:7 scope 84:10 Scott 20:11,14 30:12,16 32:14,17 53:2 144:17 145:14,19 Scott's 29:19 scrapers 97:16 sea 101:12 second 3:16 14:9,10,11 17:12,16 34:4 40:13 43:13,18 55:11 75:2 81:2 102:20 113:4 124:22 144:11 Secretary 94:17 secrets 44:9 section 138:10 secured 106:23 security 103:12,15,23,25 see 2:11 14:6 23:21 26:15 29:12,18 30:1 36:25 48:3,12 51:20 52:7 53:8 56:12 58:12 64:6 72:6 72:16 84:21 93:18,21 100:19 112:6 115:19 127:21 129:19 130:22 136:12 137:8,12,17 138:5 139:1 141:15 seeing 14:13 70:11 79:24 100:11 108:25 111:20 131:19 135:1 139:10 seek 80:22 seeks 80:18,24 seen 11:11 69:9 75:23 79:1 133:5 segment 40:4 Sehnert 70:13 71:12,14 71:14 74:18 75:11,15 75:19,22 76:5,10,25 selected 48:7 50:16 121:21 selection 36:4 50:14 sell 64:4 120:23 Senate 19:7 send 12:11 senior 49:12 83:2,18 84:4 seniors 83:2,20,21 sense 30:19 96:4 118:24 133:25 sensed 20:7 sensibilities 140:2 sensitive 7:24 sent 10:8 17:23 24:16</p>	<p>43:4 56:18 separate 59:5 131:24 143:3 separation 22:16 74:23 129:9 sequence 33:10 sequential 40:10 sequestration 31:10 series 31:11 serious 9:12 104:2 seriously 100:1 seriousness 130:2 service 61:10 70:15 71:20 100:5 103:14 144:18 145:21 services 109:25 110:19 110:22 serving 68:12 91:10,19 session 42:25 sessions 42:23 43:4 set 5:12 28:23 29:23 96:10 131:16 136:23 138:19 setback 5:12 23:14 26:14 26:16 51:2,4,5,13,13,15 51:18,19,22,23 56:6 64:9,10,15 96:11 97:2 98:6 setbacks 5:10 22:20 55:5 93:10 138:7 seven 45:21 64:6,7,12,13 64:22 74:17,22 85:16 85:17 88:21 104:20 121:18 134:3 Seventy 36:23 sewer 141:12 shade 25:19 35:18 93:14 shading 74:20 shadows 102:12 shaping 138:17 share 19:2 63:8 127:12 shared 44:7 51:17 127:12 shaved 29:12 Sheet 67:2 Sheraton 62:12 shift 129:14 143:9 shifting 58:10 shoehorn 80:25 shop 34:18 Shores 82:5 100:10 101:11 short 39:12 128:6 shorten 85:19 show 24:24 25:13 33:18 40:17 41:1 showed 30:2 38:21 43:15 43:20 48:2 96:14 131:12 shown 29:5 76:18 130:11 136:20 140:5,18 141:5 shows 20:24 22:3 23:3,5 23:18 24:7 25:1,25 26:1 26:12,13 28:8,8 38:21 39:21 40:9 52:4,4,4,17 shred 91:15 shrunk 22:12 sick 79:24 side 5:16 9:3 51:24 103:15 123:14,17,19 145:7,7 side-on 23:16 52:7</p>	<p>sides 5:13 139:14 sidewalks 12:15 33:25 82:21 Sierras 102:8 signatures 85:1 significance 46:13 48:9 significant 22:14 24:5 27:13 46:14 47:25 48:9 48:21 65:11 89:4 92:17 95:23 99:15,23 104:22 122:8 123:7,9 139:15 significantly 22:8,25 41:18 73:19 103:3 silent 2:13 silos 142:22 similar 113:21 140:9 similarly 55:15 88:16 simple 35:9,9 84:3 simply 43:8 66:1 79:13 single 7:10 32:23 sir 38:15 91:12 103:17,19 sit 59:1 site 4:23,25 5:3,3,6,8,8,16 5:20 6:19 7:24,24,25 8:2,2 9:5 11:11 16:22 18:10,14 20:23,25 22:2 24:12,19 27:6,13 28:5,6 29:3,9,12 30:22 31:2,5 31:17 38:20 39:5 40:5 41:7 42:2 43:10 45:15 47:12 51:17 53:8 54:14 54:15,21,22,23 55:1,3 55:15,18 56:23 58:13 67:16,25 68:13,14 73:11,18 84:15 87:4 88:7,19,20,25 89:5 94:17 106:22 107:2 113:18 114:25 116:6,15 117:14,18,21,22 120:12 122:2 128:24 138:21 141:9 site's 30:25 31:9 32:9 site-specific 114:12 sited 89:7 sites 72:22 73:12 77:25 77:25 89:7 94:19,19 114:14,18 116:15 117:1 117:14 118:7,14,16 119:4,10 143:19 sitting 34:9 37:8 situated 7:14 situation 21:15 46:7 58:7 82:23 six 45:21 66:4 85:17 86:1 96:13 97:5,6 144:15 sixth 35:25 size 5:1 53:7,9 92:24 140:9 sized 88:16 skepticism 131:13 skilled 5:2 sky 97:15 slew 9:3 slide 20:19 21:2 24:6 25:25 28:7,25 30:11,18 35:6 36:16 37:4 51:10 52:3,10 slides 20:9 28:19 38:16 38:25 slight 16:19 slightly 22:23</p>	<p>slip 60:1 slow 99:2 slowly 78:23,23 small 25:14 28:15 33:11 136:12 smaller 33:10 34:8 53:7,9 smart 63:15 72:16,20 snuck 140:10 Snyder 64:25 66:23,25 67:1 so-called 25:23 soccer 143:6 social 89:24 93:25 132:5 Soderbergh 27:4 softened 22:9 SOGA 71:25 soil 8:25 110:7,7 Soleski 10:7 11:5 solid 30:7 somebody 32:20 105:20 soon 45:10 54:15 sooner 52:25 sorry 4:5 54:7,8 60:13 68:23 88:18 90:15 98:12 111:10 121:9 sort 27:15 32:25 33:7 34:20 35:3 41:5 54:11 54:22 75:8 76:1 113:14 sounds 128:21 source 8:12 sources 8:11 south 5:11,16 21:24 22:24 23:5,25 57:22 127:20 southeast 4:23 16:22 138:20 southwest 73:7 space 23:14 27:12 28:25 34:13,15,20,23 35:1,3 56:7 60:25 66:8 69:10 69:10 72:12 73:14,16 74:1,12,12 78:5,6 89:2 89:8 95:2 96:4 97:10 130:11 133:19 135:13 138:13 spaced 7:11 spaces 25:3 32:22 33:2,4 33:10,10,11,11,21 34:8 34:9 35:8,10 37:3 73:6 76:2 86:11 89:16 135:9 136:7 spacing 128:2 spatial 21:25 speak 13:19 15:15 23:6 67:6 72:5 74:1 101:22 101:25 102:20 107:9 111:8,21 144:14 speaker 60:1,4 61:5 speakers 2:3,10 speaking 23:7 46:20 59:24 75:4 86:17 94:8 96:19,24,25 102:3,3 speaks 45:6 112:7,12 117:13 specific 7:6 24:19 54:16 56:23 74:5 75:10 114:25 137:11 specifically 7:11 70:25 75:19 76:23 94:13 140:21 specificity 24:17 56:19</p>
--	---	--	---	---

132:17 speech 130:1 spelled 107:14,15 spend 27:5 40:8 129:16 spines 34:10 spirit 45:8 spoke 4:8,12 15:21 16:20 17:3,5 36:15 46:3 56:21 57:20 96:13 141:12 spoken 16:1 127:5 sports 88:16 spot 85:25 square 5:2 28:19 31:21 52:24 60:25 65:4 91:20 squishy 56:20 Stacla 122:15 stack 27:15 staff 5:15,21,22,24 6:1,3 6:3,4,4,5,10,10,14,16 6:21,25 12:22,25 13:11 13:17,18 15:12 16:24 17:21 38:5 48:19 52:17 54:10 69:1 72:20 86:20 98:19,21 99:5 106:11 108:8 111:15 113:9 125:6,14,21,24 126:25 128:10 129:16 130:2 131:6,16 133:10,18 140:19 141:1 144:21 stakeholders 91:15 118:23 stamp 9:10 stand 25:15 112:23 standards 18:2 24:21 41:17 55:21,24 61:14 61:16 80:17 94:18 standpoint 41:13 58:10 stands 57:16 Stanley 82:13 84:18,19 84:21 start 2:11 20:18 29:11 41:23,23 45:8,10,12 114:18 start-up 105:14 started 51:14 142:11,12 142:12 starting 37:6 45:15 133:15 starts 58:8,14 state 19:13 42:3 65:17 69:17 80:8 92:21 98:19 133:23 state's 65:3 stated 72:13 101:4 104:12 statement 6:25 104:14 114:24 131:9 statements 113:24,25 115:19 126:3 131:5 137:14 states 7:15 station 28:5 53:16 54:3,6 54:8 68:12 status 7:12 stay 93:20 131:23 134:15 steel 140:25 steer 134:17 Steinberg 79:23 100:24 Stelmach 77:8,10,12 step 30:5 74:10 129:6 138:10 140:15	steps 57:18 116:2 stirred 130:25 stock 53:7 77:22 90:14 91:18,19 stop 9:11 50:22 53:22 54:3,4,8 99:2 stopped 142:13 stopping 92:13 stops 68:11 store 47:9 stories 28:23,24 29:15 64:7,13 74:17,22 storm 79:14 story 47:9,16 64:12 102:9 103:2,6,8 straddles 29:24 straight 70:6 strait 41:25 strategy 19:24 68:10 119:20 street 5:18,19 12:15 21:4 21:5,6,24 25:23,24 27:21 28:2 31:3,4,19 32:5 34:7,8,25 53:24 63:8,10 83:2 92:22,23 92:23 93:5 101:24 102:21,23 103:4,8,11 103:11,14,15 109:13 129:12 streets 31:24 34:6 streetscape 33:25 strengthened 62:18 striated 29:14 strive 33:1 striving 109:9 strong 30:3 37:9 113:24 136:17 strongly 112:23 structural 32:1 structure 5:25 23:24 37:11,19 59:4 93:4 108:6 structures 6:18 28:11 37:2,15 47:10,17 54:16 105:9 136:5,6 stucco 140:11 141:4 stuck 32:21 student 98:19,22 studies 89:23 93:15 study 9:11 93:16 style 10:24 subject 107:16 subjects 82:24 submit 9:25 11:12,13 submitted 20:23 85:1 86:21 104:13,16 subsequent 20:11 45:13 111:18 128:23 subsidy 81:15 88:2 substantial 29:17 30:13 87:1 substitution 25:2 success 58:9 59:10 successful 40:13 62:13 66:20 80:13 96:2 sudden 41:24 145:1 sufficient 136:21 suggest 60:17 79:16 116:5 119:5 suggested 140:15 suggestion 117:14	suggestions 140:21 sum 105:21 summary 23:12 30:21 42:18 98:6 summer 73:7 127:10 sun 74:19 97:5 138:14 Sunday 49:1 85:22 121:16 Sundays 128:17 super 41:11 45:25 53:2 55:24 58:17 63:5,17 85:4 91:1 115:2 127:24 supplement 6:8 supplemental 6:12 17:19 18:2,12 support 6:12 14:7 36:14 61:22 62:2,21 67:6 70:22 71:10 72:6 87:3 93:11 96:11,12 114:1,5 114:6,8 supportive 117:7 supports 5:15,21 sure 16:23 20:19 27:8 40:22 42:21,21 49:10 49:25 51:6 55:12,23 57:8,12 58:4 59:9 76:8 77:2 83:23 106:23 112:18 129:16 130:24 131:7,10,22 132:22 137:6 surely 78:6 surface 9:15 25:5 31:10 35:16 117:5 surged 65:16 surgery 93:17 surrounding 6:18 43:3 79:3 81:23 118:1 survival 110:15 survive 110:13,18 Susan 104:6 107:23 sustainability 75:16,18 75:19 76:11 sustainable 19:5,24 30:9 68:9,17 72:18,20 75:7 89:22 109:6 swimming 8:14,15 switch 30:18 system 35:17 109:25 110:19,22	123:13 124:23 131:11 talked 19:5 21:10 33:9 34:4 37:23 38:18 44:18 46:12 51:3 59:6 talking 20:15 21:11 32:23 38:5 53:22 71:1 96:15 117:21 120:17 122:24 123:10 137:14,19 talks 33:18 taller 28:23 29:15,16 targeted 82:1 tax 68:5 69:25,25 70:1 82:24 83:12,12 team 72:25 136:17 137:22 138:5 Teat 3:7,8 15:5,6 16:12 16:13 Tech 69:19 techniques 49:21 53:1 technologies 37:21 technology 37:4,17 teeth 34:7 tell 48:23,24 49:14,15 53:17 116:19 119:11 telling 16:2 temporary 49:19 91:5 ten 25:3 41:11 126:12 139:6 tenants 85:19 86:3,8 95:17 tentative 141:24 term 39:12 128:6 144:20 terms 37:5 45:1 47:15 48:12 53:4 56:14 76:15 122:1 128:6 130:17 terrible 86:9 terribly 56:14 Texas 37:7 thank 3:13 4:11,17 6:23 9:19,20,22 10:3,7 12:3 12:4,5,18 13:8,16 14:8 15:10,23,25 16:5 17:1,8 18:20 27:1,20 32:16 38:1,8,11 42:10,14 44:15 50:8,24 51:1 53:12 55:7,9,10 57:7 59:15,18,20 60:2,6 61:3 61:4 62:25 63:1 64:23 64:24 65:1 66:20,21,23 68:20,22,25 70:11,12 70:15,20 71:10,20 72:9 73:23 75:1,3 76:9 77:3 77:5,10 78:7,8,9 79:17 79:18 82:10,12,15 83:19 84:4,5,16,17,21 86:12,13 89:9,10 91:14 91:24 94:4 96:5,6 98:8 100:3,4,4 101:18,22 104:4,5 106:3,4 107:6,6 107:8,17,19,19 109:10 111:4,6,12,23 113:3,6 113:11 120:1 121:3,3,5 122:9,22 123:15,18,20 123:24 125:5 126:8,13 126:16 127:7 128:25 129:2,21,24 130:2,4 131:20 132:25 133:1,6 139:8,12,21 144:3,4,25 145:20,20,21 thanks 27:20 42:15 91:23 113:7	theme 56:16 113:15 114:9 they'd 96:22 thing 10:2 11:18 27:24 40:7 41:4,12 51:16 52:9 56:10 60:17 64:22 70:8 75:8 76:3 97:19,20 117:11 120:5 126:1 134:9,24 135:7 136:9 137:12 138:3,4 141:2 things 35:13 36:22 52:23 55:6 58:15 79:8 91:21 106:21 111:25 114:10 115:5 135:5 136:14 138:4,20 141:6 142:15 143:15 145:8,11 think 7:1 10:13,25 11:17 18:18 24:9 25:21 26:11 30:11 36:19,20 37:16 41:9 43:18 45:2,11,20 45:25 46:20 47:17 49:24 50:7,13 51:3,4 53:20 54:20 57:17,21 58:3,17 60:25 63:17 64:14,18 74:8,16,18,23 76:3,17 78:18 83:20,21 95:8,12 104:20 106:15 108:20 109:3,5 110:13 112:7,12,22,23,24 113:5 114:11 117:20 118:6,12 119:13 122:7 122:10 124:14 127:13 128:17 130:9,20 132:17 132:21 134:13 135:16 137:2,3,9 140:14,18 141:5 142:4,10,16,18 143:16,18,24 144:13,19 thinking 70:4 thinks 101:10 third 43:17 Thomas 7:3,5 thoroughly 50:19 thought 26:10 53:15,16 56:20 76:15 thoughtfulness 70:17 thoughts 2:12 38:4 61:5 68:23 74:2 91:13 103:18,20 126:19,23,24 thousand 28:19 threatened 99:1 three 2:9 29:15 42:23 47:9 50:16 59:24 67:25 72:10,11 103:10 108:23 126:17 127:8 129:3,25 131:10,23 134:15 threshold 47:7 48:1 thresholds 41:18 thriving 80:15 96:2 throwing 9:1 Thursday 2:1 ties 135:7 tight 2:10 Tilberg 26:22 27:2,3,4 53:19,25 54:4,7 time 2:9 8:6,8 9:23 12:6 14:2 18:16 19:5 20:7 22:7 23:2 26:6 27:5 37:17 38:5,21 39:9 40:8 42:16,22,24 43:13,22 44:17,18,25 52:20 53:9 58:19,23 59:24 68:21
---	---	--	--	---

T

tab 39:21
table 135:16 136:6 145:8
tabulation 39:22
tag-team 71:13
take 10:24 25:5 32:24
33:7 37:20 45:7,8 57:18
61:18 64:22 67:21 70:5
75:13 81:3 89:3 92:13
93:24 104:2 111:18
116:7 121:12 128:14
141:6,7 143:1
taken 19:13 22:4 82:5
126:21 132:14 135:16
takes 52:20
talent 65:15
talk 7:23 10:16 11:18
15:12 21:2,14 27:11
29:19 30:12 32:20
37:13 38:12 83:21
108:8 120:4 122:4

71:19 74:21 78:8 82:6 82:11 89:9 95:21 111:9 112:10 113:7,17,17 119:24 120:1 123:25 126:17 129:17 133:5 134:15 136:10,11,16 138:14 139:17 141:19 143:5,8 times 17:6 27:9 67:25 70:16 116:3 124:8 125:11,13 timing 40:12 Title 122:18 today 56:13 66:1,18 125:11 127:12 135:1 145:2 told 124:15 tolerance 11:7 Tom 49:12 tonight 5:5 10:13 15:16 17:11,14,18 19:2,20 67:6 70:20 71:2,16 72:5 72:9 73:15 82:16,25 89:17 94:9 101:25 107:24 112:15 113:7 135:18 tool 99:10 137:23 top 23:3 24:8 28:23 29:5 29:11,22,23 32:7 35:11 36:23 37:2,2,8,15 52:4 52:5 60:16 65:20,23 tops 22:8 35:6 63:23 total 36:9 38:20 58:18,20 81:17 88:10,20 totally 25:7 touch 36:18 75:14 touched 34:14 37:24 75:8 touted 81:9 tower 22:16,24 23:16,21 24:2 26:13 28:9,10 77:20 83:1,18 84:24 85:15,24 104:25 124:5 127:15,23,23 128:2,16 129:9,10 135:21,24 138:8 towers 21:23,24,24 22:21 22:24 23:5,8,10,17 25:14 26:3,8 38:22 46:13 47:11,13,23 51:13,25 52:1,3 60:8,8 63:5 69:5 81:7 83:25 84:7,9 87:13 88:6 92:16 93:24,24 97:22 99:24 101:25 102:2,6,11 104:8,15 107:25 109:10 116:8,9 133:15 135:11 138:15,16,17 140:9 141:3 town 64:21 71:1,3,7 144:22 Township 91:9 track 139:2 tracks 55:17 trade-off 97:11,12 traffic 82:20 95:3 102:21 102:21,25 103:3,10,13 103:14,21 104:1,3 trail 11:20,21,24 12:13,14 12:16,17 tranquility 85:3 transcribed 1:21 146:3	TRANSCRIBER'S 146:1 TRANSCRIPT 1:11 transfer 83:11 97:13 117:18 120:4 transferred 44:1 120:12 transfers 118:7 transformed 65:7 transit 19:8,23 68:7,11 89:22,24 90:3,4,13 transparency 6:11 transparent 30:6 transportation 66:9 68:9 70:3,5 85:13 133:23 treasures 100:3 treater 98:25 treating 36:8 tree 20:16,16 31:12,13 32:8 34:3 36:2,5 77:16 81:12 93:18 109:15 110:1 130:12 136:8 138:11 tree-lined 34:10 trees 11:11 21:14 25:2,18 25:18 30:19,21,25 31:1 31:4,9,17,18,19,19,20 31:24,25 32:1,5,5,6,7,8 32:12 33:25 36:4 37:8 37:15 53:6,9 60:15 61:2 61:2 72:19 78:15,17,20 78:24 79:2,9,11,12 83:3 85:3 92:6,9,15,23,24 93:7,9,14,21,25 94:3 95:5,7 96:4,17 97:4 105:9 109:15,23 110:8 110:11,15,15,17,17 111:1 131:11 135:10 136:12 142:6 tremendous 77:18 141:1 tried 57:4 triple 142:23 true 63:14 103:6 117:1 146:9 try 24:16 40:16 41:14 44:10 96:22 115:3,15 133:18 134:16 trying 46:5 67:11 72:9 92:25 105:20 113:23 117:16 119:11,18 126:24 131:25 136:17 turn 2:12 27:18,22 28:4 32:13 90:2 103:24 turned 51:17 102:10 turns 28:1 83:16 two 5:1 8:10,11 9:12 21:18,21 29:14 32:19 34:5 46:10 47:9,16 51:10,11 55:17 57:20 57:22,25 58:8 59:1 62:10 69:16 72:9 87:6 90:10 97:22 101:25 103:6,7 108:3,18 114:10 116:2 117:10 123:2 127:20 138:9 two-thirds 105:3 Ty 61:5,8 type 21:15 44:21 55:6 99:2,6 118:7 126:1 143:12 types 36:22 typically 39:12 53:7 106:20 123:2	U UA 70:21 ultimately 79:15 115:16 unanimously 70:24 unavoidable 46:14 under-utilized 118:15 underground 8:20 underneath 8:16,25 52:7 understand 50:19 72:17 73:3,21 75:5 84:4 86:2 114:24 117:19 121:14 122:11 138:21 139:25 142:17 understandable 84:22 understanding 74:10 82:19 understood 54:13 understory 36:7 undertake 41:14 99:25 undertaken 7:18 42:18 48:3 undesirable 90:5 unfinished 42:8 union 61:10 67:3 unique 73:8 unit 23:19 24:7 55:16,17 55:22 56:15 66:1 101:24 118:24 119:17 128:23 137:13 Unite 61:9 units 19:25 22:22 23:14 23:16 24:2 26:1,3,14,17 45:2,6 51:24,24 52:6 57:23 60:15,24 63:8 64:1,6 66:1 67:8,23 74:9 81:18,19 88:7,9,12 88:18,18,19,20,21 97:15 102:5,15 105:2,3 110:10 114:3,20 116:9 118:2,20,25 120:11 129:11 142:20,21 University 98:15 unnecessary 80:12 unobstructed 102:7 unpeel 40:16 unslightly 42:9 unsubsidized 91:23 untrue 104:15 unusual 49:20 unyielding 82:2 update 42:15 71:25 updated 31:16 updates 18:1 upheld 81:22 uploaded 17:24 upper 85:13 138:9 urban 32:18 63:13 69:8 72:14,17 73:8 81:12 89:25 90:15 95:15 116:17 136:8,13 urbanize 35:7 urge 9:9,19 62:21 81:20 urging 86:23 89:2 usage 25:4 use 5:5 6:19 25:18 27:14 28:13,15 30:3,6 35:18 35:18 66:6 69:25 70:1 80:13 82:21 87:15 88:8 90:3 97:11 109:18 115:5 121:25 138:2	users 28:15 uses 128:13 usual 49:15 usually 106:25 121:25 utilities 6:21 141:11,17 V vacant 4:25 42:3 114:14 119:4 120:25 vague 139:25 validate 57:21 valley 11:10 71:16 73:9 value 102:14,15 113:25 116:7 132:6 135:6,14 136:3,4,15,16,23 values 102:17 Van 26:22 27:2,3,4 53:19 53:25 54:4,7 Vanishing 98:15 VanTolberg 20:10 variances 124:16 variations 114:8 variety 114:9 various 5:23 27:15,15 38:24 67:14 105:4 126:23 vast 28:2 vehicles 103:4,24 vehicular 16:21 27:24 28:5 139:4 velocity 59:2 ventilation 52:10,13 73:7 venturing 59:6 version 73:20 versions 45:1 versus 16:21 45:5 64:6 117:14 125:18 136:2,16 vertical 39:19 vertically 24:12 vertically 29:14 viability 36:17 viable 37:19 80:20 87:21 108:17 vibrant 80:16 Vice 3:1 15:24 Vice-chair 3:2 14:24 52:14,15 53:12,14,24 54:2,5,9 55:7 73:24 74:16 75:1 113:9,11 116:1 117:10 118:17 119:23 131:21,22 vicinity 6:18 Victorians 98:16 video 33:18 37:23,25 view 35:1,2,12 49:19 112:12 views 24:24 102:7,11,13 102:15,18 131:13 vignettes 25:9 VIII 122:18 Villas 104:15 violates 80:7 violating 87:6 virtually 43:23 visible 27:19 28:11 vision 56:13 66:16 130:16,18 132:20 visioned 120:16 visit 24:14 35:24 visualize 52:6 visually 42:5	vital 78:6 81:12 Vivian 84:18 86:13,16 94:11 voice 3:17 69:23 71:10 76:7 78:13 voices 130:7 volume 110:7 vote 3:17 14:13 voted 108:4 votes 83:16 W wage 61:15 wait 144:16 waiting 102:22 walk 34:6 39:1 44:6 57:6 walkable 33:6 walked 41:7 133:15 walking 83:4 125:12 133:22,24 135:9 wall 26:5 47:14,23 97:25 walls 140:25 want 6:9 7:7,23 33:5,7,13 33:14 35:8 36:2 37:20 44:1 52:16 65:24 75:13 77:13 83:21,22 95:15 95:18 106:3 107:24 120:3 123:25 128:4 130:2,4,24 131:7,10 133:6 134:25 135:5 137:25 139:4 140:17,22 145:9 wanted 13:19 17:18 33:16 36:18 37:22 50:21 70:22 71:9 75:5 75:10 98:2 108:8 117:5 125:8 141:2 142:3 144:7,16 wanting 45:3 wants 69:4 95:21,24 97:24 119:25 141:5 144:14 warehousing 9:14 warning 129:25 wasn't 77:1 waste 142:6 water 8:14,21,21,21,22 8:22,25 9:2,4,4,13,14 13:21 30:10 34:19 35:16,18 36:8,9,11,15 79:9,10,14 141:12 Watkins 93:8 way 10:18 15:16 27:18 28:1 35:11 37:17 39:23 46:6 47:1,1,20 50:22 60:10 61:1,1 77:24 83:12,17 84:3 94:17 97:17 101:9 116:18 120:5 123:1,3 124:2,7 130:12 143:2 ways 66:3 83:7 91:16 114:9 120:15 132:23 141:25 we'll 20:14 21:19 26:24 30:8 33:18 40:11 51:9 111:18 126:12,13 144:15 we're 2:10,13 8:25 9:1,14 10:21,25 11:8,10 17:11 19:2,17,19 20:1,5 21:11 28:2 29:2 30:17 36:1,7
--	--	--	--	---

<p>36:24 37:10,10 38:6 39:4,13 41:25 45:7 46:4 47:9 54:15 56:20 63:14 63:14 71:1,15 72:9 73:23 83:23 89:2 90:13 95:2,8 96:15 98:5 106:13,14,14 107:15 113:1 115:15,18 116:23 119:2,10,15,22 120:17 126:20 129:18 132:19 133:21 135:1,4,18 138:2 we've 17:24 19:1,20 21:10,18 22:7,9 24:1,16 26:8 33:17,19 37:1,1 38:3 39:9,22,23 43:23 44:3,4,5,7,23,25 47:20 61:16 63:10 71:24 73:14 78:20 89:7 106:24 119:13 130:7 131:18 133:5 142:10 wealth 97:14 wearing 100:14 website 43:24 wedged 138:12 week 85:17 86:21 104:21 121:18 134:3 weeks 32:19 108:3 Weiland 9:21,22,24 11:25 12:1,4 welcome 2:1 71:11 144:6 welfare 108:19 well-respected 72:25 wells 8:11 went 22:18 39:3 45:22 46:17 50:2 51:4 124:19 weren't 57:3 145:11 west 5:11 wet 141:11 wetland 7:25 wetlands 9:5,7 13:21,24 13:25 14:6 wide 8:5 74:23 136:22 width 22:25 wife 69:3,4 101:23 wildlife 10:22 93:15 wildly 44:2 William 86:18 willing 67:18 105:20 134:7 Wilson 18:24 60:13 61:3 62:4 100:16 101:1,4,6,9 win 84:19 wind 75:7 window 93:18,21 140:12 windows 102:5,13 142:23 142:23,24 winter 96:18 97:4,5 138:14 wire 140:10 wish 27:1 86:5 Witness 96:19 Women 98:15 wonderful 17:5 108:22 109:1 110:9 134:9 wood 7:25 8:1,3,10,14,16 8:19 9:9 57:24 78:10 79:18,20,21 141:13 Woodbridge 6:10 word 44:10 130:14 144:24 145:20</p>	<p>words 130:7 work 8:7 13:17,18 14:3 32:25 35:23 36:23,24 39:2 45:16 67:15 70:20 75:23 82:18 86:9 95:14 95:18 107:2 110:2,6 120:7 121:25 122:4 129:3 130:4,5,11 131:15,16 136:15 143:9 worked 5:22 25:9 31:22 61:13 92:3 133:10 145:7,12 workers 61:10,11 62:6,19 67:2 working 28:16,16 45:14 71:6 87:19 106:13,15 108:23 109:2,7 129:19 133:12,18 works 6:22 26:11 40:17 119:21 125:17 world 41:24 78:22 95:22 95:22 world's 92:6 Worse 80:21 wouldn't 42:7,8 46:18 56:2 94:21 wow 60:22 WPA 8:3 wrap 95:20 wrapping 119:9 writers 47:21 written 50:3 105:16 wrong 46:4 80:1,2 wrote 6:11 www.depo.com 1:19</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yards 91:9 94:20 Yeah 107:8 year 19:11 43:19 45:2,15 45:15 65:18 92:12,14 92:15 109:25 143:21 years 32:11 45:21 52:25 56:4 58:7 61:14 64:23 71:4 75:24 80:15 81:4 83:9,25 85:17 92:4,19 92:22 93:1,3,5,8 95:5,6 99:11,21 110:22 140:7 142:8,9 144:24 145:21 Yee 3:9 yield 119:24 Yon 20:9 young 65:12,15</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zone 5:6,11 118:2 zoned 5:3 88:17 zoning 7:11 19:23 51:14 112:2 116:3</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 108:13 1/2 92:4 10 103:2 104:21 120:9,10 120:11 10,000 19:25 67:3 114:3</p>	<p>114:20 118:20,24 119:17 100 32:7 1000 93:5 104 67:3 11 31:18 120 91:10 1300 92:22 14 82:1 146:10 140 67:23 1400 60:14 147 32:7 14th 43:12 15 83:9 150 60:15 15th 18:6 16 143:20 160 7:16,17 1602 101:24 175 116:10 118:3 17th 144:19 18 8:5 19 5:13 1930 8:2 1949 83:5 195 22:19 1961 136:12 1972 98:18 1975 99:8 1980s 63:12 199 92:6 109:23</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 3:22 6:2 2.1.14 108:10 20 32:10 51:15 52:25 92:22 93:1,3,5,8 97:20 98:5 109:24 110:22 120:13 200 10:19 60:15 87:18 2009 70:23 113:22 2010 78:22 2013 43:2,12 2014 17:15 42:23 92:11 2015 1:5 2:2 146:10 2020 19:25 2030 7:12 70:25 95:25 113:22 115:24 2035 65:25 206 57:23 22,000 81:19 220 108:21 24 17:15 92:4 124:11,15 124:23 24,000 52:24 241 31:19 247,000 31:20 25 5:12 32:10 92:19 95:5 95:6 109:25 110:22 25,000 60:24,24 26 102:9 26,000 81:17 2800 127:10 288-3376 1:19 291 31:17</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3:25 6:2 30 1:5 2:2 300 24:7</p>	<p>3000 61:11 32,000 5:2 333 85:1 34th 78:22 35 32:5 36 92:24 360 63:7 375 19:7 39 31:18</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 15:18 4.93 107:11 40 22:21,22 23:2 26:16 51:3,18,23 74:2,17 85:1 97:9 99:11,21 44 23:1 88:7 447 70:21 450 88:9 116:10 118:2 46 93:16 48 23:2 49 61:9</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 92:5 104:21 50 22:22,22 29:9 32:5 51:19 60:15 500 7:16 10:5 21:24 63:5 63:8,10 101:24 103:2,9 109:13 50s 85:4 515 83:1 520 103:7,9 55 88:18 550 88:18,19 59 116:9 5th 27:22 28:3 29:3,6 102:24</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 49:1 85:20 121:15,16 60 8:4 88:9,12 116:10 600 8:4 62 65:18 64 23:1 65 28:19 650 103:12 66 65:4 68,000 65:25 66:1 69 88:19 6th 34:7</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 21:13 32:5 49:1 85:19 121:15 7/10's 7:15 7:00 143:9 74 22:23 26:13 51:4,22 64:10 74:24 75 28:19 7th 21:6 25:1 26:20 27:23 28:3,3 29:3,13 34:25 53:23,25 54:1,1 95:3 102:24 103:11</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 104:21 8:50 126:14 80 22:18 81:3 800 1:19</p>	<p>8630 1:21</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 49:1 91:9 104:21 121:15 90 21:5 23:22 900 60:24 940 52:1</p>
--	--	---	--	--

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.

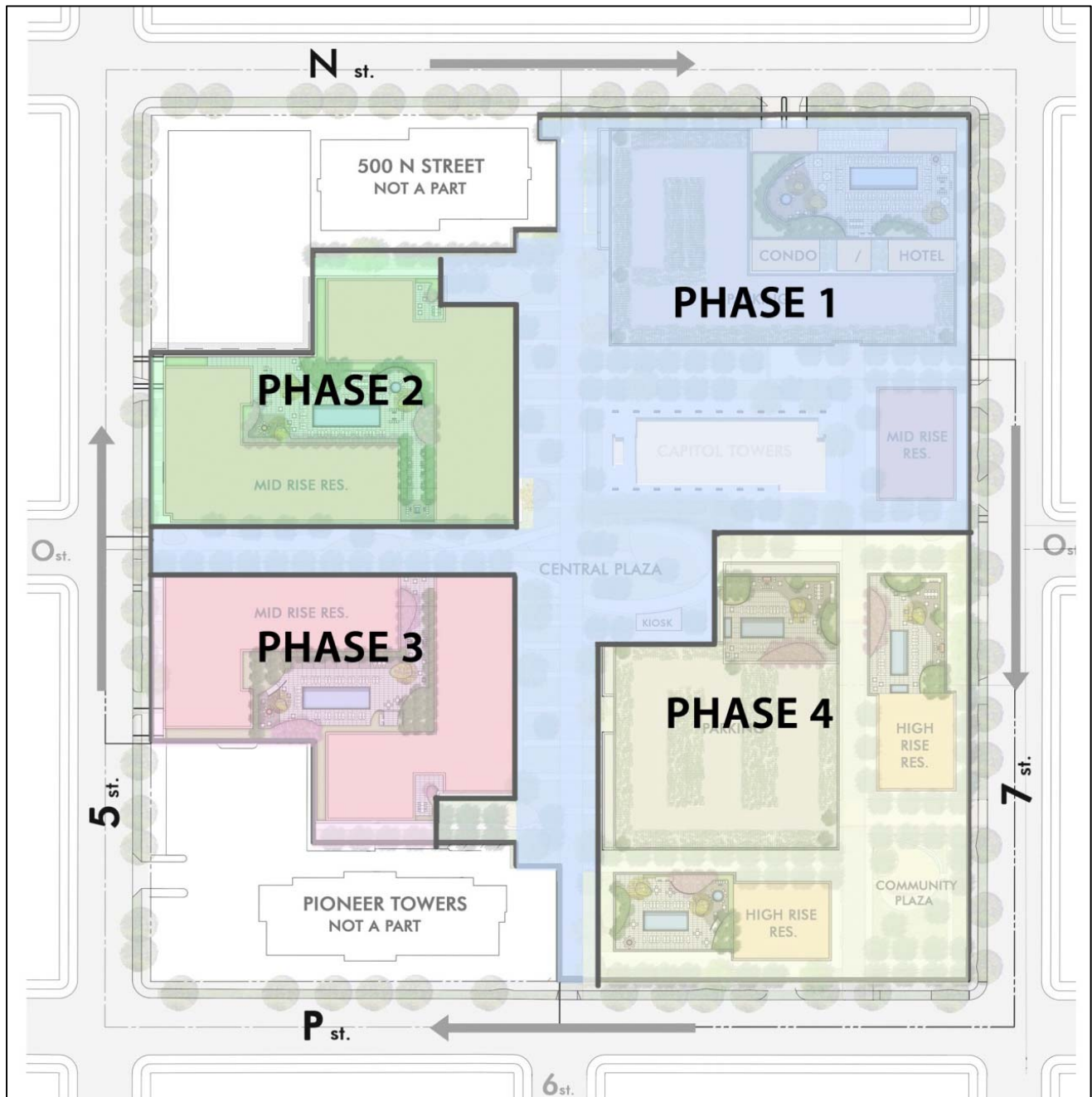


Figure 2-2. Conceptual Phasing Diagram

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 (ft ²)	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 (ft ³ /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 (ft ²)	247,403	159,689	172,219	192,419	214,329	236,099	257,649
Leaf Surface Area (ft ²)	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 (ft ³ /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.

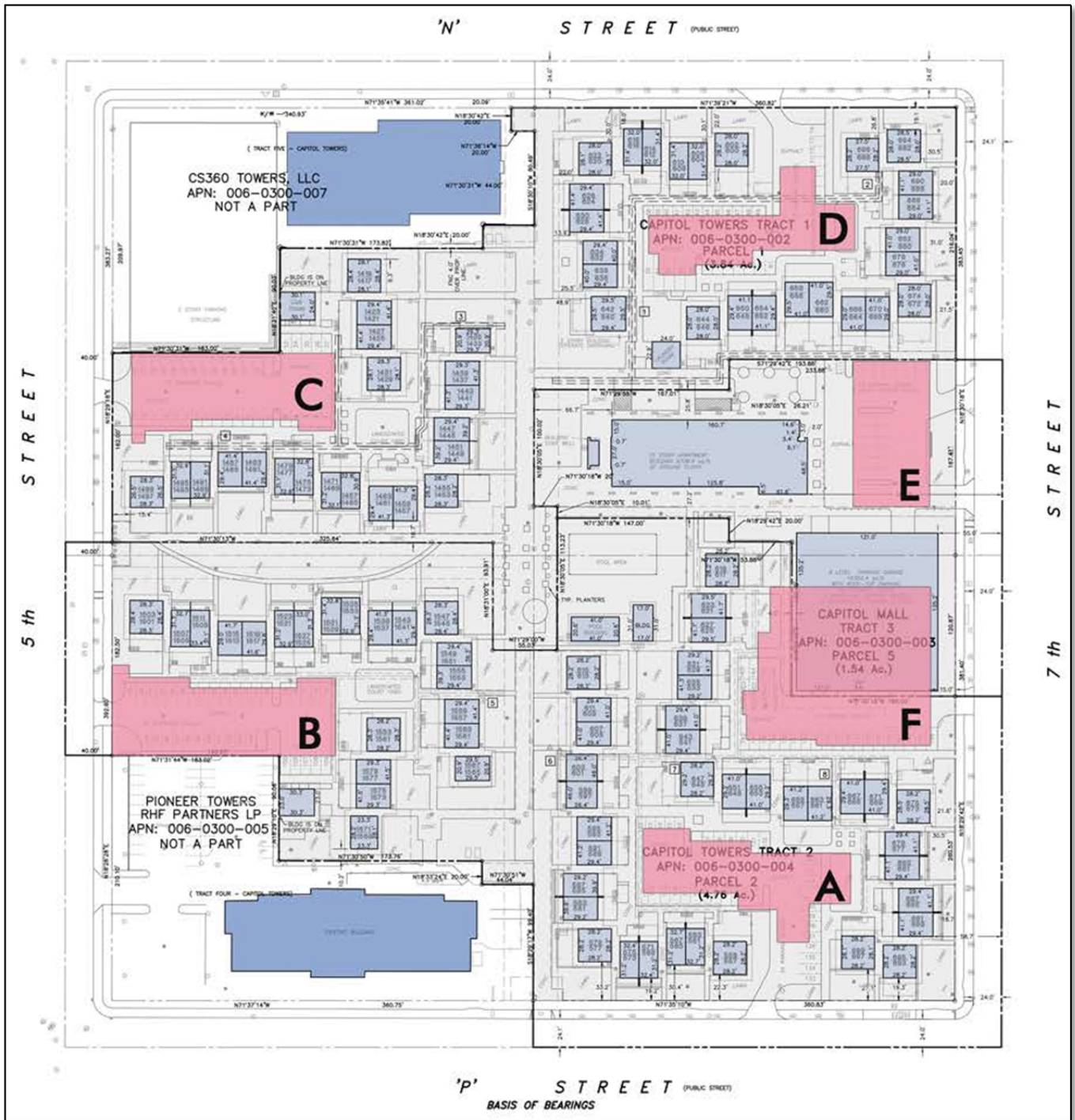
New Development Only in Parking Areas

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).

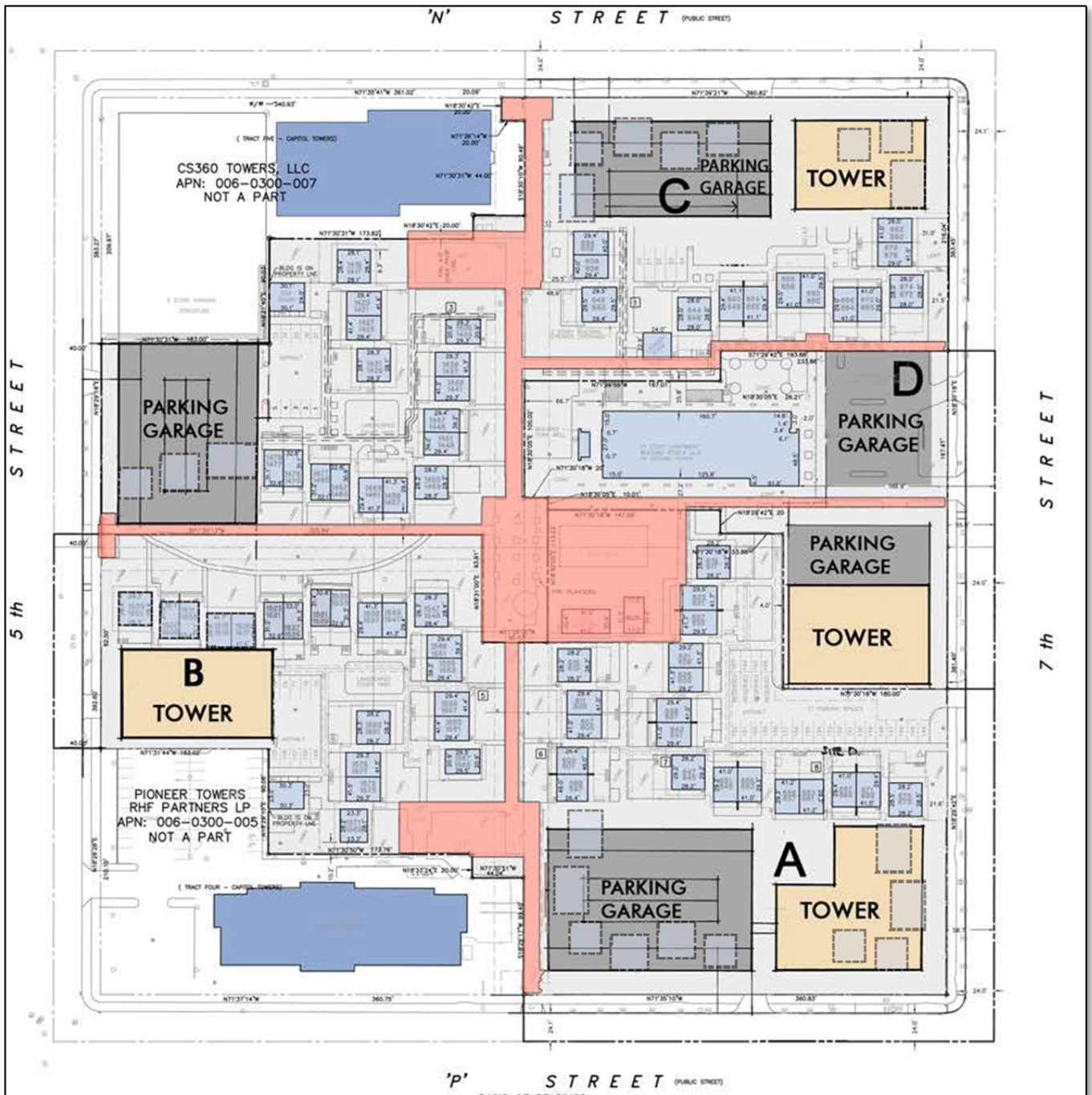


Figure 2-4. Re-Orient Tower B

(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

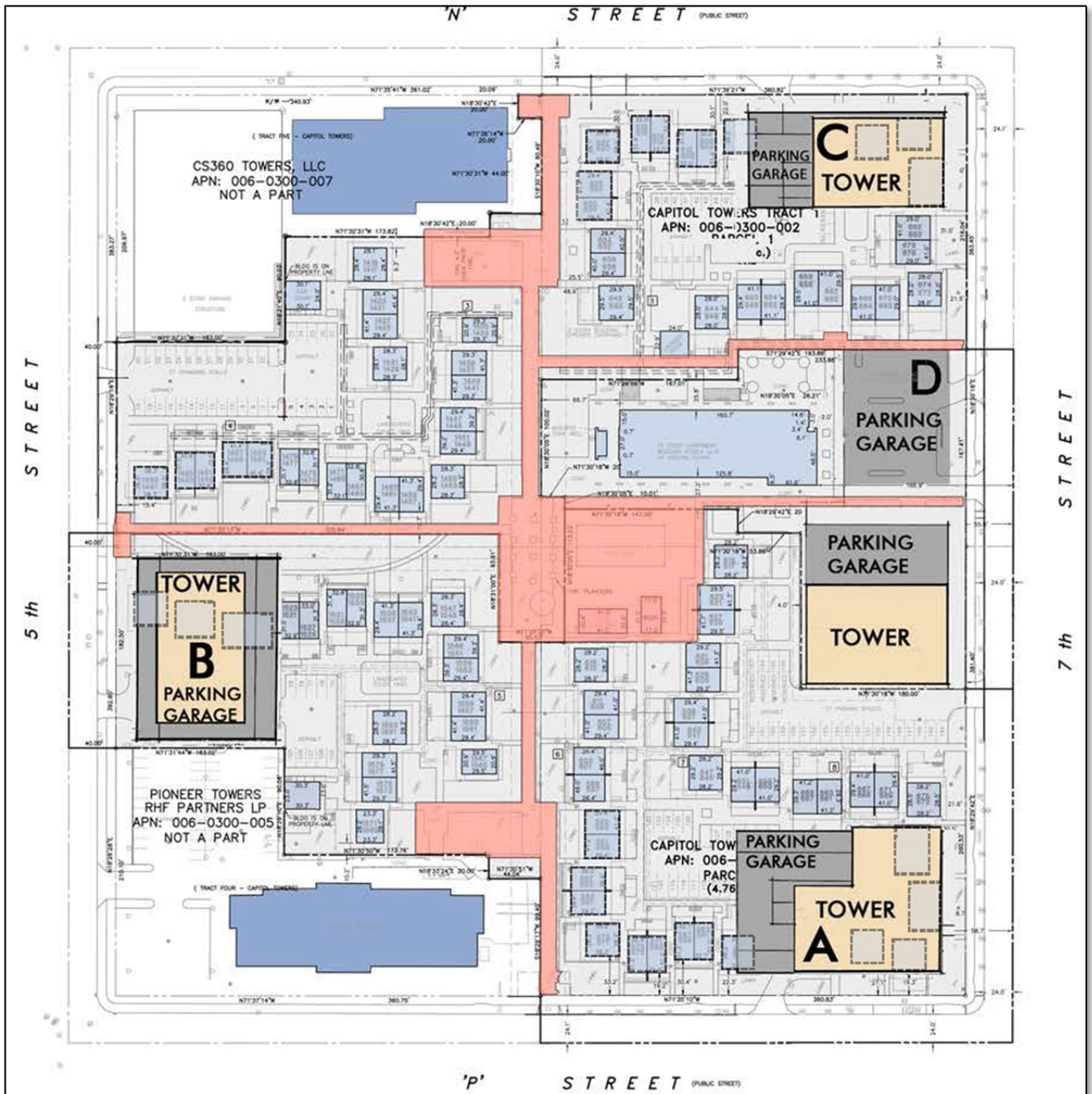
Response 2.3.9 [CEQA Streamlining].) Nevertheless, these variations of Alternative 2 and 3 are discussed further below.

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.

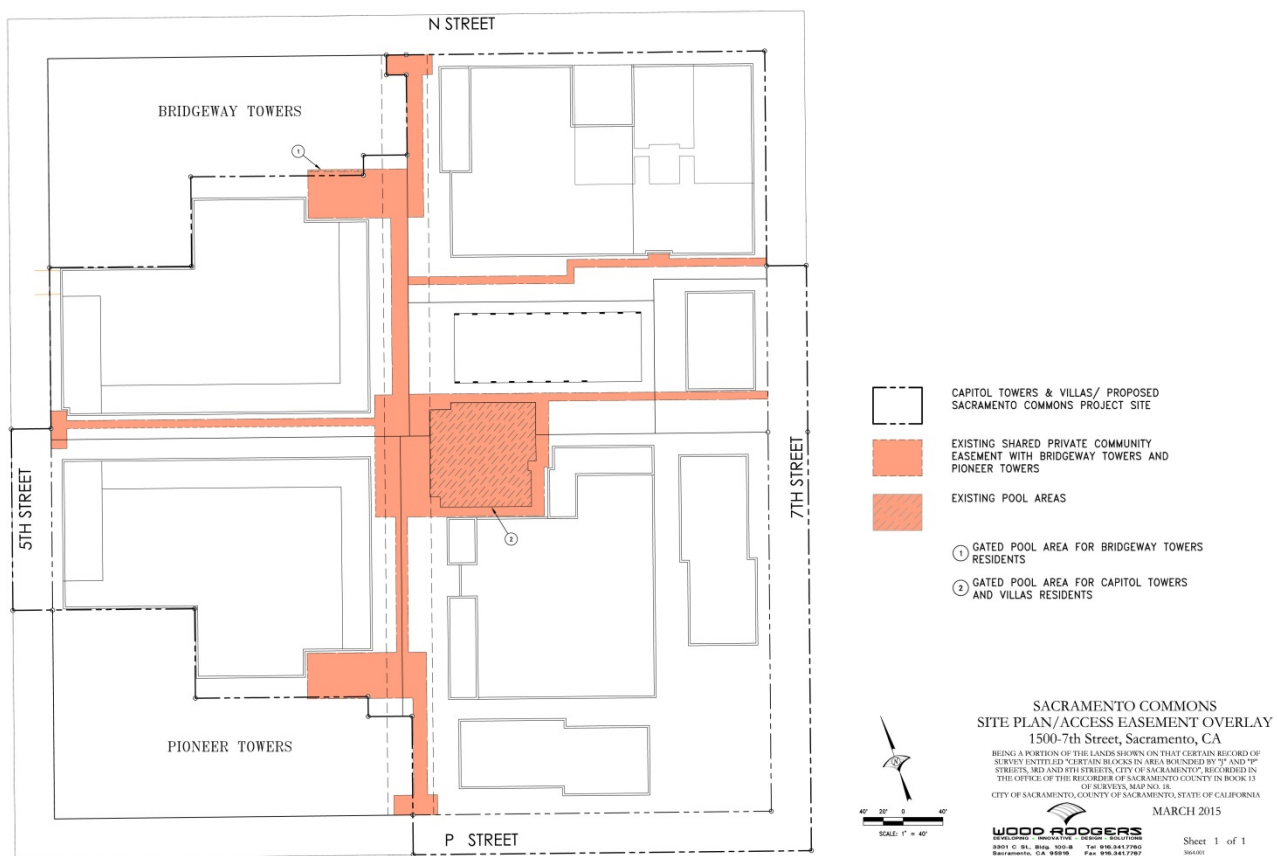


Figure 2-6. On-Site Easements

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.

2.3.13 REFERENCES

Ambacher, Patricia, Architectural Historian/Historian, AECOM. 2015a. Email message to Matthew Gerken, AECOM dated May 11, 2015.

Ambacher, Patricia, Architectural Historian/Historian, AECOM. 2015b. Letter to Nathan Hallam, Coordinator, North Central Information Center with attachments dated June 1, 2015.

Apartments.com. High-Rise vs. Low-Rise Apartments: Pros and Cons. Available: <http://renters.apartments.com/high-rise-vs-low-rise-apartments-pros-and-cons>. Accessed May 18, 2015.

Armijo, Robert, City of Sacramento Department of Utilities. Email to Scott Johnson and Tom Buford dated May 5, 2015.

California Air Resources Board (ARB). 2013a. Mobile Source Emission Inventory – Current Methods and data. Available: <<http://www.arb.ca.gov/msei/modeling.htm>>. Accessed May 15, 2015.

California Department of Finance. 2014. E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011- 2014.

California Department of General Services (DGS). 1997. Capitol Area Plan. Available: <http://www.documents.dgs.ca.gov/resd/cac/1997CapitolAreaPlan.pdf>. Accessed May 17, 2015.

California Department of Transportation (Caltrans). 2004. Transportation- and Construction-Induced Vibration Guidance Manual. Prepared by Jones & Stokes for California Department of Transportation Environmental Program, Environmental Engineering, Noise, Vibration, and Hazardous Waste Management Office.

California Department of Transportation (Caltrans). 2013 (September). Transportation and Construction Vibration Manual.

California Energy Commission (CEC). 2013b. Impact Analysis: California's 2013 Building Energy Efficiency Standards. Available: <<http://www.energy.ca.gov/2013publications/CEC-400-2013-008/CEC-400-2013-008.pdf>>. Accessed May 14, 2015.

California Energy Commission (CEC). 2015. Cool Roofs and Title 24. Available: <http://www.energy.ca.gov/title24/coolroofs/>. Accessed May 30, 2015.

Canfield, Traci, Planner, Sacramento Regional Transit. Email to Anh Thai, AECOM, dated May 15, 2015.

- Cassidy Turley Commercial Real Estate Services. 2014. Apartment Market Report Sacramento: First Quarter 2014. San Francisco, CA.
- Colliers International. 2014. Sacramento Multifamily Report, Sacramento | First Quarter 2014. Sacramento, CA.
- City of Sacramento. 2013b (September 5). Housing Element. Available: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_documents/sacramento_draft090513.pdf. Accessed November 6, 2014.
- City of Sacramento. 2014 (August). Draft Master Environmental Impact Report for the 2035 General Plan Update.
- DKS. 2001. *Pre-Census Travel Behavior Report: Analysis of the 2000 SACOG House Travel Survey*. Cited in Kittelson & Associates, Inc. 2014.
- DT News. "Is Downtown's Low-Rise Building Spree Hurting the Community?" Available: http://www.ladowntownnews.com/news/is-downtown-s-low-rise-building-spree-hurting-the-community/article_0e5f97ec-eb52-11e2-a694-0019bb2963f4.html. Accessed May 18, 2015.
- Dudek. 2014 (December). Arborist Report for the Sacramento Commons Project Site, City of Sacramento, California.
- Ewing, Reid and Robert Cervero. 2001. "Travel and the Built Environment" Transportation Research Record, 1780, Paper No. 01-3515. U.S. Environmental Protection Agency. 2013 (June). Our Built and Natural Environments: A Technical Review of the Interactions among Land Use, Transportation, and Environmental Quality.
- Federal Transit Administration. 2006 (May). Transit Noise and Vibration Impact Assessment. FTA-VA-90-1003-06. Washington, DC: Office of Planning and Environment.
- Frank, Lawrence and Gary Pivo. 1994. Impacts of Mixed Use and Density on Utilization of Three Modes of Travel: Single-Occupant Vehicle, Transit, and Walking. Transportation Research Record, 1466.
- ForRent.com. 2014. 18 Downtown Sacramento Apartments For Rent. Accessed July 12, 2014.
- Gilbert, Mark. ENGEO. Email to Matthew Gerken, AECOM, with the subject line, "Dewatering Impacts for Sacramento Commons Project," dated May 29, 2015.
- Handy, Susan, Kevan Shafizadeh, and Robert Schneider. 2013 (February). California Smart-Growth Trip Generation Rates Study. University of California, Davis for the California Department of Transportation.
- Institute of Transportation Engineers. 2012. Trip Generation Manual, 9th Edition, 2012 and Trip Generation Manual User's Guide and Handbook, 9th Edition.

Lee, Jason, Senior Fire Prevention Officer. Email to Scott Johnson dated May 8, 2015.

Native American Heritage Commission. 2014 (August 8). Letter to Scott Johnson of the City of Sacramento regarding SCH# 201404032 Sacramento Commons (P14-012).

Pace, Tom. Email message dated June 3, 2015, addressing typical parking in the Central City area for residential uses.

Public Policy Institute of California. 2006. California Economic Policy. Lawns and Water Demand in California.

Sacramento Area Council of Governments (SACOG). 2011. Metropolitan Transportation Plan/Sustainable Communities Strategy.

Sacramento Area Council of Governments. 2012a. *M Regional Housing Needs Allocation*. Sacramento, CA.

Sacramento Area Council of Governments. 2012b. *Regional Housing Needs Allocation*. Available: <http://www.sacog.org/rhnp/rhna.cfm>. Accessed: May 12, 2015.

Sacramento Area Council of Governments (SACOG). 2014. Letter from Mike McKeever, SACOG, to Scott Johnson, City of Sacramento, dated December 19, 2014.

State (of California) Consumer Services Agency and Department of General Services. 1997 (July). 1997 Capitol Area Plan, an Update of the 1977 Capitol Area Plan.

Tunson, King. Sacramento Fire Department. Letter to Scot Mende dated June 10, 2014. Subject: P14-012 Sacramento Commons.

Tunson, King, Plan Review – Sacramento Fire Department Fire Prevention. Email to Scott Johnson dated May 8, 2015.

United States Department of Energy (U.S. DOE). 2014. Alternative Fuel Data Center. 2014. Fuel Properties Comparison. Available: http://www.afdc.energy.gov/fuels/fuel_comparison_chart.pdf. Accessed May 15, 2015.

U.S. Federal Highway Administration (FHWA). 2011. Noise Barrier Design Handbook.

2.3.13.1 REFERENCES CITED – GEOARCHEOLOGICAL ANALYSIS

Holliday, V.T. 2004. *Soils in Archaeological Research*. New York: Oxford University Press.

Kajankowski, P. 2015. *Assembling the East Bay: Subsurface Geoarchaeological Exploration for the Silicon Valley-Berryessa BART Extension Project*. Paper presented at the 2015 Society for California Archaeology meeting, Redding, California.

- Martin, T. and J. Meyer. 2005. Archaeological Data Recovery at the Napa Creek Site (CA-NAP-916), State Route 29, Napa, California. Anthropological Studies Center, Sonoma State University, Rohnert Park, California. Prepared for California Department of Transportation, District 4, Oakland.
- Meyer, J. 1996. Geoarchaeological Implications of Holocene Landscape Evolution in the Los Vaqueros Area of Eastern Contra Costa County, California. Master's thesis in Cultural Resources Management, Department of Anthropology, Sonoma State University, Rohnert Park, California.
1998. "Geoarchaeological Investigation of Portion of the Proposed Hayward Bypass Corridor, Alameda County, California." In Results of Archaeological Test Excavations at CA-ALA-566 for the Proposed Route 238 Hayward Bypass Project, edited by Glenn Gmoser, pp. 67-99. Anthropological Studies Center, Sonoma State University, Rohnert Park, California. Prepared for the California Department of Transportation (District 4), Oakland, California.
1999. Chapter 2. "Paleoenvironmental and Geomorphological Context," Chapter 7. "Geoarchaeological Assessment and Exploration." In Upgrade of the Guadalupe Parkway, San Jose: Historic Properties Treatment Plan, by Allen, Rebecca, Anmarie Medin, R. Scott Baxter, Brian Wickstrom, Connie Young Yu, Julia G. Costello, Greg White, Amy Humberland, Helen M. Johnson, Jack Meyer, and Mark Hylkema, pp. 13-28, 159-186. KEA Environmental, Inc., Sacramento, California, Foothills Resources, Ltd., Mokelumne Hill, California, Archaeological Research Program, Chico State University, Anthropological Studies Center, Rohnert Park, California. Prepared for California Department of Transportation, District 4, Oakland, California.
2000. A Geoarchaeological Study of the Guadalupe Parkway Corridor, State Route 87, San Jose, Santa Clara County, California. Anthropological Studies Center, Sonoma State University, Rohnert Park, California. Submitted to the California Department of Transportation, District 04, Oakland, and KEA Environmental, Inc., San Diego, California.
2001. "A Geoarchaeological Study for the Proposed Alameda Highway 238 Widening Project, Alameda County, California." In Extended Phase I Assessment of Prehistoric Archaeological Site, CA-ALA-586, for the Highway 238 Widening Project, by Shelly Tiley, Appendix A. Archaeological Research Center, California State University, Sacramento. Prepared for the California Department of Transportation (District 4), Oakland, California.
2003. "An Overview of Archaeological Research Issues." In Archaeological Research Issues for the Point Reyes National Seashore-Golden Gate National Recreation Area, edited by S. Stewart and A. Praetzellis, pp. 1-34. Anthropological Studies Center, Sonoma State University, Rohnert Park, California. Prepared for National Park Service, San Francisco, California.
2004. Chapters 2 and 3 (Geoarchaeology). In SF-80 Bayshore Viaduct Seismic Retrofit Projects Report on Construction Monitoring, Geoarchaeology, and Technical and Interpretive Studies for Historical Archaeology, edited by Mary Praetzellis, pp. 9-24. Anthropological Studies Center,

Sonoma State University, Rohnert Park, California. Prepared for California Department of Transportation, District 4, Oakland, California.

2005. Geoarchaeological Study of Big Lagoon, Lower Redwood Creek, Marin County, California. Anthropological Studies Center, Sonoma State University, Rohnert Park, California. Prepared for National Park Service, San Francisco, California.

Meyer, J., and J.S. Rosenthal. 1997. Archaeological and Geoarchaeological Investigations at Eight Prehistoric Sites in the Los Vaqueros Reservoir Area, Contra Costa County. Los Vaqueros Final Report #7. Report prepared for the Contra Costa Water District. Anthropological Studies Center, Sonoma State University, Rohnert Park, California.

2007. Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4. Far Western Anthropological Research Group, Inc. Report Prepared for California Department of Transportation, District 4, Oakland.

National Resources Conservation Web Soil Survey.
<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>, accessed 2/25/2015.

Rosenthal, J.S., and J. Meyer 2004. Landscape Evolution and the Archaeological Record: A Geoarchaeological Study of the Southern Santa Clara Valley and Surrounding Region. Center for Archaeological Research at Davis Publication 14, University of California, Davis.

Waters, M.R., 1991. Principles of Geoarchaeology. Tucson: University of Arizona Press.

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).