

Amended by Planning Commission and Staff on 8/25/05
ATTACHMENT 1
NOTICE OF DECISION AND FINDINGS OF FACT FOR
THE TOWERS ON CAPITOL MALL, LOCATED AT 301 CAPITOL MALL,
SACRAMENTO, CALIFORNIA, IN THE CENTRAL BUSINESS DISTRICT SPECIAL
PLANNING DISTRICT (C-3-SPD) ZONE. (P04-221)

At the regular meeting of August 25, 2005, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination: Environmental Impact Report;**
- B. **Approved the Mitigation Monitoring Plan;**
- C. **Approved the Tentative Map to designate the parcel for condominium purposes;**
- D. **Approved the Special Permit to construct up to 800 condominium units in the C-3-SPD zone;**
- E. **Approved the Special Permit to construct a 276-unit hotel in the C-3-SPD zone;**
- F. **Approved the Special Permit for a Major Project over 75,000 gross square feet in the C-3-SPD zone;**
- G. **Approved the Special Permit for heliports for The Towers on Capitol Mall project.**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. **Environmental Determination:** The Environmental Impact Report (EIR) is certified and the Findings of Fact and Statements of Overriding Consideration are adopted for the proposed Towers on Capitol Mall project (P04-221) and are based on the findings provided in Exhibit 1A.1 (Findings of Fact and Statement of Overriding Consideration) of this Notice of Decision.
- B. **Mitigation Monitoring Plan:** The **Mitigation Monitoring Plan** (Exhibit 1A.2) is approved based upon the following findings of fact:

1. One or more mitigation measures have been added to the above-identified project;
 2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A.2;
 3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6; and
 4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.
- C. Tentative Map: The Tentative Map to designate the subject parcel for condominium purposes is hereby **approved** based upon the following findings of fact:
1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision;
 2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 16 of the City Code, which is a Specific Plan of the City. The General Plan designation for the subject site is Community/ Neighborhood Commercial and Office;
 3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision; and
 4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
- D-G. Special Permits to construct condominium units, to construct the hotel, for a Major Project, and to allow heliports: The **Special Permits** to construct up to 800 condominium units, to construct a 276-room hotel, for a Major Project over 75,000 square feet and to allow heliports are hereby **approved** based upon the following findings of fact:
1. Granting the Special Permits is based upon sound principles of land use in that the proposed uses will not adversely affect the peace and general

welfare of the surrounding neighborhood, since the building is designed to comply with setback and stepback requirements, supports transit usage, and the jobs/housing ratio;

2. Granting the Special Permits would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project will provide amenities to support the development, such as parking, heliports, and private open space; and
3. The proposed project is consistent with the proposed City of Sacramento General Plan and Central City Community Plan designations, and the requirements of the Central Business District zone.

CONDITIONS OF APPROVAL

- C. The **Tentative Map** to designate the parcel for condominium purposes is hereby approved subject to the following conditions of approval:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P04-221). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering and Finance Division:

GENERAL: All Projects

- C1) Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
- C2) Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P04-221).
- C3) Show all continuing and proposed/required easements on the Final Map.
- C4) If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

PUBLIC WORKS: Streets

- C5) Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Improvements required shall be determined by the City. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter, sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.
- C6) The proposed project has significant unavoidable impacts on the freeway system that currently have no feasible mitigation and is therefore seeking an override. The City has been in communication with Caltrans, and Caltrans has agreed that in lieu of any fair share contribution to any existing funded Caltrans project they would be satisfied with the following requirement:
- The applicant shall enter into an agreement with the City to pay a fair share contribution for a comprehensive downtown traffic analysis that will identify additional freeway related improvements. The study will take into account all recent and proposed development in the downtown area. The applicant must also agree to pay a fair share contribution for the improvements proposed by said analysis. The applicant must enter into the agreement prior to the recordation of the Final Map.
- C6a) All off-site improvements shall comply with the Pedestrian Safety Guidelines to the satisfaction of the Department of Transportation.

CITY UTILITIES

- C7) Any new domestic water services shall be metered. A single domestic water service is allowed for the condominium units and a single domestic water service is allowed for the clubhouse and pool area. Excess services shall be abandoned to the satisfaction of the Department of Utilities.
- C8) The condominium units shall have a separate street tap for a metered domestic water service.
- C9) The project shall provide for sub-metering of all the condominium units consistent with the Utility Service Agreement. The sub-metering shall be to the satisfaction of the Department of Utilities.
- C10) The non-residential space such as hotel, retail/commercial, restaurant, gym, and spa shall have a separate street tap for a metered domestic water service.

- C11) Common area landscaping shall have a separate street tap for a metered irrigation service.
- C12) An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of sanitary sewer, water and storm drainage facilities within the project. The onsite water, sewer and storm drain systems shall be private systems maintained by the association.
- C13) Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks. The onsite water, sewer and storm drain systems shall be private systems maintained by the ownership association.
- C14) Prior to recording the final map and prior to the initiation of water, sewer or drainage services to any airspace lot or the common lot, the various owners of such lots shall enter into an agreement authorizing one owner or an association of owners to obtain and pay for water, sewer and drainage facilities services for all lots, and such owner or association of owners shall enter into a separate agreement with the City to receive such utility services for all lots at points of service designated by the Department of Utilities (for example, the private water system serving each airspace lot and the common lot shall connect to the City's water system at a single point of service). Such separate agreement with the City shall provide for payment of all charges for the water, sewer and drainage services provided to all lots, shall authorize discontinuance of utility services to all lots in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, and shall be in a form approved by the City Attorney.
- C15) The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
- C16) This project will disturb greater than 1 acre of property, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of

erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative.

PPDD: Parks

- C17) The Applicant shall comply with City Code 16.64 (Parkland Dedication) and dedicate a park site at a location deemed acceptable to the City's PPDD; **and/or**, as determined by PPDD, request the City have prepared, at the applicants expense, a fair market value appraisal of the property to be subdivided and pay the required parkland dedication in lieu fees or, as an alternative to the appraisal process, pay the required parkland dedication in lieu fees based on the Community Planning Area "fixed market value " per acre of land as adopted by Sacramento City Council.
- C18) The applicant must provide proof they have initiated and completed the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annexed the project to an existing parks maintenance district prior to recording a Final (Parcel) Map. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the cost will be spread based upon the hearing report, which specifies the tax rate and method of apportionment. (Contact Development Services Department, Special Districts, Project Manager).

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

- A. This project is served by the Combined Sewer System (CSS). Therefore, impacts from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not feasible, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to 700 condominium units, 80,000 square feet of retail, 276 room hotel, 40,000 square feet of gym, and 10,000 square feet of spa is estimated to be 640 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$1,621,920 plus any increases to the fee due to inflation and credit for existing sanitary sewer flows from the site. The fee will be used for improvements to the CSS.
- B. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water

supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.

- C. The proposed project is located in the Flood zone designated as an **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.
- D. Foundation or basement dewatering discharges to the Foundation or basement dewatering discharges to the CSS and/or storm drainage system will not be allowed. The CSS and storm drainage system in the area does not have adequate capacity to allow for dewatering discharges for foundations or basements. Foundations and basements shall be designed without the need for dewatering.
- E. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility and is greater than 1 acre, both source controls and on-site treatment control measures are required. On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include on-site treatment control measures. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures and on-site treatment control measures.
- F. Parkland dedication (related to condition C17.) may include a floor of the building.
- D-G. The **Special Permits** to construct up to 800 condominium units, to construct a 276-room hotel, for a Major Project over 75,000 square feet and to allow heliports are hereby **approved** subject to the following conditions of approval:

General:

- D-G1) The applicant shall obtain all necessary building permits prior to construction.
- D-G2) The project shall substantially conform to the site plan and elevations as shown on Exhibits 1B-1GG. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.

- D-G3) Comply with the requirements included in the Mitigation Monitoring Plan (Exhibit 1A.2) developed by and kept on file with the Development Services Department, Planning Division (P04-221).
- D-G4) The applicant shall comply with all Design Review conditions of approval (DR04-309).
- D-G5) Provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all covenants, conditions and restrictions, articles of incorporation and by-laws shall be subject to review and approval by the city prior to occupancy as a condominium unit.
- D-G6) The ownership association shall conduct periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures and recreation facilities.
- D-G7) The ownership association shall establish and conduct a regular program of routine maintenance for the property. Such a program shall include common areas and scheduled repainting, replanting and other similar activities that typically require attention at periodic intervals but not necessarily continuous. Owner/Operator shall repaint or retreat all painted or treated areas at least once every 8 years; provided that the Planning Director may approve less frequent painting or re-treatment upon a determination that less frequent repainting or re-treatment is appropriate, given the nature of the materials used or other factors. The program shall be subject to review and approval by the Planning Director.
- D-G8) The ownership association shall maintain landscaping and irrigation in a healthy and serviceable condition.
- D-G9) The ownership association shall indicate and maintain all locations of parking stalls for handicapped/disabled access and strictly enforce rules related thereto.
- D-G10) Each condominium unit shall comply with the state of California's Noise Insulation Standards (California Amended Code Section 1092).
- D-G11) Each unit of a condominium project, and all commonly owned portions of a Condominium building shall comply with all applicable building code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the city from providing or requiring building standards greater than those set forth in the Building Code where the

greater standards are found to be necessary to carry out the purposes and objectives of this chapter. (Ord. 99-015 § 6-3-D)

- D-G12) All rooftop mechanical equipment and communications equipment shall be completely screened by the building parapet and architectural projections.
- D-G12a) Should the applicant choose to phase the project so that the podium and Tower A are built first, the applicant shall return to the Planning Commission for review and approval of the project design.

Signage:

- D-G13) A sign permit shall be obtained prior to construction or installation of any attached or detached signs
- D-G14) The applicant shall submit a sign program for all attached and any detached signs for review and approval by the Planning Director prior to issuance of any sign permits.

Landscaping:

- D-G15) Detailed landscape and irrigation plans shall be submitted to the Planning Division for review prior to issuance of a building permit. Landscape plans shall indicate quantity, size, and species of each plant and tree. The final landscaping plan will be designed to comply with the City's Water Conservation Ordinance, and shall be to the satisfaction of the Planning Director and the City Arborist. Landscaping shall be consistent with the landscaping exhibits in this report (Exhibit 1D-E).

Lighting:

- D-G16) Lighting shall be designed so as not to produce hazardous or annoying glare to motorists and buildings occupants, adjacent residents, or the general public.

Utilities:

- D-G17) Any new domestic water services shall be metered. A single domestic water service is allowed for the condominium units and a single domestic water service is allowed for the clubhouse and pool area. Excess services shall be abandoned to the satisfaction of the Department of Utilities.

- D-G18) The condominium units shall have a separate street tap for a metered domestic water service.
- D-G19) The project shall provide for sub-metering of all the condominium units consistent with the Utility Service Agreement. The sub-metering shall be to the satisfaction of the Department of Utilities.
- D-G20) Common area landscaping shall have a separate street tap for a metered irrigation service.
- D-G21) This project is served by the Combined Sewer System (CSS). Therefore, impacts from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not feasible, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to 700 condominium units, 80,000 square feet of retail, 276 room hotel, 40,000 square feet of gym, and 10,000 square feet of spa is estimated to be 640 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$1,621,920 plus any increases to the fee due to inflation and credit for existing sanitary sewer flows from the site. The fee will be used for improvements to the CSS.
- D-G22) An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of sanitary sewer, water and storm drainage facilities within the condominium project. The onsite water, sewer and storm drain systems shall be private systems maintained by the association.
- D-G23) Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks. The onsite water, sewer and storm drain systems shall be private systems maintained by the condominium association.
- D-G24) Foundation or basement dewatering discharges to the Foundation or basement dewatering discharges to the CSS and/or storm drainage system will not be allowed. The CSS and storm drainage system in the area does not have adequate capacity to allow for dewatering discharges for foundations or basements. Foundations and basements shall be designed without the need for dewatering.
- D-G25) The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the

improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

- D-G26) Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility and is greater than 1 acre, both source controls and on-site treatment control measures are required. On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include on-site treatment control measures. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures and on-site treatment control measures.
- D-G27) This project will disturb greater than 1 acre of property, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative.

Fire Department

- D-G28) Compliance with City of Sacramento Highrise Ordinance, Title 15, Chapter 15.100, Articles I-XIV.
- D-G29) Provide a low bank/ high bank elevator system in both towers.
- D-G30) There shall be no parking of aircraft on the heliport pad. The heliport must provide for storage of aircraft to keep the pad clear for emergencies. Advisory: There shall be no refueling or aircraft repair work within the heliport.

- D-G31) Any booster pump required for pressure must have redundancy and be connected to an emergency back-up power system.
- D-G32) A high pressure fire hose shall be cached in the first floor equipment room. At this time, the length of the high pressure hose is estimated at 500 feet; the exact length will be determined by final placement of fire department connections.
- D-G33) A first floor fire equipment room shall be provided and have an external door.
- D-G34) The fire alarm system shall alert the entire floor for any alarm on that floor.
- D-G35) The number of lightweight MSA air bottles (forty-five (45) cubic feet in size) stored in the fire equipment room shall be increased to twenty (20).

Conditions D-G36 through D-G118 are relocated to Advisory Comments for the Special Permit (Renumbered as Advisory Comments #5-87).

Heliport

- D-G119) Approval of the Special Permit for heliports is contingent upon compliance with Public Utilities Code 21661.5 and any other applicable code requirements.

Advisory Comments for Special Permit:

1. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.
2. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.
3. The applicant shall discourage and control the renting of hotel sleeping units to persons (especially minors) for the purpose of hosting parties on site. The applicant shall immediately deal with problems that result from such

activity and shall provide adequate security and supervision so unruly gatherings do not become a burden on police services.

Police:

General

4. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and at the Police Department.
5. No public telephone shall be installed or maintained on the exterior of the premises.
6. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with and open alcoholic beverage container. P.C. 647e (a)" plus any appropriate local ordinances. Lettering to be block style and a minimum of 2 ½" in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk.
7. Business rules shall be posted in the business interior in a conspicuous place.
8. Store / Restaurant windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
9. All dumpsters must be kept locked.
10. The perimeter of the site shall be fenced during construction and security lighting, security guards, and other electronic monitoring devices shall be employed and deployed as necessary at all times.
11. A secure Central Security Office with restricted access, adjacent to the lobby should be included to monitor:

Intrusion detection annunciators in all project phases

Closed circuit TV monitors

Key card access control and mini-processor with hard copy print out and annunciators

Base station radio equipment

Telephones

Fire protective devices
Emergency-power supply equipment
Public safety communications systems and inter-com system
Documented procedures manuals for emergency operations

General- Lighting

12. All exterior doors shall be provided with their own light source and shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.
13. The premises, while closed for business after dark, must be sufficiently lighted by use of interior night lights.
14. Exterior door, perimeter, parking area, and canopy lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting.

General- Doors and Windows

15. The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand 1600 pounds of pressure in both a vertical distance of three inches and a horizontal distance of one inch each side of the strike.
16. Glass doors shall be secured with a deadbolt lock with a minimum throw of one inch. The outside ring should be free-moving and case hardened.
17. Doors with glass panels and doors with glass panels adjacent to the door frame shall be secured with burglary-resistant glazing or the equivalent, if double-cylinder deadbolt locks are not installed.
18. On pairs of doors, the active leaf shall be secured with the type of lock required for single doors in this section. The inactive leaf shall be equipped with automatic flush extension bolts protected by hardened material with a minimum throw of three-fourths inch at head and foot and shall have no door knob or surface-mounted hardware. Multiple point locks, cylinder activated from the active leaf and satisfying the requirements, may be used in lieu of flushbolts.
19. Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum of one throw bolt at both the top and bottom rails.
20. Doors with panic bars will have vertical rod panic hardware with top and bottom latch bolts.

21. Employee/pedestrian doors shall be of solid core wood or hollow sheet metal with a minimum thickness 1-3/4 inches and shall be secured by a deadbolt lock with a minimum throw of one inch. The following doors shall be addressed – all storage room doors, all office doors, connecting doors with the hotel, and all exit doors not panic equipped.
22. Outside hinges on all exterior doors shall be provided with nonremovable pins when pin type hinges are used or shall be provided with hinge studs, to prevent removal of the door.
23. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
24. Any office which contains a safe or will be used to count receipts shall be equipped with a 180 degree viewing device.
25. Windows that are capable of being opened, shall be secured on the inside with a locking device capable of withstanding a force of three hundred pounds applied in any direction.

General- Roof Openings

26. All glass skylights on the roof of any building shall be provided with:

Rated burglary resistant glass or glass like acrylic material
Or
iron bars of at least 1/2" round or one by one-fourth inch flat steel material spaced no more than five inches apart under the skylight and securely fastened.
Or
A steel grill of at least 1/8" material or two inch mesh under skylight and securely fastened.
27. All hatchway openings on the roof of any building shall be secured as follows:

If the hatchway is of wooden material, it shall be covered on the outside with at least 16 gauge sheet steel or its equivalent attached with screws.

The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock must be approved by the fire department.

Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.

28. All air duct or air vent openings exceeding 8" x 12" on the roof or exterior walls of any building shall be secured by covering the same with either of the following:
- Iron bars of at least ½" round or one by one-fourth inch flat steel material, spaced no more than five inches apart and securely fastened.
- Or
- A steel grill of at least 1/8" material or two inch mesh and securely fastened.
29. If the barrier is on the outside, it shall be secured with galvanized rounded head flush bolts of at least 3/8" diameter on the outside.

General- Numbering

30. The address number of every commercial building shall be illuminated during hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four to six inches in height and of a color contrasting with the background.

General- Special Security Measures

31. Commercial establishments having one hundred dollars or more in cash on the premises after closing hours shall lock such money in an approved type money safe with a minimum rating of TL-15 or class "C". The cash on hand in the registers shall be limited, and frequent drops into the safe should be made. The safe should be equipped with duress alarm capability.
32. The cash register area shall be covered by a CCTV system with a recorder.
33. The elevators in the complex shall be equipped with mirrors to allow persons to view the interior of the car before entering.

Hotel

34. All handicapped, compact loading/unloading, and delivery parking spaces shall be clearly marked with pavement markings and appropriate signs. The applicant shall install directional signs, traffic control devices, and traffic circulation markings where appropriate or required on site.
35. Parking lots, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with high intensity discharge lighting with sufficient wattage to provide adequate illumination for the safety and security of vehicles and pedestrians using the site during the hours of

darkness or diminished lighting. Such lighting shall be equipped with vandal-resistant covers/lenses.

36. A lighting level of 1- 2 foot candles minimum maintained at ground level is required in all vehicle and pedestrian areas.
37. All exterior doors shall be adequately illuminated at all hours with their own light source.
38. Exterior door, perimeter, canopy, and parking area lights shall be controlled by photocell and shall remain on during the hours of darkness or diminished lighting.
39. All entrances to the parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removing vehicles at the property owner's / manager's request.
40. All alarm plans shall be approved by The Sacramento Police Department's Alarm Unit.
41. A time delay drop-safe type system is required near the registration desk area to provide the on-duty clerks with the ability to limit available cash on hand. Any safe on site will have minimum rating of TL-15 or Class "C" and should be equipped with a duress alarm capability.
42. One or more closed circuit television cameras shall be employed to monitor the front desk and lobby areas in case of robbery or other serious felony. Additional cameras should be considered to monitor other areas of the complex, such as other ground-floor entry doors, if access is not limited to the front entry after dark, ground floor restroom doors and any vending area lacking direct surveillance by front desk personnel.
43. The complex shall employ at least one uniformed security person 24 hours daily to patrol the parking areas, hallways, and other public areas on site. Security activities shall be coordinated with other in-city hotel security personnel. The Police Department reserves the right to increase the minimum number of guards without further public hearings, should negative activity warrant it.
44. Access into miscellaneous storage, linen, laundry, food and liquor storage areas should be strictly controlled.
45. As much care as possible shall be taken not to impair the view of the registration desk and lobby area by passing patrol units outside the business. Use of such restrictors, as potted plants, draperies, reflective window treatments, etc. should be closely monitored.

46. Hotel guests shall be provided with the ability to lock valuables in safety deposit boxes in the office area or safes in their room. The safety boxes shall be closely controlled by designated hotel staff or management.
47. Any vending machines installed on site should be positioned in such a location that they are visible to passersby and/or the registration desk and shall be emptied of money daily and sign posted to indicate this provision.
48. The applicant shall have the responsibility of assuring that the perimeter of the construction site is fenced during construction with security lighting and guard patrols employed as necessary. If the general contractor is assigned this responsibility, it shall be the applicant's responsibility to assure compliance.
49. The applicant shall masterkey all entry and exit doors to only allow access to the building with guest room keys and shall institute a policy to always keep all doors (except the main entry doors) closed and locked at all times.
50. The applicant shall install a system which allow the individual guest room locks to be easily rekeyed on a frequent basis. A computer based card access system or a hard key computer based system is encouraged. These systems allow the television theft alarms, smoke detectors, and any emergency type alarm systems to be reported to the front desk through the same remote transmission device. It also restricts the ability of hotel employees to reenter rooms when not authorized and allows easy cancellation of keys from the system. If a computer based system is not feasible, then a manual system shall be instituted to rotate locks on a regular basis by maintenance personnel or a contracted locksmith. Marking or tagging room keys with room numbers is discouraged.
51. Television, VCR's, DVD's, etc. in guest rooms shall be equipped with substantial lockdown devices.
52. Employee / pedestrian, unit entry, storage, linen, laundry, mechanical, electrical, maintenance, and roof access doors shall be of solid core wood or hollow sheet metal with a minimum thickness of 1 ¾ inches and shall be secured by a deadbolt lock with a minimum throw of one inch.
53. Entrance doors into individual units shall be secured with a single cylinder deadbolt lock with a minimum throw of one inch, in addition to door latches with a one-half inch minimum throw. The locks should be so constructed that both deadbolt and dead latch can be retracted by a single action of the inside door knob.

54. A viewing device (peephole) shall be installed in each individual unit entrance door and shall allow for 180 degree vision.
55. A 180 degree viewing device (or peephole) shall be installed in office, administration, delivery, and registration area entry doors to screen persons before allowing entry.
56. Outside hinges on all exterior doors shall be provided with non-removable pins when pintype hinges are used or shall be provided with hinge studs, to prevent removal of the door.
57. Exterior doors into hotel hallways and doors leading into stairwells shall have self locking (dead latch) devices allowing egress to the exterior of the building or stairwell but requiring a key to be used to gain access to the interior of the building from the outside or into the hallway from the stairwell.
58. Exterior doors into hotel buildings and doors leading into stairwells shall be equipped with self-closing devices.
59. Windows shall be constructed so that when the window is locked it cannot be lifted from the frame (sliding).
60. The sliding portion of a sliding glass window shall be on the inside track.
61. Window locking devices shall be capable of withstanding a force of 200 pounds in any direction.
62. Secondary locking devices are required on ground floor windows and any windows accessible from outside connecting balconies.
63. The address number of every commercial building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and of a color contrasting with the background.
64. Each individual unit within the building shall display a prominent identification number not less than two to four inches in height, which is easily visible to pedestrian traffic on site.
65. Stairwell, hall, and elevator lighting shall be equipped with vandal-resistant lenses and shall remain on at all times.

Parking Garage

66. The parking structure shall be illuminated at a level of 5 foot-candles minimum at all hours, with ramps, corners, and entrances 10-50 foot-candles during evening hours.
67. The structure shall be routinely patrolled by security anytime there are vehicles inside.
68. The structure shall be equipped with an emergency panic alarm system that reports to a central security office. Alarm buttons should be placed no more than 40-50 feet apart.
69. In conjunction with the alarm system, a two way audio system shall be installed.
70. An extensive closed circuit television system shall be incorporated throughout the structure with recorder capability.
71. The structure shall be equipped with emergency telephones (not pay phones).
72. Stairwells, elevator towers, and connecting bridges shall be glass enclosed to provide added visibility and a sense of security.
73. The vertical clearance into the parking structure shall be sufficient to allow entry and exit by a tow truck with a vehicle in tow.
74. Handicapped spaces shall be clearly marked and properly sign posted.
75. Exterior doors, doors leading from the garage areas into multiple dwelling buildings, and doors leading into stairwells shall have self-locking (dead latch) devices allowing egress to the exterior of the building or into the garage area, or stairwell, but requiring a key to be used to gain access to the interior of the building from the outside, or garage area, or into the hallway from the stairwell.
76. Exterior doors and doors leading from the garage areas into the multiple dwelling buildings, and doors leading into stairwells shall be equipped with self-closing devices.
77. All exterior doors and doors leading from the enclosed garage areas to family units shall be solid core with a minimum thickness of 1-3/4 inches.

Condominiums

78. Main entrance doors into individual units shall be secured with single cylinder deadbolt locks with a minimum throw of one inch, in addition to door

latches with a one-half inch minimum throw. The locks should be so constructed that both deadbolt and deadlatch can be retracted by a single action of the inside doorknob.

79. A viewing device or peephole shall be installed in each individual unit entrance door and shall allow for 180 degree vision.
80. Exterior doors swinging out shall have nonremovable hinge pins or hinge studs to prevent removal of door.
81. Single sliding glass doors shall have the movable section of the door adjusted in such a manner that the up and down play is taken up to prevent lifting with a pry tool to defeat the locking mechanism.
82. Windows shall be constructed so that when the window is locked it cannot be lifted from the frame. The vertical play shall be taken up to prevent lifting of the movable section to defeat the locking mechanism.
83. The sliding portion of a sliding glass window shall be on the inside track.
84. Window locking devices shall be capable of withstanding a force of 300 pounds in any direction.

Condominiums- Numbering

85. All residential entrances shall display a street number in a prominent location on the street side in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than 4 inches in height and shall be of a contrasting color to the background to which they are attached. The numerals shall be lighted at night.
86. Directional signs shall be installed where appropriate on site to facilitate location of individual units within the buildings.


CHAIRPERSON

ATTEST:


SECRETARY TO CITY PLANNING COMMISSION

8/25/05
DATE (P04-221)

- Exhibit 1A.1 Findings of Fact and Statement of Overriding Consideration
- Exhibit 1A.2 Mitigation Monitoring Plan
- Exhibit 1B Site Plan Exhibit
- Exhibit 1C Tentative Map Exhibit
- Exhibit 1D Landscape Exhibit, p. 1
- Exhibit 1E Landscape Exhibit, p. 2
- Exhibit 1F Design Perspective
- Exhibit 1G West Elevation – Tower 1 (A), facing 3rd Street
- Exhibit 1H West Elevation – Tower 2 (B), facing 3rd Street
- Exhibit 1I North Elevation – Tower 1 (A), facing L Street
- Exhibit 1J North Elevation – Tower 2 (B), facing L Street
- Exhibit 1K East Elevation – Tower 1 (A), facing 4th Street
- Exhibit 1L East Elevation – Tower 2 (B), facing 4th Street
- Exhibit 1M South Elevation – Tower 1 (A), facing Capitol Mall
- Exhibit 1N South Elevation – Tower 2 (B), facing Capitol Mall
- Exhibit 1O Basement Level
- Exhibit 1P First Floor Plan
- Exhibit 1Q Second Floor Plan
- Exhibit 1R Third Floor Plan
- Exhibit 1S 4th Floor Plan
- Exhibit 1T 5th-7th Floor Plans
- Exhibit 1U 8th Floor Plan
- Exhibit 1V 9th Floor Plan
- Exhibit 1W 10th Floor Plan

Exhibit 1X	Tower 'A' – Typical Plan 11 th -20 th Floor Plans
Exhibit 1Y	Tower 'A' – Typical Plan 21 st -30 th Floor Plans
Exhibit 1Z	Tower 'A' – Typical Plan 31 st -51 st Floor Plans
Exhibit 1AA	Tower 'A' – Typical Plan 52 nd Floor Plan
Exhibit 1BB	Tower 'B' – Typical Plan 9 th -20 th Floor Plans
Exhibit 1CC	Tower 'B' – Typical Plan 21 st -49 th Floor Plans
Exhibit 1DD	Tower 'B' – Typical Plan 50 th -52 nd Floor Plans
Exhibit 1EE	Tower A, Section Exhibit
Exhibit 1FF	Tower B, Section Exhibit
Exhibit 1GG	Tower Details, Planar and Materials

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

**CEQA STATEMENT OF FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING
CONSIDERATIONS**

FOR

**TOWERS ON CAPITOL MALL (P04-221)
SACRAMENTO, CALIFORNIA**

(State Clearinghouse Number 2004122137)

Prepared by:
The City of Sacramento Planning Division,
City of Sacramento Development Services Department,

July 2005

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

A RESOLUTION OF THE DESIGN REVIEW PRESERVATION BOARD OF THE CITY OF SACRAMENTO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED TOWERS ON CAPITOL MALL (P04-221)

The Design Review Preservation Board of the City of Sacramento does hereby find, determine, and resolve as follows:

I. CEQA FINDINGS

1. The Design Review Preservation Board finds that the Environmental Impact Report for the Towers on Capitol Mall (P04-221) (herein EIR) which consists of the Draft EIR, and Final EIR (Response to Comments) and Appendices, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
2. The Design Review Preservation Board certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
3. The Design Review Preservation Board certifies that the EIR has been presented to it and that the Design Review/Preservation Board has reviewed it and considered the information contained therein prior to acting on the proposed project.
4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Towers on Capitol Mall (P04-221), the Design Review Preservation Board hereby adopts the attached Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

II. PROCEDURAL FINDINGS

1. The City of Sacramento caused an Environmental Impact Report ("EIR") on the Project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Sacramento environmental guidelines.
2. A Notice of Preparation of the Draft EIR was filed with the State Clearinghouse on December 29, 2004. A 30-day public review comment period for the NOP was established starting on January 3, 2005 and ending on February 2, 2005.
3. A public scoping meeting for the EIR was held on January 28, 2005.
4. An NOP errata was distributed on February 2, 2005 with information regarding the conversion of 3rd Street to two-way, which was included in the project application, but was not included in the original NOP. The comment period was extended to February 11, 2005.

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

5. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the State Clearinghouse on May 3, 2005 to those public agencies that have jurisdiction by law with respect to the Project and to other interested parties and agencies. The comments of such persons and agencies were sought.
4. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The public review period began on May 3, 2005 and ended on June 17, 2005.
5. A Notice of Availability (NOA) was distributed to all interested groups, organizations, and individuals on July 19, 2004, for the Draft EIR. The Notice of Availability stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Service Department, 1231 I Street, Room 300, Sacramento, California 95814. The letter also indicated that the official forty-five day public review period for the Draft EIR would end on June 17, 2005.
6. A public notice was placed in the Sacramento Bee on May 3, 2005, which stated that the Towers on Capitol Mall Project Draft EIR was available for public review and comment.
7. A public notice was posted with the Sacramento City Clerk's Office on May 3, 2005.
8. Following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received and the City's responses to said comments, including additional information included in the Final EIR.
9. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the Design Review Preservation Board makes the following determinations:
 - A. The EIR consists of the Draft EIR, and Final EIR (Responses to Comments) and appendices.
 - B. The EIR was prepared and completed in compliance with CEQA.
 - C. The EIR has been presented to the Design Review Preservation Board which reviewed and considered the information therein prior to acting on the Towers on Capitol Mall (P04-221), and they find that the EIR reflects the independent judgement and analysis of the City of Sacramento.
10. The following information is incorporated by reference and made part of the record supporting these findings:
 - A. The Draft and Final EIR and all documents relied upon or incorporated by reference including:
 - City of Sacramento General Plan, City of Sacramento, January, 1988

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

- Draft Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987
- Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988
- Zoning Ordinance, City of Sacramento

B. The Mitigation Monitoring Plan dated July 22, 2005.

C. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project, including but not limited to, City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

11. As required by PRC Section 21081(a)(2) and Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The Planning Director is the custodian of records for all matters before the Design Review Preservation Board.

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

III. FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE TOWERS ON CAPITOL MALL (P04-221)

The Environmental Impact Report for the Towers on Capitol Mall (P04-221), prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the project or alternatives to the project.

The 2.42-acre proposed project site is located at 301 Capitol Mall, occupying the block between 3rd and 4th Streets and Capitol Mall and L Street. The proposed project site is accessed from Capitol Mall (pedestrian) and L Street (vehicle). A four-story building, previously the office of the California Department of Toxic Substance Control, and surface parking currently occupy the project site. Currently the building is unoccupied. The first floor of the building is partially below-grade, which reduces the perceived height of the building. The surface parking is located along the north portion of the block, along L Street. The existing building is fronted by a grass retention basin along Capitol Mall.

The proposed project is comprehensively planned as a 53-story twin-tower high-rise facility with associated amenities. The proposed project would serve as the gateway to the Capitol and would provide the only combined residential and hotel accommodations along the western portion of Capitol Mall. The proposed project is an approximately 1,800,000-square-foot mixed-use residential, hotel, and retail development. The proposed project includes the construction of two high-rise towers (Towers A and B) on a 10-story podium, resulting in a total building height of approximately 615 feet. The location of the Towers on the podium and entrances to the project are shown in Figure 2-3. The podium would contain 85,000 square feet of retail space, a 40,000-square-foot gym, a 10,000-square-foot spa, a rooftop swimming pool, and 830 above-grade parking spaces and 270 below grade parking spaces for a total of 1,100 on-site parking spaces. The Towers would consist of hotel units and multi-family residential units. Parking would be provided in one subgrade floor and on floors three through eight. The first floor would include the hotel entrance and lobby and retail uses. The second floor would include additional retail, a ballroom, and restaurants. In addition to parking, the third floor would include storage and meeting rooms. The ninth floor would include a fitness club with a basketball court and spa, and an outdoor pool and patio area on the northeast corner of the podium. The proposed project's land use designation in the Sacramento General Plan is Regional Commercial and Office. The Central City Community Plan designates the proposed project site as Multi-Use. Zoning for the site is C-3-SPD. Residential and hotel uses are allowed in this district with approval of a special permit.

The City of Sacramento has the authority to either approve or reject the project. In addition to certification of the EIR, additional entitlements have been requested for the proposed project. The proposed project would require the following: Tentative Map for one condominium parcel; Special Permit to construct 800 condominium units in the C-3-SPD zone; Special Permit to construct a 276-unit hotel in the C-3-SPD zone; Special Permit for a Major Project over 75,000 gross square feet in the C-3-SPD zone; and Special Permit for heliports for The Towers on Capitol Mall project.

Because the EIR indicates that implementation of the project (or project alternatives) would result in certain adverse impacts, the City is required under CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the project, as identified in the EIR. The following

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

identifies the significant impacts that can be avoided due to implementation of mitigation measures and the significant impacts that cannot be avoided. These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code § 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts identified in the EIR. The City further finds that these changes or alterations in the project are within the jurisdiction of the City to require, and that these measures are appropriate and feasible.

In this section of the Findings of Fact for the proposed Towers on Capitol Mall Project, the City identifies the significant impacts that can be reduced through mitigation measures to a less-than-significant level. These mitigation measures are hereby incorporated into the description of the project and their implementation will be tracked through the Towers on Capitol Mall Mitigation Monitoring Program.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1. **Impact 5.1-3: The proposed project could create light or glare that could affect adjacent properties.**

a. Potentially Significant Impact

Glare is caused by light reflections from pavement, vehicles, and building materials, such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. Glare can create hazards to motorists and nuisances for pedestrians and other viewers. At night, artificial lighting can cause glare or disturb residents.

The proposed project would add light-producing fixtures into the downtown area. Most of the light would be internal, due to the 24-hour activity of the residents and guests of the building. The additional light sources would not significantly affect the ambient light in the downtown area due to the large amount of night lighting that already exists.

As described above, the proposed project would result in the construction of two 53-story hotel and condominium towers that include substantial amounts of glass surface on the facade. The towers would be set back from the podium, which may reduce the amount of glare generated by the proposed project. However, because the details of the type of glass material to be used is unknown, the proposed project could result in a substantial increase in the amount of glare if the surfaces of the towers are highly reflective. This would be a **significant impact**.

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

- 5.1-3 (a)** The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses.
- (b)** Highly reflective mirrored glass walls shall not be used as a primary building material for facades. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.

2. Impact 5.1-6: The proposed project, in combination with cumulative development in the Central City, could create cumulative light or glare that could affect adjacent properties.

a. Potentially Significant Impact

Existing buildings in the Central City area have been designed to minimize light and glare impacts on adjacent properties. Future development in the City of Sacramento Central City Community Plan area and the CBD would also be designed to comply with City of Sacramento lighting policies in the Urban Design Plan. As stated above, planned development in the Central City area includes additional high-rise buildings that would introduce new sources of light and glare in the area surrounding the proposed project. This would be a substantial cumulative impact. Because of the large amount of glass proposed on the facade of the proposed project, the proposed project could result in a substantial new source of glare. This would be considerable contribution to increased glare in the downtown area, and this would be a **significant cumulative impact**.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

- 5.1-6 Implement Mitigation Measure 5.1-3 (a) and (b).** Implementation of Mitigation Measure 5.1-3 would ensure that exterior glass surfaces would minimize the amount of glare by requiring that surfaces materials avoid highly reflective materials. Implementation of Mitigation Measure 5.1-3 would reduce this cumulative impact to a less-than-significant level.

3. Impact 5.2-6: The proposed project could expose people to uncomfortable wind speeds.

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a. Potentially Significant Impact

Wind speeds are at issue at locations where higher volumes of foot traffic occur, or where people may spend prolonged periods of time. In regards to the proposed project, these locations would include the hotel entrance, porte cochere, and retail entrance to Tower A. It would also include the sidewalks adjacent to the proposed project, the Tower B condominium entrance, and the podium terraces. Long-term wind statistics indicate that in the summer, winds in the Sacramento area are predominantly from the south and southwest. In the winter, winds are predominantly from the southeast, south, northwest and north-northwest directions. Winds greater than 20 mph can occur for 2 percent of the time during the summer, and 4 percent of the time during the winter.

The proposed towers are sheltered by tall surrounding buildings from winds from the southeast through south directions. However, they are exposed to the predominant north-northwest and southwest winds that may be deflected off the building façade down to the podium and ground. This could result in elevated wind activity in localized areas. Higher wind activity may also exist in localized areas on Capitol Mall sidewalks, due to the effect of a channeling flow between the existing tall buildings on the south side of the street.

According to analysis of the existing wind patterns and the design of the proposed project, wind speeds under 16 mph are expected to occur almost exclusively at the entries to the hotel and retail uses, as well as the porte cochere, during both summer and winter seasons. These wind speeds would be comfortable for standing. The more exposed portion of the porte cochere could experience wind speeds of up to 20 mph. This would make standing uncomfortable, but would be appropriate for walking. The entrance to the Phase II Tower B condominiums would still be protected from north-northwest and southwest winds by the podium that would be built as part of the project. Consequently, winds would generally be suitable at this entrance during both summer and winter seasons.

While adjacent sidewalks would be sheltered by the proposed project from most predominant wind directions, downwash of wind could also occur, as the buildings intercept wind and deflect it down to ground level. Wind speeds at most of the sidewalks around the proposed project are expected to allow people to stand or walk comfortably throughout the year. Exceptions are the sidewalks located at the southwest and northwest corners of the development. On windy days, these corners could experience wind conditions that would be uncomfortable to pedestrians. This is due to a combination of building downwash, and winds accelerating around these corners.

Podium terraces may be affected by southwesterly winds that would channel through the gap between the two towers. This is especially important because southwesterly winds are predominant in the summer months occurring approximately 75 percent of the time on windy days. The summer months are when the podium would most likely be frequented. At times, it is likely that these winds could result in conditions that would be uncomfortable for people using the podium terrace. Uncomfortable

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

winds could also occur at the northeast portion of the podium and around the northeast corners of the proposed towers.

While windy days could occasionally produce uncomfortable conditions on sidewalks at the southwest and northwest corners of the development, it is not anticipated that these conditions would be present more than 20 percent of the time. Similarly, it is not expected that southwesterly winds channeling between the two towers would create uncomfortable conditions at the podium terraces more than 20 percent of the year. However, these conditions could be present during the summer months, when the podium would most likely be frequented. Consequently, this would be considered a **significant impact**.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

5.2-6.1 The proposed project shall include wind screening, through awnings, landscaping, or other methods, to reduce wind in the public area of the podium to ensure that people are not exposed to wind speeds in excess of 20 mph more than 20 percent of the time as a result of project design. Reductions shall be demonstrated through wind tunnel testing.

4. **Impact 5.4-5: Helicopters using the proposed project's heliport would create noise that could annoy residents and disrupt sleep.**

a. Potentially Significant Impact

The proposed project would include heliports at the top of each tower. These landing pads would be for emergency and private use. As such, it cannot be known how many arrivals and departures would be conducted per day. The possibility exists that a substantial number of take-offs and landings could occur. It is not known at this time what type of helicopters would utilize the landing pads. Helicopters of different types generate different levels of noise.

A helicopter noise study recently conducted in Sacramento for a hospital expansion that included a helistop relied on staged helicopter flights to simulate future operations.

Noise monitoring of the staged flights was conducted at eleven locations along the flight paths during both arrivals and departures. The helicopter used during the flight simulation was a Bell 206 Long Ranger. This type of helicopter may represent a larger, noisier helicopter than those that would typically use the heliports at the proposed project. Currently, however, it is not known what types of helicopters would use the pads. Sound exposure levels for the Long Ranger helicopter flights were calculated once monitoring was completed. At the monitoring location nearest

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to the heliport, sound exposure levels (SEL) were 99.1 dB during arrival and 96.8 dB during departure of the helicopter. The average SEL of all monitored locations during arrival was 79.1 dB and the average SEL during departure was 67.7 dB. The one monitoring location that was an interior location at a residence monitored an SEL of 66.0 during arrival and 58.5 during departure. The exterior noise levels at this same location were 92.6 and 88.0 dB during arrival and departure, respectively.

Since the number of daily flights and the type of helicopters that would be used on the helipads are not known at this time, noise impacts cannot be estimated with certainty. However, based on the monitoring conducted for the staged operations of a heliport, it is clear that the potential for high noise levels during arrivals and departures exists. This noise would affect surrounding buildings and people living at the Towers on Capitol Mall project. The actual degree of impact would depend on the number of flights and the type of helicopter.

As discussed in Impact 5.4-3, indoor 24-hour noise levels at the Towers would be significantly lower than the 45 dBA Ldn standard for multi-family uses as specified in the City's General Plan. Because helicopter take-offs and landings are of short duration they would not have the ability to increase 24-hour noise levels above this standard. However, even though noise from take-offs and landings would be of short duration, each event could generate a substantial amount of noise. Consequently, while helicopter noise would not create significant impacts when measured over a 24-hour period, it could be of concern during limited single events if noise is excessive.

Attention should be focused on helicopter flights occurring during nighttime hours because the biggest concern during single events of this kind is the noise source's potential to disrupt sleep. While no criteria exists that defines at what point sleep disturbance is significant, the probable SEL that would be generated by helicopter flights, as discussed earlier, make it likely that the sleep of at least some residents would be disturbed if the flights occurred during nighttime sleep hours. This would be a **significant impact**.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

5.4-5 Helicopter take-offs or landings shall be restricted to occur between the hours of seven a.m. and six p.m. on Monday through Saturday, and between the hours of nine a.m. and six p.m. on Sunday. Any emergency helicopter activity shall be exempt from the provisions of this mitigation.

5. **Impact 5.6-8: Operation of the loading dock during peak periods will affect traffic operations on L Street.**

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a. Potentially Significant Impact

Trucks making deliveries to the project site by entering and exiting the loading dock by backing in or out of the loading dock onto L Street could have a substantial impact on vehicle flows on L Street during the peak periods (AM and PM). L Street currently carries approximately 16,400 vehicles per day, 544 vehicle per day during the AM peak hour and 2,025 vehicles per hour during the PM peak hour. These values are forecasted to be 16,000 vehicles per day, 636 vehicles per hour during the AM peak hour and 1,970 vehicles per hour during the PM peak hour for the Near-Term Plus Project Condition and 23,600 vehicles per day, 1,278 vehicles per hour during the AM peak hour and 2,910 vehicles per hour during the PM peak hour for the Year 2025 Plus Project Condition. This is considered **significant impact** of the project.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

5.6-8 The City shall restrict the use of the loading dock during the peak period of 7:00 to 9:00 AM and 4:00 to 6:00 PM.

6. **Impact 5.6-9: Operation of the parking garage could result in traffic queues extending onto L Street.**a. Potentially Significant Impact

During the AM and PM peak hour traffic entering the project-parking garage could result in queues that extend onto L Street and affect the traffic operations on L Street. The parking garage should be designed so that the condominium access would have one service position and a 100-foot throat depth. The hotel/retail/fitness center access should have a one-lane access from L Street that widens to two service positions with a 60-foot throat depth for each service position. This is considered **significant impact** of the project.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

5.6-9 The City shall condition the project to construct the garage access points to include one service position and a 100-foot throat depth for the condominium access and a one-lane access from L Street that widens to two service

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positions with a 60-foot throat depth for each service position for the hotel/retail/fitness center access.

7. Impact 5.6-10: Conversion of 3 rd Street between L Street and Capitol Mall from one-way to two-way operation.

a. Potentially Significant Impact

The proposed project includes the conversion of 3 rd Street between L Street and Capitol Mall from one-way southbound operation to two-way operation and the installation of a left-turn pocket on eastbound Capitol Mall at the intersection of Capitol Mall and 3 rd Street. The intent of the conversion is to provide northbound and southbound access to the hotel registration area from 3 rd Street. To achieve this 3 rd Street would need to be designed to include a striped two-way left-turn lane between the southbound left-turn pocket at Capitol Mall and the northbound left-turn pocket at L Street. According to City Standards (Chapter 15 of the City DPM) a two-way left-turn lane is generally not allowed on higher volume streets, like 3 rd Street. Additionally, left-turn access to the project from 3rd Street is impacted by the short block length (360-feet) and the need for a 200-foot left-turn pocket from southbound 3 rd Street at Capitol Mall and a 100-foot left-turn pocket on northbound 3rd Street at L Street. This would restrict access to the project from 3 rd Street to right-turn in-and-out only. Additionally, the conversion results in traffic impacts at the 3 rd Street/Capitol Mall (Impact 5.6-3b) and 3 rd Street/L Street (Impact 5.6-3c) intersections (Table 5.6-15). The conversion of 3rd Street to two way operation is considered a **significant impact**.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

5.6-10 Retain the existing one-way operation on 3 rd Street. Implement Mitigation Measures 5.6-3 (b/c). Figures 5.6-12 and 5.6-13 present the traffic volumes without the conversion of 3 rd Street between Capitol Mall and L Street to two-way operation.

8. Impact 5.6-11: Installation of a left-turn pocket on eastbound Capitol Mall at 4 th Street.

a. Potentially Significant Impact

The proposed project includes the construction of a left-turn pocket on the eastbound Capitol Mall approach to the Capitol Mall/4 th Street intersection. The project traffic will add to the eastbound leftturn demand at the intersection, which could result in vehicle queues that extend into eastbound the Capitol Mall through lanes. This is considered significant impact.

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b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Towers on Capitol Mall EIR:

- 5.6-11** The City shall condition the project to construct a left-turn pocket on eastbound Capitol Mall to city standards. The left-turn pocket should be a minimum of 180-feet in length to accommodate vehicle queues.

2. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

Finding - The City finds that, where feasible, the changes or alterations have been required in, or incorporated into, the Project which reduce the significant environmental impacts listed below as identified in the EIR. However, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives to reduce the following impacts to a less-than-significant level. This finding is supported by evidence in the record of the proceeding before the City including the Draft and Final EIR prepared for this project and the General Plan for the City of Sacramento and the associated EIR. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the impacts, even if the reduction is not to a less-than-significant level. Also incorporated into this section are the findings of facts stated in Section III that reject the No Project Alternative for failure or infeasibility to mitigate the potential effect while achieving the basic objectives of the project.

1. Impact 5.2-1: Construction of the proposed project would generate emissions of PM10.a. Significant and Unavoidable Impact

PM10 emissions would be generated during the construction of the proposed project. Most of this PM10 would come from demolition, excavation, grading, or other earth-moving activities.

Demolition

The SMAQMD CEQA Guidelines do not provide guidance on evaluating emissions from demolition activities. Dust can be generated as buildings are razed and as construction equipment moves over the project site during demolition. PM10 emissions during the demolition phase, however, could be substantial during removal of the existing building. This would be a **significant impact**.

Grading

The SMAQMD CEQA Guidelines provides an appendix to assist in determining whether a project will exceed the SMAQMD construction PM10 standard of 30 $\mu\text{g}/\text{m}^3$. Appendix B (in the DEIR) contains a screening Table that lists mitigations that

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should be implemented by projects of various sizes to reduce their construction PM10 emissions to less than significant levels. The project site is about 2.4 acres. According to the Table, no mitigation would be required for a project of this size to ensure that its PM10 emissions do not exceed the $30 \mu\text{g}/\text{m}^3$ threshold of significance. Based upon SMAQMD's screening table for PM10 emissions, the proposed project construction PM10 impact would not contribute emissions of PM10 that would lead to a violation of the PM10 CAAQS.

Because the proposed project site would be less than the five acre minimum cut-off for required mitigation in the particulate matter screening table in the SMAQMD guide, PM10 emissions would be **less than significant** during the grading phase.

b. Facts in Support of Finding

Keeping soil or other material moist is the most effective mitigation measure for the control of fugitive dust during all earth moving activities. Fugitive dust emission can be almost completely eliminated by this mitigation. The following measure shall be incorporated into construction practices during demolition activity:

- a) The project shall ensure that all demolished material will be completely wetted during demolition and during any subsequent disturbance of the material;
- b) The project shall ensure that piles of demolished material, when not being disturbed, are either completely wetted or completely covered;
- c) Two feet of freeboard space shall be maintained on all trucks transporting demolished material. Consequently the proposed project's impact from demolition would remain **significant and unavoidable**.

2. **Impact 5.2-2: Construction of the proposed project would generate emissions of ozone precursors.**a. Significant and Unavoidable Impact

In addition to PM10 generated by demolition and construction, the other pollutants of concern are the ozone precursors ROG and NOx. The SMAQMD has not developed a threshold of significance for ROG from construction because ROG from architectural coatings can be regulated by SMAQMD Rule 442. However, because heavy-duty diesel construction equipment emits more NOx than ROG, the SMAQMD has developed a threshold for construction NOx of 85 pounds-per-day. Modeling results for construction of the proposed project are shown in Table 5.2-5. This indicates that emissions of NOx during the demolition phase could reach a maximum of 453.59 pounds-per day, NOx emissions during the grading phase of construction could reach maximum levels of 62.74 pounds per day, and levels of NOx during the building phase could reach maximum levels of 917.53 pounds per day. This would be above the 85 pounds-per-day threshold of significance for construction NOx, and would be a **significant impact**.

b. Facts in Support of Finding

Mitigation measures exist that can reduce emissions of construction NOx. These

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mitigations are recommended by the SMAQMD, and will result in a 20 percent NOx reduction. These measures would reduce emissions of NOx during construction by almost 91 pounds per day during the demolition phase, by approximately 12 pounds per day during the grading phase, and by approximately 183 pounds per day during the building construction phase. While NOx would be substantially reduced by the mitigation measures, the proposed project's impact during demolition and building construction phases would remain a **temporary significant and unavoidable impact**.

5.2-2 The following measures shall be incorporated into construction practices as recommended by the SMAQMD:

- a) The project shall provide a plan for approval by SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction;
- b) The project representative shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.
- c) The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no

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construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

3. Impact 5.2-3: Operation of the proposed project would contribute to long-term emissions of ozone precursors.

- a. Significant and Unavoidable Impact

Once the proposed project is built and occupied, activities associated with the various uses in the proposed project would generate ozone precursors. The largest source of these emissions would be the vehicle trips that are created by people living and working at the proposed project. Smaller sources of precursors would be created by fuel-burning equipment, such as that used for the heating and cooling of the building, and by various consumer products used by building occupants. Helicopter flights to and from the proposed project would also generate ozone precursors, but the actual precursor amounts would depend on the number of daily take-offs and landings associated with the heliport. It is not known at this time the types of helicopters that would be used or the number of trips that would be generated by the heliports; therefore, the extent to which these trips would contribute to the emission of ozone precursors cannot be quantified.

The operational emissions of the proposed project were modeled using URBEMIS 2002. The results of this modeling are shown in Table 5.2-5. As identified in the table, emissions of ROG and NOX would be above the SMAQMD threshold of significance for operational emissions. Because of the location of the proposed project, there are a number of elements present that would help to reduce operational emissions. Numerous commercial and retail uses in the vicinity of the project site, coupled with the extensive sidewalk network and availability of transit options would reduce vehicle trips. Also, the abundance of employment centers in the downtown area would likely result in many residents using alternative transportation modes to commute to and from work. In these respects, the proposed project is partly self-mitigating.

The SMAQMD recommends that the City require an operational air quality mitigation plan which is designed to reduce NOx and ROG emissions by at least 15 percent. The SMAQMD has developed a list of mitigation measures that can be used to achieve this reduction. Point values are given to each listed measure. The total point value of all the measures on the list that are chosen for implementation must total at least 15. More measures could be added so that the project is able to reduce operational emissions by an even greater percentage value.

As discussed above, many of the mitigation measures recommended by the SMAQMD are already built into the proposed project due to its characteristics and location. The following SMAQMD recommended measures are already included in the project design, and can be used to fulfill the SMAQMD 15 percent requirement:

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- #9 – High density residential, mixed, or retail/commercial uses within 1/4 mile of existing transit, linking with activity centers and other planned infrastructure. (2.0 points for light rail)
- #26 – Average residential density 7 d.u. per acre or greater. (4.5 points for 30+ du/acre)
- #27 – Multiple and direct street routing (grid style). (2.5 points)
- #29 – Development of projects predominantly characterized by properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site. A “single site” may include contiguous properties. (3.0 points)
- Separate, safe, and convenient bicycle and pedestrian paths connecting residential, commercial, and office uses. (2.0 points)
- The project provides a development pattern that eliminates physical barriers such as walls, berms, landscaping, and slopes between residential and non-residential uses that impede bicycle or pedestrian circulation. (1.0 point)

Even with the mitigating effects of the above measures, which would reduce operational emissions of ROG and NOx by 15 percent, emissions of the proposed project would still exceed SMAQMD thresholds of significance for project operation.

Although additional measures could be implemented to reduce project emissions, due to the scale of the project, it is unlikely that emissions could be reduced to below thresholds. In addition, because helicopter emissions cannot be quantified due to uncertainty in the extent of use of the helistops, an unknown amount of helicopter emissions would further contribute to this impact. Consequently, this would be a **significant impact**.

b. Facts in Support of Finding

In addition to the above-mentioned mitigation that is already included in the project design and would give a 15% NOx and ROG reduction, the following mitigation measures shall be implemented to further reduce operational emissions of criteria pollutants: 5.2-3 The following measures shall be included in the project, as recommended by the SMAQMD:

- (a) The project applicant shall ensure on-going membership in the Sacramento Transportation Management Association.
- (b) Transit passes shall be sold on-site, and transit schedules shall be provided on-site.

Despite the implementation of the aforementioned mitigation measure, the impacts would remain a **significant unavoidable impact**.

- 4 Impact 5.3-2: The proposed project, in combination with other development in the City, could adversely affect known and/or previously unidentified historic archaeological resources.

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a. Significant and Unavoidable Impact

Based upon previous surveys and research, Sacramento has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity. Cumulative development in the City could result in the damage or destruction of known and unknown historic archaeological resources. While cumulative development throughout Sacramento would be anticipated to impact resources, it must be noted that many of the areas that are proposed for development are urban in character and have been built upon previously, many with extensive excavation involved. Earlier development may have destroyed sites, resulting in the inadvertent reduction in quality of artifacts or resources. Certainly previous development on the proposed project site including the existing building has destroyed or displaced historic material that existed from the long time historic use of the site.

Artifacts and other cultural resources have been recorded throughout the City and County of Sacramento. Therefore, development of the proposed project, in combination with other development in the City of Sacramento, could contribute to the potential loss of significant historic archaeological resources due to the location downtown.

Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resources base. The loss of any one designated archaeological site affects all others in a region because these other properties are best understood completely in the context of the cultural system of which they (and the destroyed resource) were a part. The boundaries of an archaeologically important site could extend beyond the property boundaries.

Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found. Federal, State and local laws are also in place, as discussed above, that protect these resources; in addition, compliance with Mitigation Measure 5.3-1 would ensure the proper steps are taken for the proper handling and treatment of resources that may still exist on the proposed project site. However, even with existing regulations and compliance with required mitigation, the project's contribution to the potential loss of these resources, including the loss of resources over the years by previous development, would not be reduced to a level that would be considered less than significant. Therefore, the project's cumulative contribution would be considerable, resulting in a **significant and unavoidable impact**.

b. Facts in Support of Finding

Implementation of the following mitigation measures would reduce this impact, but not to a less than significant level.

Mitigation Measure 5.3-1:

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The project proponent shall hire a qualified professional to formulate and implement a research design and field strategy plan for test and data recovery excavations for the remaining strips of land not excavated in the 1960s for the construction of the Copley Press building. Records for the removal of tanks for the filling station shall also be obtained to further identify areas of previous disturbance prior to testing and data recovery of the site.

After the asphalt covering of the parking lot areas is removed, excavations and data recovery shall commence. All artifacts and features shall be excavated and analyzed.

If significant findings are made, historic materials and artifacts shall be incorporated into an interpretive display in the proposed building. The interpretive display shall include a history of the site uses including information on the various ethnic groups that dominated the site. Display of all historic materials and artifacts shall follow the standard practices and procedures generally accepted in museum curation. If an interpretive display is not feasible on site, all materials shall be donated to a local museum with the ability to display the items.

All activities related to the data recovery of the site shall be recorded and compiled into a report and submitted to both the City and the North Central Information Center.

5. Impact 5.4-1: Construction of the proposed project would produce temporary noise.
 - a. Significant and Unavoidable Impact

During construction of the proposed project, noise levels would be produced by the operation of heavy-duty equipment and various other construction activities, especially the demolition of the building that currently exists on the project site, and pile-driving during construction of the new towers. This construction noise would affect surrounding uses, but would be temporary, lasting only until the proposed project is constructed. As discussed in the environmental setting, there are few sensitive uses surrounding the proposed project site. Most uses adjacent to the proposed project are either commercial business offices or retail uses. The closest receptor that would be considered a "sensitive" receptor is the Governor's Square apartment buildings approximately two blocks (approximately 450 feet) south of the proposed project. Intervening buildings, such as the 300 Capitol Mall building, exist between the proposed project site and Governor's Square Apartments.

Because construction would occur during hours when buildings surrounding the project site are occupied, construction noise could impact these uses. This would be especially true during those periods where pile-driving would occur. As shown in Table 5.4-4, pile-driving could produce peak levels of up to 107 dBA Leq at 50 feet. Since noise from a point source usually attenuates at approximately 6 dBA per doubling of distance, this would result in pile-driving noise of about 101 dBA Leq at

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100 feet and 95 dBA Leq at 200 feet. There are several buildings within 200 feet of the proposed project, including the 300 Capitol Mall building and the Ironstone Bank. Two restaurants – the 4 th Street Grille and Il Fornaio, are also on streets adjacent to the proposed project. Both of the restaurants are open during the day when pile driving would occur. While none of the uses directly adjacent to the proposed project are considered “sensitive receptors” in the traditional sense, levels of 95 dBA Leq would definitely be noticeable at these buildings. Pile-driving noise would most likely be loud enough to cause annoyance to the occupants of these buildings, especially considering that pile-driving does not produce continuous noise, but sharp, intermittent noise peaks.

Since Tower A could be occupied while Tower B is being constructed, residents of Tower A would also be affected by construction noise. However, because the podium would already be built, all site preparation, such as demolition, grading, and pile driving would have already been completed, so new residents would not be exposed to these activities. The Sacramento Municipal Code, Title 8 – Health and Safety, Chapter 8.68 – Noise Control, sets “not-to-be-exceeded” exterior noise standards for residential and agricultural property. However, the chapter also exempts certain activities from the provisions of the rest of the chapter. One of these activities is erection (including excavation), demolition, alteration, or repair of any building or structure, as long as the activity takes place between the hours of seven a.m. and six p.m. on Monday through Saturday. Construction is also limited to the hours between nine a.m. and six p.m. on Sunday. The director of building inspections may also permit work to be done outside of these hours in the case of urgent interest of public health and welfare for a period not to exceed three days.

These limited hours ensure that construction occurs only during daytime hours, thereby minimizing the chance that noise would be generated during the more “sensitive” hours when people may be trying to sleep. In the case of the proposed project, however, surrounding uses are primarily commercial and retail – uses that normally result in buildings being occupied during the day.

Although the City of Sacramento Municipal Code exempts construction activities from the noise standards specified elsewhere in the Municipal Code, pile driving and other construction activities, such as the use of jackhammers and tractors, would expose occupants of nearby buildings to high levels of noise during the day. Consequently, this would be a **short term significant impact**.

b. Facts in Support of Finding

The following measures could reduce exposure to excessive noise levels; however, noise levels would temporarily be increased beyond the 5 dB threshold. Consequently, construction noise would be considered a **short-term-significant and unavoidable impact** to surrounding uses. Mitigation Measure 5.4-1: The prime contractor shall ensure that the following measures are implemented during project construction.

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- (a) Erect a solid plywood construction/noise barrier along the exposed project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings.
 - (b) Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize those noise impacts.
 - (c) To further mitigate pile driving noise impacts, holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.
 - (d) Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools and muffle or shield all intake and exhaust ports on power construction equipment.
 - (e) Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. This disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.
6. **Impact 5.5-1: The proposed project could require or result in the construction of new landfills or the expansion of existing facilities or generate more than 500 tons of solid waste per year.**

a. Significant and Unavoidable Impact

The proposed project would introduce residential, hotel, gymnasium, and retail uses on a site currently used for office space. The proposed uses would be more intensive than the previous office use and would generate more solid waste.

The demolition of the existing building and construction of the new high-rise towers would result in a variety of demolition construction debris. Construction and demolition (C&D) activities can generate significant amounts of waste. The CIWMB does not have a specific generation rate for C&D waste; however, construction of the proposed project would generate, for a short period of time, significant waste. The C&D waste could be disposed of at a variety of landfills including Lockwood Landfill, Keifer Landfill, or Yolo County Landfill. As discussed in the Environmental Setting, these landfills have adequate capacity and accept C&D waste. In addition, the proposed project is required to submit a statement of recycling information to the City's solid waste manager, which must include a description of C&D materials to be recycled. Table 5.5-1 details the amount of solid waste that would be generated by operation of the proposed project. In total, the proposed project would generate approximately 8,677 pounds of solid waste per day (4.3 tons per day). It is

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unknown, at this time, which service provider the project would use. If disposal services are provided by the City, the trash would likely be sent to Lockwood Landfill, where it would constitute a 0.06 percent increase in the waste received each day (from 7,700 tons/day). The proposed project would result in a 0.5 percent increase in contributions from Sacramento to Lockwood landfill (from 800 tons/day). The landfill has 32.5 million tons of capacity remaining, is currently working on expansion plans, and has no estimated closure date.

If the project is served by a private waste disposal company, the waste could be delivered to a variety of landfills, depending on market conditions. This mechanism would ensure the waste is disposed of at a facility with adequate capacity.

Recycling programs can reduce the amount of solid waste by 50 to 80 percent, depending on how aggressive the program is. A recycling program for the project has not yet been developed. However, in accordance with Sacramento City Code 17.72, the proposed project would be required to provide a recycling program, which would reduce the amount of solid waste generated. The developer must submit a "statement of recycling information" to the City's solid waste manager that must include a demolition and construction plan to specify any proposed recycling of building material in the demolition of any structure on the site and to specify any recycled material to be used in the construction of the proposed development.

The statement of recycling information must also include the location and design specifications of proposed recycling and trash enclosure(s) and receptacle(s) that shall meet the volume and material requirements (see Table 5.5-2) and the development standards and identify materials to be recycled. The recycling volume requirements for the proposed project totals approximately 80 cubic yards. The plan must also detail education and outreach efforts to inform users of the development of the benefits of recycling and how to recycle.

Assuming no recycling plan is in place, the proposed project would generate approximately 1,570 tons of solid waste per year. This would increase Sacramento's total solid waste disposal by approximately 0.3 percent. With implementation of required recycling programs, the proposed project's solid waste stream would be further reduced. Compliance with the City recycling code would ensure that the proposed project would, at a minimum, reduce its solid waste generation by 80 cubic yards per year. Because the proposed project's waste stream would represent a small portion of the City's overall waste stream, and the City of Sacramento's waste is distributed among a variety of landfills that have substantial capacity remaining, the proposed project would not require the expansion or construction of landfills. However, the proposed project would generate more than 500 tons of solid waste per year. This would be a significant impact. Because there is no mitigation available to reduce project solid waste generation to below 500 tons per year, this impact would be **significant and unavoidable**.

b. Facts in Support of Finding

There are no mitigation measures available to reduce this impact to less than significant; therefore, the impact remains **significant and unavoidable impact**.

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- a. Impact 5.6-2: The proposed project would exacerbate unacceptable operations on the weaving section on I-5 between the northbound P Street on-ramp and J Street off-ramp.

a. Significant and Unavoidable Impact

The proposed project would add traffic during the PM peak hour to the weaving section on I-5 between the northbound P Street on-ramp and J Street off-ramp exacerbating unacceptable operations. This is considered a **significant and unavoidable impact**.

b. Facts in Support of Finding

There are no mitigation measures available to reduce this impact to less than significant; therefore, the impact remains **significant and unavoidable impact**.

8. **Impact 5.6-6: The proposed project would exacerbate unacceptable operations on the weaving section on I-5 between the northbound P Street on-ramp and J Street off-ramp and southbound Q Street off-ramp.**

a. Significant and Unavoidable Impact

The proposed project would add traffic during the PM peak hour to the weaving section on I-5 between the northbound P Street on-ramp and J Street off-ramp and on the southbound Q Street off-ramp exacerbating unacceptable operations. These are considered significant impacts. No mitigation measures are available to reduce impacts of the proposed project in the cumulative condition on the weaving section on northbound I-5 between the P Street on-ramp and J Street off-ramp and on the southbound Q Street off-ramp. Therefore, this impact would remain **significant and unavoidable**.

b. Facts in Support of Finding

There are no mitigation measures available to reduce this impact to less than significant; therefore, the impact remains **significant and unavoidable impact**.

9. **Impact 5.6-7: The proposed project would exacerbate unacceptable operations on mainline southbound I-5 between J Street and Richards Boulevard.**

a. Significant and Unavoidable Impact

The proposed project would add traffic during the AM and PM peak hours to southbound mainline I-5 between the northbound J Street and Richards Boulevard exacerbating unacceptable operations. This is considered a significant impact.

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No mitigation measures are available to reduce the impacts of the proposed project in the cumulative condition on southbound mainline I-5 between J Street and Richards Boulevard. Therefore, this impact would remain **significant and unavoidable**.

b. Facts in Support of Finding

There are no mitigation measures available to reduce this impact to less than significant; therefore, the impact remains **significant and unavoidable impact**.

3. REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative, plus a range of alternatives to the project or its location. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project. For the reasons documented in the EIR and summarized below, the City finds that approval and implementation of the project as approved is appropriate, and rejects each one and any combination of project alternatives. The evidence supporting these findings is presented in the Draft EIR.

A. Alternative A: No Project /No Development Alternative

The No Project/No Development Alternative is required by CEQA. The No Project/No Development Alternative which assumes that the proposed project would not occur and there would be no new development of the site. This alternative assumes the existing building on the site would remain.

Finding

Specific economic, social, or other considerations make infeasible the No Project/No Development Alternative identified in the EIR and described above.

Facts in Support of Finding

- 1) The No Project/No Development Alternative would not achieve any of the project objectives. It would not provide a development project that would define the Downtown skyline or aid in the revitalization of the Downtown. The existing building is not a mixed use development and lacks the size, scale and zoning to provide the residential, hotel, and recreational amenities provided under the proposed project.
- 2) Significant effects of the proposed project are acceptable when balanced against this alternative and the facts set forth in the Statement of Overriding Considerations.

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B. No Project/Site Redevelopment Alternative

Under No Project/Site Redevelopment Alternative, it is assumed that the site would be redeveloped consistent with the existing land use designations and zoning of the site. The number of options for this alternative is unlimited due to the site's zoning, from redevelopment of the site with a use that is similar in intensity to the existing building or development that is more intense than the proposed project. The designation and zoning for the site would allow office uses to be developed, so for the purposes of this analysis, it is assumed that the site would be developed with office. While a mixed use is allowable under the site's Central City Community Plan land use designation, a mixed-use No project/Site Redevelopment Alternative is not analyzed due to its similarity to the proposed project. For the purposes of this EIR, the No Project/Site Redevelopment Alternative does not analyze a particular development, but identifies thresholds under which an office alternative would have reduced impacts compared to the proposed project.

Finding

Specific economic, social, or other considerations make infeasible the No Project/Site Redevelopment Alternative identified in the EIR and described above.

Facts in Support of Finding

- 1) While a No Project/Site Redevelopment Alternative could be designed in a manner that defines the Downtown skyline, the alternative described would not be a defining element of the City skyline. By converting the project to an office development, the No Project/Site Redevelopment Alternative would not provide high end retail, residential, and hotel opportunities provided by the proposed project. While such uses would be allowable under the existing land use and zoning regulations, the lack of high-end hotel amenities, recreational amenities and urban downtown housing opportunities associated with this alternative would fail to meet the project objective to create a mixed-use development that provides a combination of uses, as well as failing to meet City and Regional Goals for development of mixed-use in the Downtown. Additional office uses downtown would not contribute to establishing the Downtown as a destination. Therefore, the No Project/Site Redevelopment Alternative would fail to meet all of the objectives of the proposed project.
- 2) Significant effects of the proposed project are acceptable when balanced against this alternative and the facts set forth in the Statement of Overriding Considerations

C. Reduced Intensity/Single Tower Alternative

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The Reduced Intensity/Single Tower Alternative would include development of the podium and Tower A only. Retail, hotel, and associated uses would be the same as the proposed project, but the residential portion would be reduced to 350 units.

Finding

Specific economic, social, or other considerations make infeasible the Reduced Intensity/Single Tower Alternative identified in the EIR and described above.

Facts in Support of Finding

- 1) The Reduced Intensity/Single Tower Alternative would be generally consistent with the project goals in that it would include a tower that defines the Downtown skyline, mixed-use development of high-density urban residential with high-end restaurant and retail to serve a wide range of users, high-end hotel rooms in the Central Business District. However, the residential and hotel components of the proposed project rely upon one another for support and subsidy. Residential development in this development would help subsidize the hotel component, while at the same time, the amenities included in the hotel add value to the residential units. This alternative reduces the number of residential units to less than half of the proposed project, thereby more than doubling the per-unit cost of the subsidy of the hotel. Eliminating some amenities in the hotel would reduce the per unit cost burden on the residential; however, that would also reduce the amenities available to the residents, thereby reducing the property value. Therefore, while this alternative would result in fewer environmental impacts than the proposed project, this alternative may not be economically viable.
- 2) Significant effects of the proposed project are acceptable when balanced against this alternative and the facts set forth in the Statement of Overriding Considerations.

D. Off-Site Alternative

For the Off-Site Alternative, it is assumed that the proposed project would be developed at another location within the Central Business District in order to best meet the goals and objectives of the proposed project. The block bounded by L Street to the north, 6th Street to the west, Capitol Mall to the south, and 7th Street to the east was identified as a viable off-site alternative location, as it is currently on the market for the development of a high-rise use. Although a project has been approved for the site, it remains undeveloped. The site is currently used as a surface parking lot.

Finding

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

Specific economic, social, or other considerations make infeasible the Off-Site Alternative identified in the EIR and described above.

Facts in Support of Finding

- 1) While the Off-Site Alternative would achieve the proposed project objectives of a mixed-use project that defines the skyline, the alternative location is less prominent than the proposed site. The proposed project site is located at a prominent position at the gateway of the Capitol Mall, while the Off-site Alternative is set back, partially blocked by the adjacent high rise building. Its location would also affect the surrounding views of potential occupants and residents, which could affect the value of the property. While these issues do not represent CEQA issues areas, they could ultimately affect the feasibility of developing the Off-Site Alternative. While the 621 Capitol Mall site is used for comparison in this analysis, a similar comparison can be drawn for almost any other site that would be developed within the CBD with this intensity of use.
- 2) Significant effects of the proposed project are acceptable when balanced against this alternative and the facts set forth in the Statement of Overriding Considerations

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding disclosure of the significant impacts and the accompanying mitigation, the City has determined pursuant to Section 15093 of the CEQA Guidelines that the benefits of the project outweigh the adverse impacts, and the proposed project shall be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the City has determined that the proposed project would contribute to the environmental impacts which are considered significant and adverse, as disclosed in the EIR prepared for the proposed project.

Under CEQA, the City must balance the benefits of the Project against its unavoidable environmental risks in determining whether to approve the Project. If the benefits of a Project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). However, CEQA requires the City to support, in writing, the specific reasons for considering a Project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). Those reasons are provided below as the "Statement of Overriding Considerations."

The City finds that the economic, social, or other benefits of the Project outweigh the unavoidable environmental impacts and that the Alternatives are rejected based upon the following legal, environmental, social, technological and other considerations.

The City specifically finds, and therefore makes this Statement of Overriding Considerations, that as a part of the process of obtaining project approval, all significant effects on the environment with implementation of the Proposed Project have been eliminated or substantially lessened where feasible. Furthermore, the City has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below:

1. The Towers on Capitol Mall project will create a high-quality development that enhances and defines the Downtown skyline and aids in the revitalization of the Downtown by creating a project that is socially and economically vital, helping to re-establish the Downtown as a destination.
2. The Towers on Capitol Mall will provide a high-end restaurant and retail that benefits residents and visitors in the CBD and contributes to the vitality of the community.
3. The Towers on Capitol Mall will create a mixed-use development that provides a combination of uses-residential, hotel, health club, and retail – to serve a wide range of users.
4. The Towers on Capitol Mall will provide a high-end hotel with rooms to meet demand in the Central Business District.

Exhibit 1A.1 – Findings of Fact and Statement of Overriding Consideration

5. The Towers on Capitol Mall will promote development of high-density urban housing in the Central Business District.
6. The Towers on Capitol Mall will create a development that is financially feasible without negatively affecting existing City resources, including the City's Capitol View Corridor.

Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN**Introduction**

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Towers on Capitol Mall DEIR.

Mitigation Measures

The mitigation measures are taken from the Towers on Capitol Mall DEIR, including the Initial Study included as Appendix A of the DEIR, and are assigned the same number they had in the DEIR. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMP Components

The components of each monitoring form are addressed briefly, below.

Impact: This column summarizes the impact stated in the DEIR.

Mitigation Measure: All mitigation measures that were identified in the Towers on Capitol Mall DEIR are presented, and numbered accordingly. The mitigation measure from the Initial Study is identified by topic and number.

Action: For every mitigation measure, one or more action is described. These are the center of the MMP, as they delineate the means by which EIR measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

Exhibit 1A.2 - Mitigation Monitoring Plan

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party
4-1 Project construction could result adversely affect nesting birds.	<p>B-1 To prevent direct impacts on nesting birds, tree removal shall occur between September 16 and February 28.</p> <p>B-2 If construction activities would occur during the breeding season (approximately March 1 through September 15), the project applicant, in consultation with the CDFG and USFWS, shall conduct a pre-construction, breeding season survey of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified avian biologist to determine if any birds are nesting on or directly adjacent to the project site.</p> <p>If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted.</p> <p>A report shall be submitted to the project applicant and the City of Sacramento, following the completion of the nesting survey that includes, at a minimum, the following information:</p> <ul style="list-style-type: none"> A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited, and persons contacted. A map showing the location(s) of any nests observed within the project site. <p>B-3 The project applicant, in consultation with CDFG and USFWS, shall avoid all active nest sites within the project area while the nest is occupied with adults and/or young. The occupied nest shall be monitored by a qualified avian biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a non-disturbance buffer zone, to be</p>	<p>Verify schedule of any tree removal or demolition; if within the nesting season demonstrate retention of a qualified avian biologist to conduct appropriate nesting surveys and to consult with CDFG and USFWS if active nests are within the project area; obtain permits if nests cannot be avoided.</p>	Project developer	City of Sacramento Development Services Department
				Prior to tree removal

Exhibit 1A.2 – Mitigation Monitoring Plan

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party
		resources shall be		
	(a) In the event any paleontological resources, such as fossils, are uncovered during construction, work within 100 feet of the find shall cease and a qualified paleontologist shall be contacted by the project proponent to determine if the resource is significant. If the find is determined to be of significance, an excavation plan shall be created and resources shall be donated to an appropriate cultural center. All work products and plans shall be reviewed and approved by the City prior to execution.	donated to an appropriate cultural center, if required.		
5-2 Project construction could disturb human remains.	C-2 Construction contractors involved in earth-moving activities shall be instructed on indicators that human remains are present and shall be instructed in procedures to follow in the event that resources are encountered and the following measures shall be incorporated into all construction contracts: (a) When Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists who are either certified by the Register of Professional Archaeologists (RPA) or meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R. 61), and Native American representatives who are approved by the local Native American community as scholars of their cultural traditions. In the event that no such Native American is available, persons who represent tribal	Verify that bid documents and contracts include provisions to cease work and notify County Coroner in the event of discovery of human remains.	Project developer/contractor	City of Sacramento Development Services Department

Exhibit 1A.2 – Mitigation Monitoring Plan

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party	
	governments and/or organizations in the locale in which resources could be affected shall be consulted. (b) If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinterment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have been carried out.				
7-1 Project construction could uncover unidentified contaminated soils.	<p>Mitigation Measure H-1</p> <ul style="list-style-type: none"> The proposed project shall prepare and conduct a program of random soil sampling and analyses to characterize the extent, if any, of soil contaminants listed in the Phase 1 reports. The program and analyses shall be prepared by a State licensed and qualified engineer. Further, a report of the program results shall be made by a State licensed and qualified engineer and submitted to the Sacramento County Emergency Management Department (SCEMD) and Department of Toxic Substances Control (DTSC). If the findings of the soil analyses indicate levels of contaminants above those acceptable by the SCEMD or DTSC, then a remediation program shall be prepared by a State licensed and qualified engineer to excavate and remove the contaminated soils to the appropriate solid waste disposal facility. 	<p>Initial Study - 7. Hazards and Hazardous Materials</p> <p>Verify provision of random soil sampling and analysis performed and prepared by a State licensed and qualified engineer; remediation plan and/or subdrain plan shall be prepared and implemented, if required by sampling results.</p>	Project developer/contractor	Prior to excavation.	City of Sacramento Development Services Department

Exhibit 1A.2 – Mitigation Monitoring Plan

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> Construction and operation of the proposed project shall implement a dewatering regime detailed in a subdrain plan. The subdrain plan shall use a passive dewatering system including, but not limited to, a series of subdrains, sumps, and pumps, to prevent any influence on the movement or extent of the existing UPRR rail yards groundwater plume. The passive dewatering system and subdrain plan shall be written, managed, and updated by a qualified State licensed engineer. 				
DEIR Section 5.1 Aesthetics					
5.1-3 Project could create light or glare that could affect adjacent properties.	<p>5.1-3 (a) The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses.</p> <p>(b) Highly reflective mirrored glass walls shall be avoided as a primary building material for facades. Instead Low E glass shall be used in order to reduce the reflective qualities of the buildings, while maintaining energy efficiency.</p>	Design lighting system to avoid lighting of adjacent properties; include exterior building materials that minimize potential for glare.	Project developer/ contractor	Prior to the approval of final development plans and specifications.	City of Sacramento Building Division
5.1-6 The project, in combination with cumulative development in the Central City, could create cumulative light or glare that could affect adjacent properties.	5.1-6 Implement Mitigation Measure 5.1-3 (a) and (b).	See MM 5.1-3	See MM 5.1-3	See MM 5.1-3	See MM 5.1-3
DEIR Section 5.2 Air Quality					
5.2-1 Project construction could generate	The following measures shall be incorporated into construction practices during demolition activity:	Verify that project contractor construction bid	Project developer/ contractor	Prior to issuance of a grading or	City of Sacramento Building

Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party
emissions of PM ₁₀	<p>(a) The project shall ensure that all demolished material will be completely wetted during demolition and during any subsequent disturbance of the material.</p> <p>(b) The project shall ensure that piles of demolished material, when not being disturbed, are either completely wetted or completely covered.</p> <p>(c) Two feet of freeboard space shall be maintained on all trucks transporting demolished material.</p>	documents and contracts include demolition activity measures; periodic field inspections during construction.		Division; City of Sacramento Building Inspector
5.2-2 Project construction could generate emissions of ozone precursors.	<p>5.2-2 The following measures shall be incorporated into construction practices as recommended by the SMAQMD:</p> <p>(a) The project shall provide a plan for approval by SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction;</p> <p>(b) The project representative shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used in aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.</p>	Verify that project contractor construction bid documents and contracts include construction practices recommended by the SMAQMD; periodic field inspections during construction.	Project developer/contractor	City of Sacramento Building Division; City of Sacramento Building Inspector

Exhibit 1A.2 – Mitigation Monitoring Plan

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.				
	(c) The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.				
5.2-3 Project operations could contribute to long-term emissions of ozone precursors.	5.2-3 The following measures shall be included in the project, as recommended by the SMAQMD: (a) The project applicant shall ensure on-going membership in the Sacramento Transportation Management Association. (b) Transit passes shall be sold on-site, and transit schedules shall be provided on-site.	The project applicant shall demonstrate on-going membership in the STMA to the SMAQMD; the project shall accommodate sales of transit passes on the project site.	Project developer Building Manager	On-going during project operation	SMAQMD
5.2-6 The project could expose people to unacceptable wind speeds.	5.2-6 The proposed project shall include wind screening, through awnings, landscaping, or other methods, to reduce wind in the public area of the podium to	Provide wind tunnel results to City; incorporate recommendations for	Project developer	Prior to the approval of final development	City of Sacramento Building Division

Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party
	ensure that people are not exposed to wind speeds in excess of 20 mph more than 20 percent of the time as a result of project design. Reductions shall be demonstrated through wind tunnel testing.	wind reductions in project design.		plans and specifications.
DEIR Section 5.3 Cultural Resources				
5.3-1 The project could adversely affect known and/or previously unidentified historic/archaeological resources.	5.3-1 The project proponent shall hire a qualified professional to formulate and implement a research design and field strategy plan for test and data recovery excavations for the remaining strips of land not excavated in the 1960s for the construction of the Copley Press building. Records for the removal of tanks for the filling station shall also be obtained to further identify areas of previous disturbance prior to testing and data recovery of the site. After the asphalt covering of the parking lot areas is removed, excavations and data recovery shall commence. All artifacts and features shall be excavated and analyzed. If significant findings are made, historic materials and artifacts shall be incorporated into an interpretive display in the proposed buildings. The interpretive display shall include a history of the site uses including information on the various ethnics groups that dominated the site. Display of all historic materials and artifacts shall follow the standard practices and procedures generally accepted in museum curation. If an interpretive display is not feasible on site, all materials shall be donated to a local museum with the ability to display the items. All activities related to the data recovery of the site shall be recorded and compiled into a report and submitted to both the City and the North Central Information Center.	Provide a research design and field strategy plan for test and data recovery excavations prepared by a qualified professional for referenced portions of the project site.	Project developer, qualified professional archaeologist	Prior to excavation. City of Sacramento Development Services Department
5.3-2 The project, in combination with other development	5.3-2 Implement Mitigation Measure 5.3-1.	See MM 5.3-1	See MM 5.3-1	See MM 5.3-1

Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party	
in the City, could adversely affect known and/or previously unidentified historic archaeological resources.					
DEIR Section 5.4 Noise					
5.4-1 Project construction could produce temporary noise.	<p>The prime contractor shall ensure that the following measures are implemented during project construction.</p> <p>(a) Erect a solid plywood construction/noise barrier along the exposed project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings.</p> <p>(b) Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize those noise impacts.</p> <p>(c) To further mitigate pile driving noise impacts, holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.</p> <p>(d) Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools and muffle or shield all intake and exhaust ports on power construction equipment.</p> <p>(e) Designate a disturbance coordinator and</p>	Verify that project contractor construction bid documents and contracts include construction noise measures.	Project developer/contractor	Prior to the issuance of a building permit; inspections during construction.	City of Sacramento Building Division; City of Sacramento Building Inspector

Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party
	conspicuously post this person's number around the project site and in adjacent public spaces. This disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.			
5.4-5 Helicopters using the project's heliport could create noise that could annoy residents and disrupt sleep.	5.4-5 Helicopter take-offs or landings shall be restricted to occur between the hours of seven a.m. and six p.m. on Monday through Saturday, and between the hours of nine a.m. and six p.m. on Sunday. Any emergency helicopter activity shall be exempt from the provisions of this mitigation.	Restrict heliport hours of operation between the hours of seven a.m. and six p.m. on Monday through Saturday, and between the hours of nine a.m. and six p.m. on Sunday. Complaints of off-hours heliport use shall be investigated by the City.	Project developer Building Manager	City of Sacramento Development Services Department
DEIR Section 5.5 Public Utilities and Services				
5.5-5 The project could create or contribute stormwater runoff over predevelopment conditions that would exceed the existing or planned capacity of Basin 52.	5.5-5 The project developer shall contribute its fair share amount toward upsizing of existing drainage pipes; or shall construct on-site storage or detention to accommodate any increased runoff that would ensure that project runoff would not contribute to system flooding during storm events. The final detention method shall be developed in consultation with the City of Sacramento Utilities Department.	Contribute required fees toward upsizing drainage pipes or construct on-site storage or detention to accommodate increased runoff.	Project developer	City of Sacramento Department of Utilities
DEIR Section 5.6 Transportation and Circulation				
5.6-1 The project could exacerbate unacceptable conditions at local operations at local	5.6-1 The project shall provide the funding to the City of Sacramento to add the appropriate traffic signs and to restripe the southbound approach to the 3rd Street/P	Provide funding for noted improvements.	Project developer	City of Sacramento Department of Transportation

Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Intersections (3 rd Street/P Street) under Near-Term Plus Project Condition.	Street intersection to add a second right turn lane.				and Development Engineering and Finance
5.6-3 The project could result in the degradation of pedestrian facilities on the project site.	5.6-3 The project shall replace all existing sidewalks as part of frontage improvements required with approval of the project. Existing pedestrian crosswalks or pedestrian traffic signal indications shall be replaced by the project with approval of the project.	Construct frontage improvements.	Project developer	Prior to building occupancy.	City of Sacramento Development Engineering and Finance
5.6-5 The project could exacerbate unacceptable operations at local intersections under Year 2025 Plus Project Condition.	5.6-5 (a) The project shall provide the funding to the City of Sacramento to install the appropriate traffic signs on the west side of 3rd Street to restrict parking between 4:00 to 6:00 pm and to restripe the southbound approach to the 3rd Street/P Street intersection to add a second right turn lane. (b/c) The City should retain the one-way southbound operation of 3rd Street between Capitol Mall and L Street. The City shall monitor the operation of the traffic signal at 3rd Street and Capitol Mall and retime the signal to conform to traffic demands. (d) The City shall monitor the operation of the traffic signal at 3rd Street and L Street and retime the signal to conform to traffic demands.	Provide funding for noted improvements.	Project developer	Prior to construction of the project.	City of Sacramento Department of Transportation and Development Engineering and Finance
5.6-8 Operation of the loading dock during peak periods will affect traffic operations on L Street.	5.6-8 The City shall restrict the use of the loading dock during the peak period of 7:00 to 9:00 AM and 4:00 to 6:00 PM.	Restrict use of the loading dock during the peak period during operation of the project.	Project developer Building Manager	On-going during project operation.	City of Sacramento Department of Transportation and Development Engineering and Finance
5.6-9 Operation of	5.6-9	Include garage access	Project	Prior to	City of

Final Environmental Impact Report

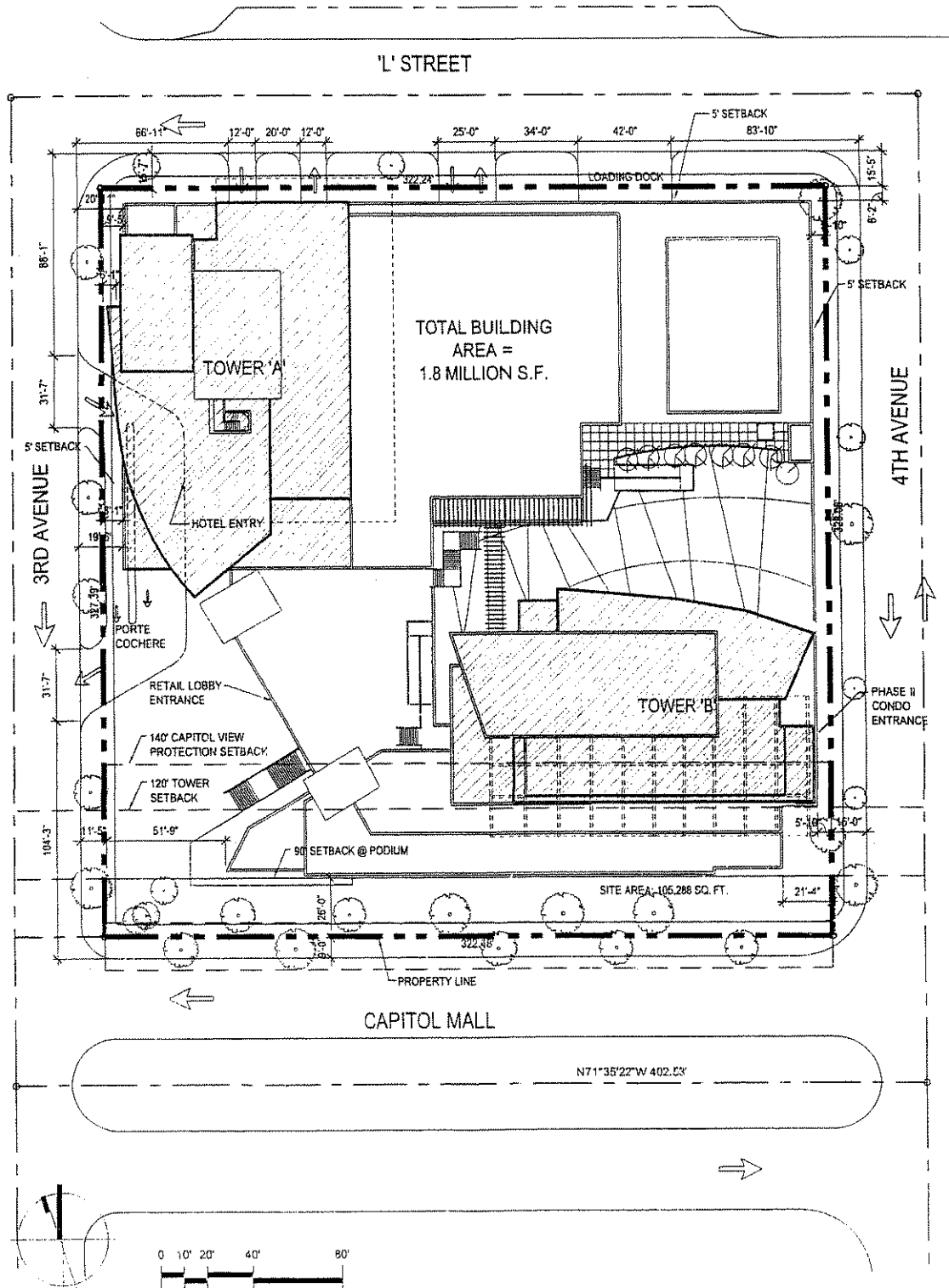
Exhibit 1A.2 – Mitigation Monitoring Plan

5.0 MITIGATION MONITORING PLAN

THE TOWERS ON CAPITOL MALL PROJECT MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
the parking garage could result in traffic queues extending onto L Street.	The City shall condition the project to construct the garage access points to include one service position and a 100-foot throat depth for the condominium access and a one-lane access from L Street that widens to two service positions with a 60-foot throat depth for each service position for the hotel/retail/fitness center access.	points according to specifications in construction plans.	developer	project approval.	Sacramento Department of Transportation and Development Engineering and Finance
5.6-10 Conversion of 3rd Street between L Street and Capitol Mall from one-way to two-way operation.	5.6-10 Retain the existing one-way operation on 3rd Street. Implement Mitigation Measures 5.6-3 (b/c). Figures 5.6-12 and 5.6-13 present the traffic volumes without the conversion of 3rd Street between Capitol Mall and L Street to two-way operation.	No action required	n/a	n/a	n/a
5.6-11 Installation of a left-turn pocket on eastbound Capitol Mall at 4th Street.	5.6-11 The City shall condition the project to construct a left-turn pocket on eastbound Capitol Mall to city standards. The left-turn pocket should be a minimum of 180-feet in length to accommodate vehicle queues.	Provide funding for construction of a left turn pocket on eastbound Capitol Mall. City to construct improvements.	Project developer/ City of Sacramento Public Works Department	Prior to the approval of the project/ Prior to project occupancy.	City of Sacramento Department of Transportation and Development Engineering and Finance

Exhibit 1B

Site Plan Exhibit



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1 425.463.2000 | 1 425.463.2002

THE TOWERS on Capitol Mall
DESIGN REVIEW SET

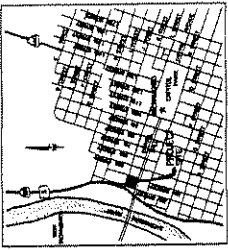
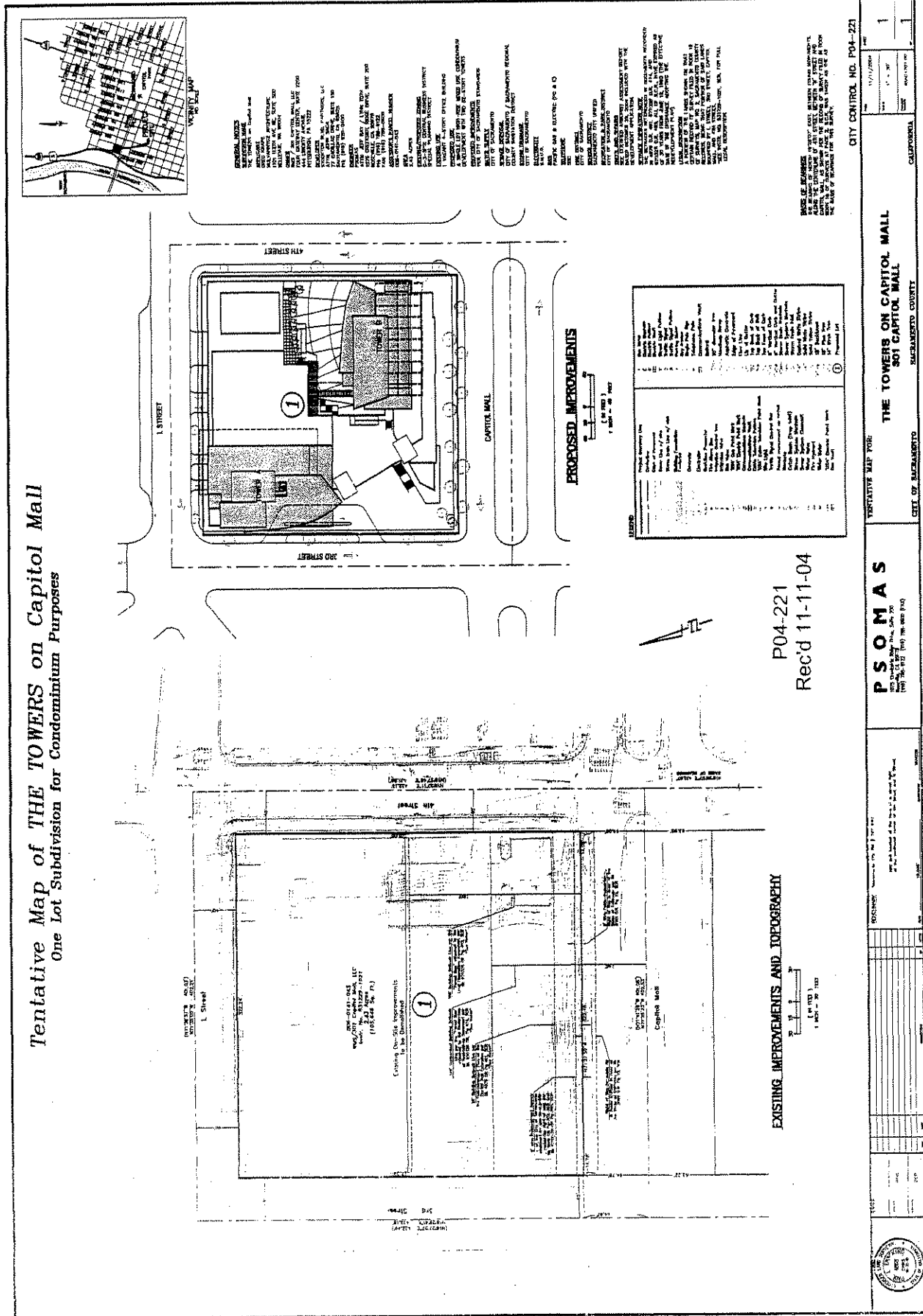
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SITE PLAN 1/40" = 1'-0"

A102

Exhibit 1C Tentative Map Exhibit

Tentative Map of THE TOWERS on Capitol Mall
One Lot Subdivision for Condominium Purposes



GENERAL NOTES:
 1. THE TOWERS ON CAPITOL MALL, LLC
 2. THE TOWERS ON CAPITOL MALL, LLC
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 99. THE TOWERS ON CAPITOL MALL, LLC
 100. THE TOWERS ON CAPITOL MALL, LLC

P04-221
Rec'd 11-11-04

CITY CONTROL NO. P04-221

TENTATIVE MAP FOR: THE TOWERS ON CAPITOL MALL, 301 CAPITOL MALL, SACRAMENTO COUNTY, CALIFORNIA

PSOMAS
 300 Sacramento Street, Suite 200
 San Francisco, CA 94102
 (415) 774-1111 (fax) (415) 774-1100

CITY OF SACRAMENTO

SACRAMENTO COUNTY

DATE: 11/11/04

SCALE: 1" = 30'

PROJECT NO.:

DATE:

BY:

CHECKED:

APPROVED:

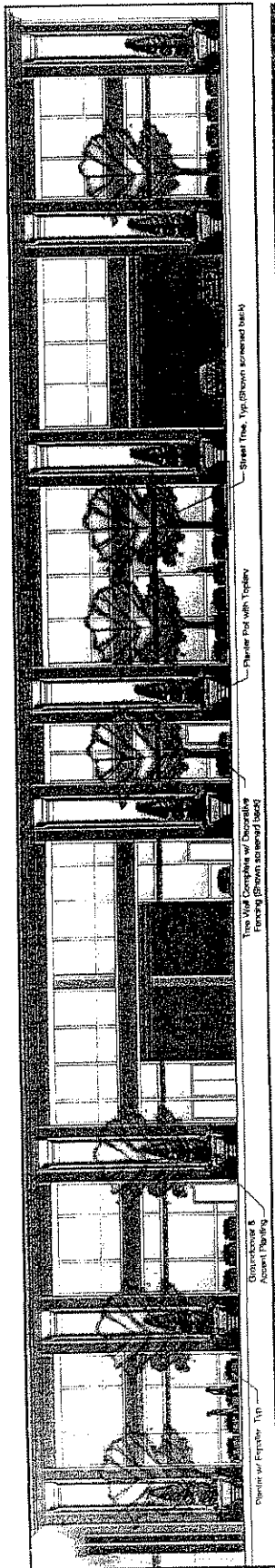
REVISIONS:

NO. 1

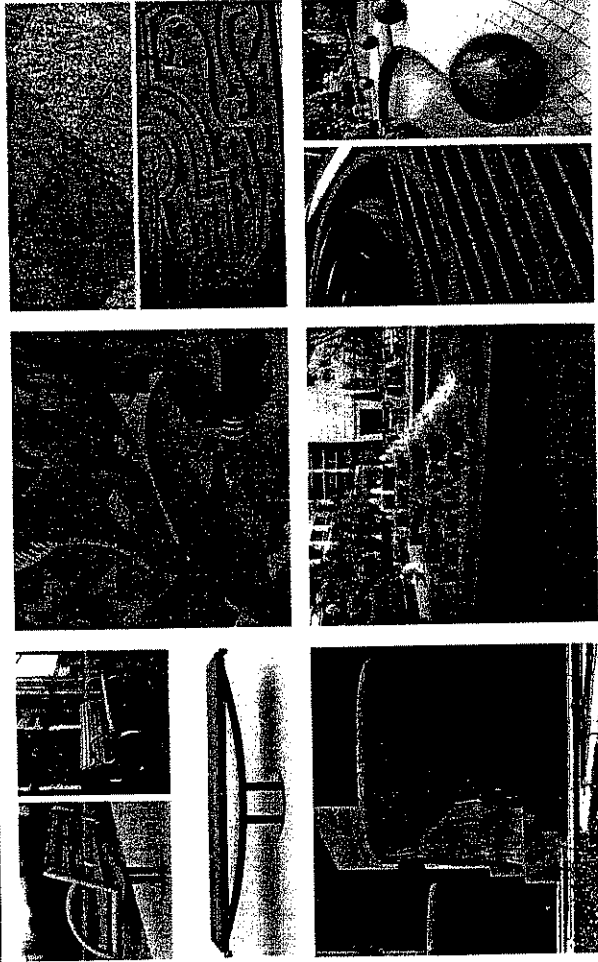
DATE

DESCRIPTION

Exhibit 1E Landscape Exhibit, p. 2



Elevation "A" Along L Street
Scale: 1/8" = 1'

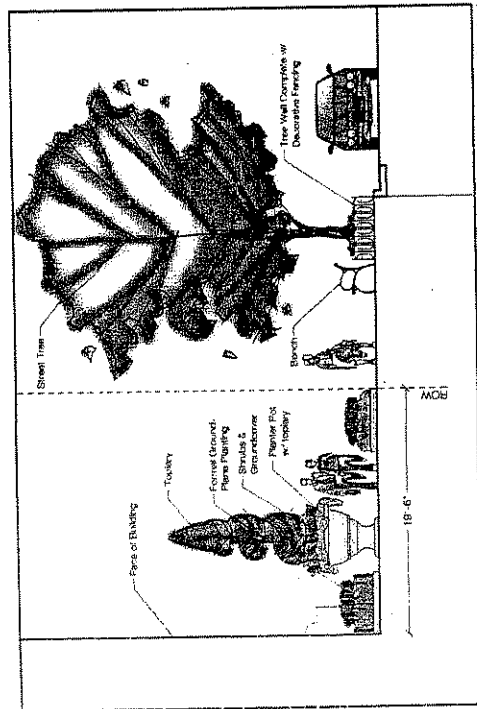


Design Inspirations

July 28, 2005

L2

The Towers on Capitol Mall
Conceptual Elevations & Materials Board
Sacramento, California



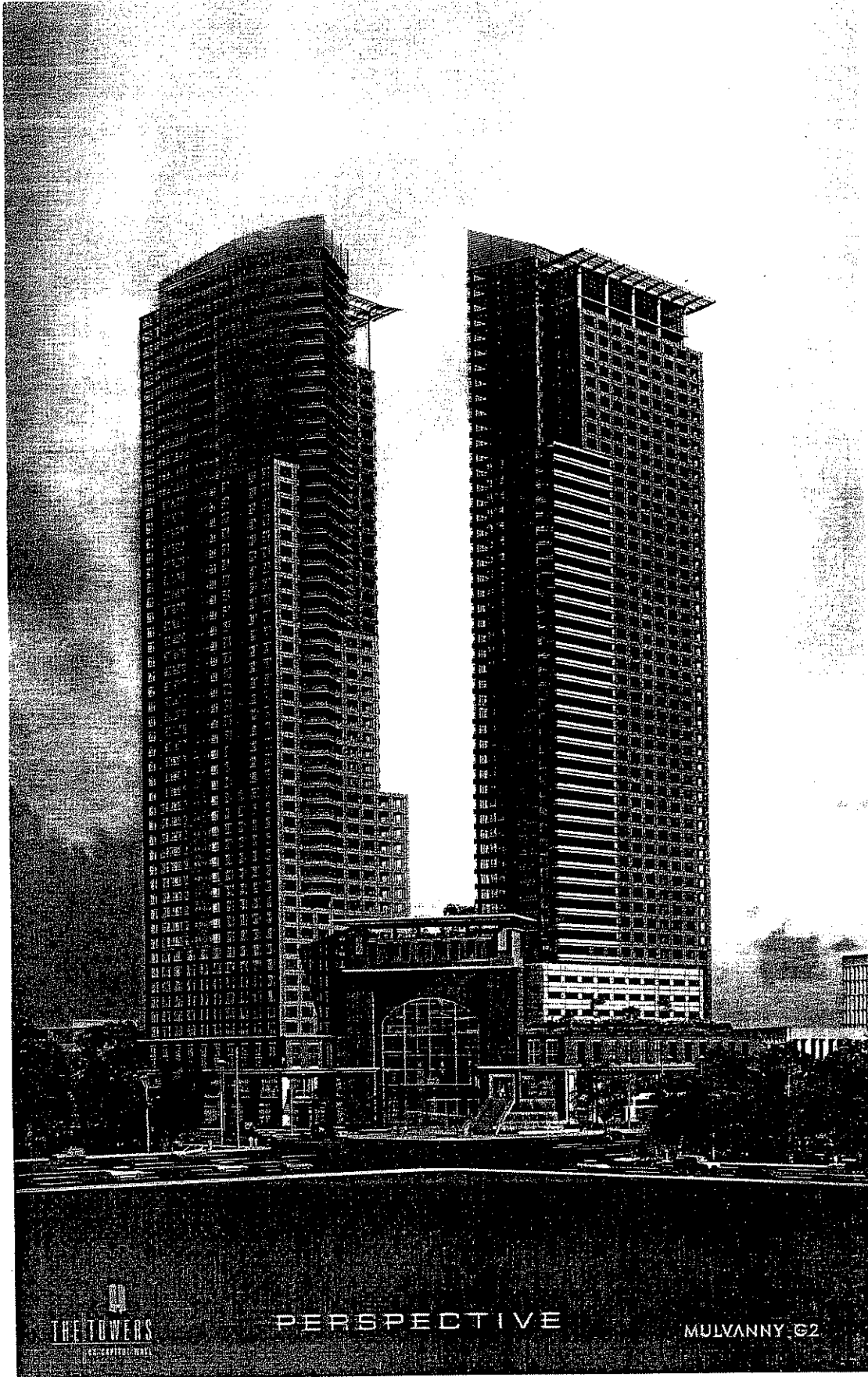
Section "B" Through Sidewalk Along West Capitol
Scale: 1/8" = 1'

The HLA Group Landscape Architects & Planners, Inc.
1520 Third Street, Suite 200 / Sacramento, California 95814
415-447-2717 / www.hlagroup.com



Exhibit 1F

Design Perspective



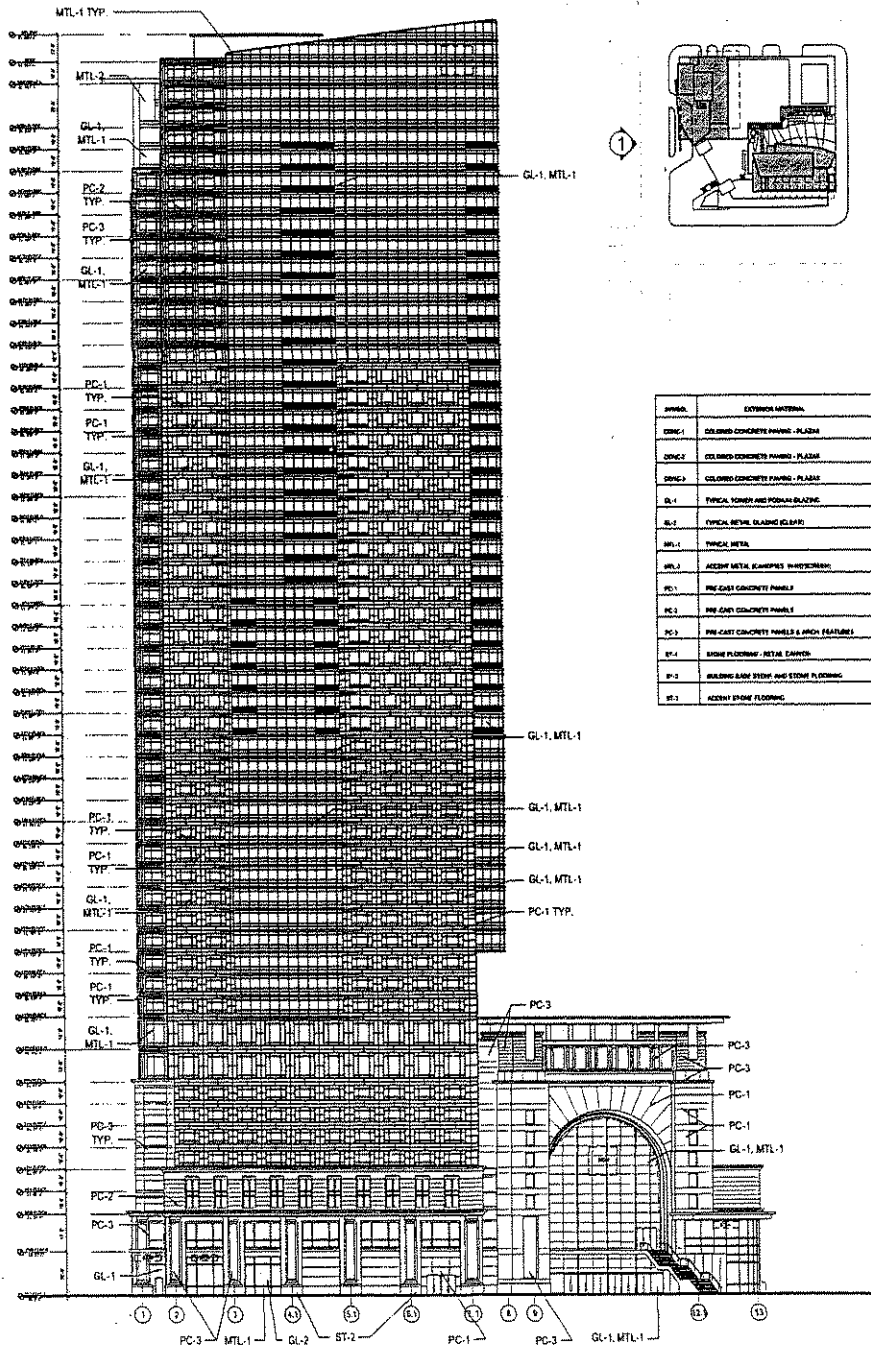
THE TOWERS
AN ARCHITECTURE

PERSPECTIVE

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Exhibit 1G

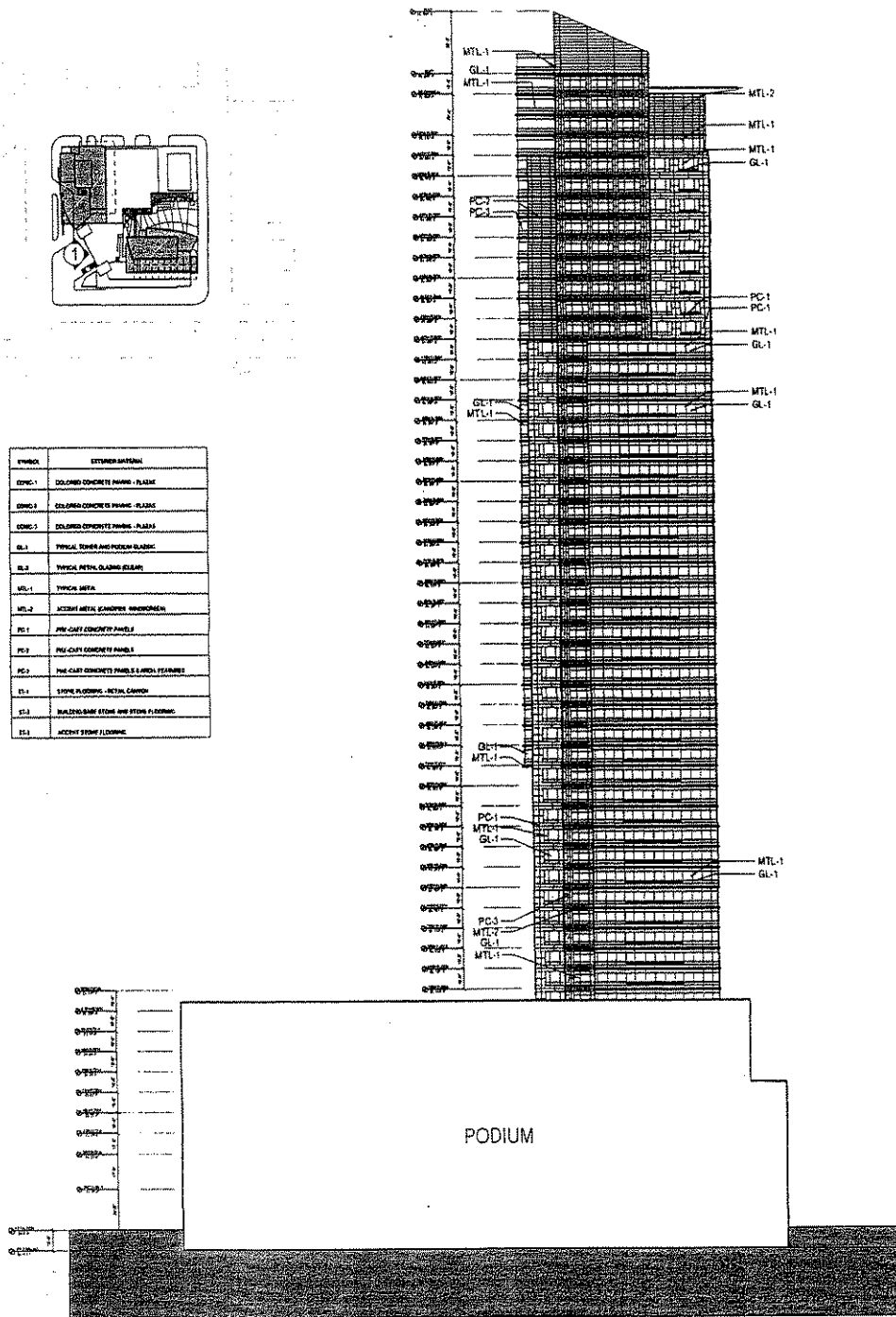
West Elevation – Tower 1 (A), facing 3rd Street



1 WEST ELEVATION - TOWER 1
SCALE: 1" = 50'-0"
0 12.5' 25' 50' 100'

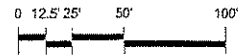
Exhibit 1H

West Elevation – Tower 2 (B), facing 3rd Street



1 WEST ELEVATION - TOWER 2

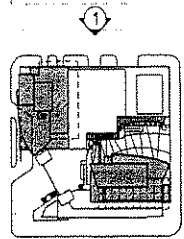
SCALE: 1" = 50'-0"



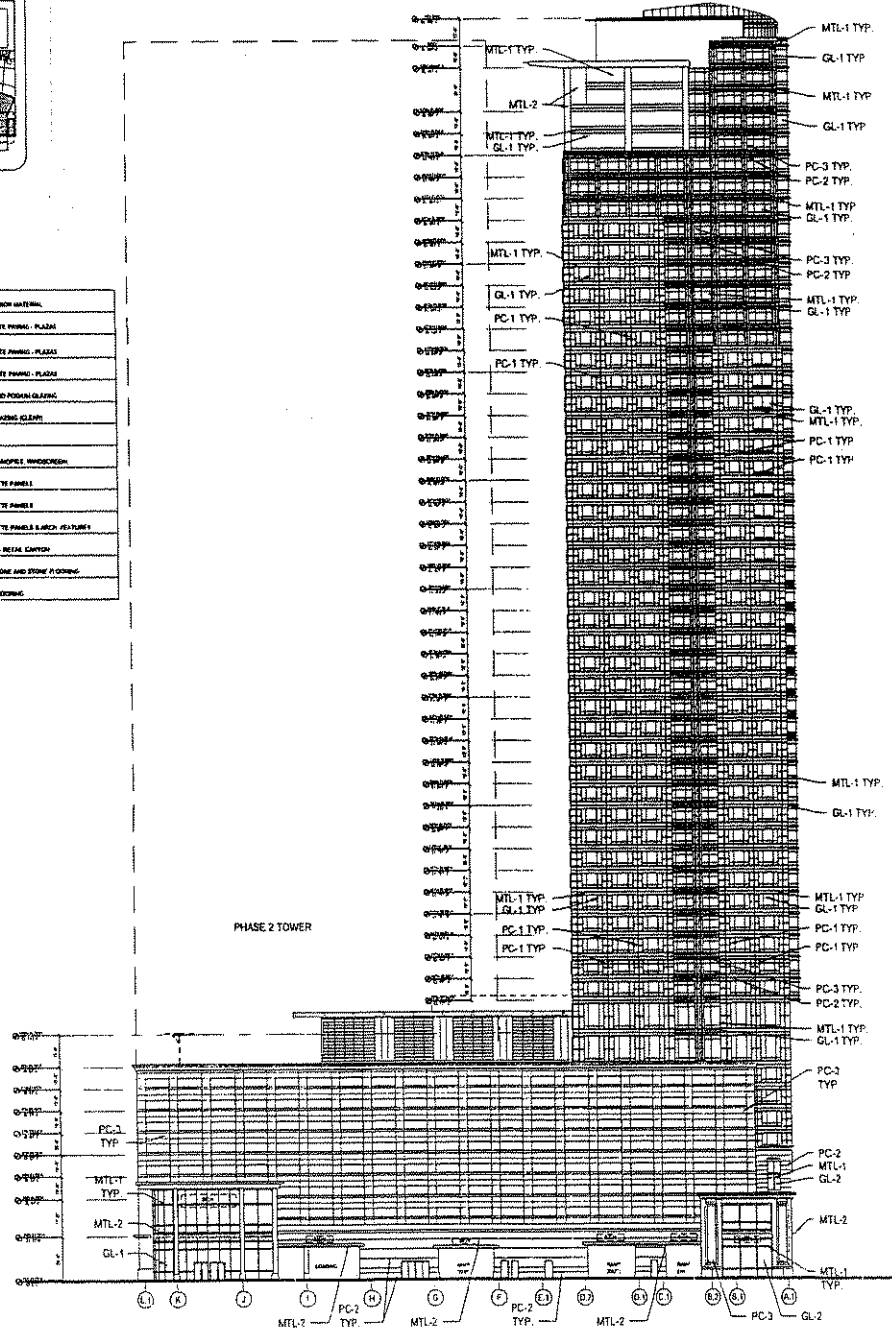
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Exhibit 11

North Elevation – Tower 1 (A), facing L Street



SYMBOL	EXTERIOR MATERIAL
CONG	COLORWASH CONCRETE FINISH - PLAZAS
CONG1	COLORWASH CONCRETE FINISH - PLAZAS
CONG2	COLORWASH CONCRETE FINISH - PLAZAS
GL-1	TYPICAL TOWER AND PODIUM GLAZING
GL-2	TYPICAL METAL GLAZING (GLAZER)
MTL-1	TYPICAL METAL
MTL-2	ACCENT METAL (CANTONNEE WINDOWSCREEN)
PC-1	PRECAST CONCRETE PANELS
PC-2	PRECAST CONCRETE PANELS
PC-3	PRECAST CONCRETE PANELS (ARCH. FEATURES)
STO	STONE FLOORING - BECAL EMPLOY
ST-1	BUILDING BASE STONE AND STONE FLOORING
ST-2	ACCENT STONE FLOORING



1 NORTH ELEVATION - TOWER 1
SCALE: 1" = 50'-0"



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THE TOWERS on Capitol Mall
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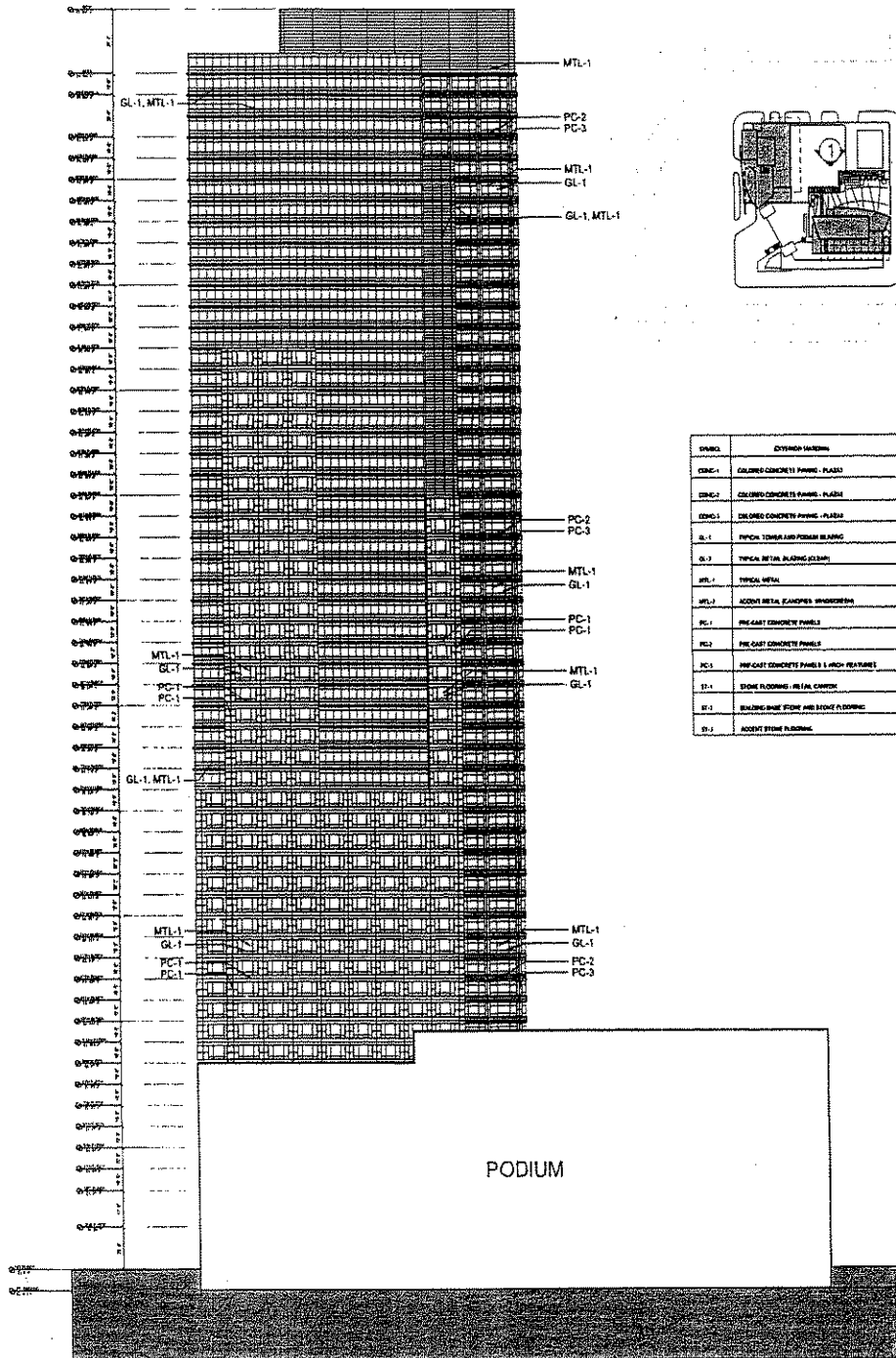
04-1217-01
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11/01/04

TOWER ELEVATIONS 1" = 50'-0"

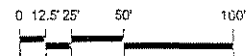
A304

Exhibit 1J

North Elevation – Tower 2 (B), facing L Street



1 NORTH ELEVATION - TOWER 2
SCALE: 1" = 50'-0"



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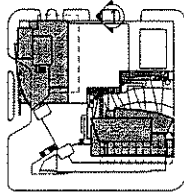
THE TOWERS on Capitol Mall
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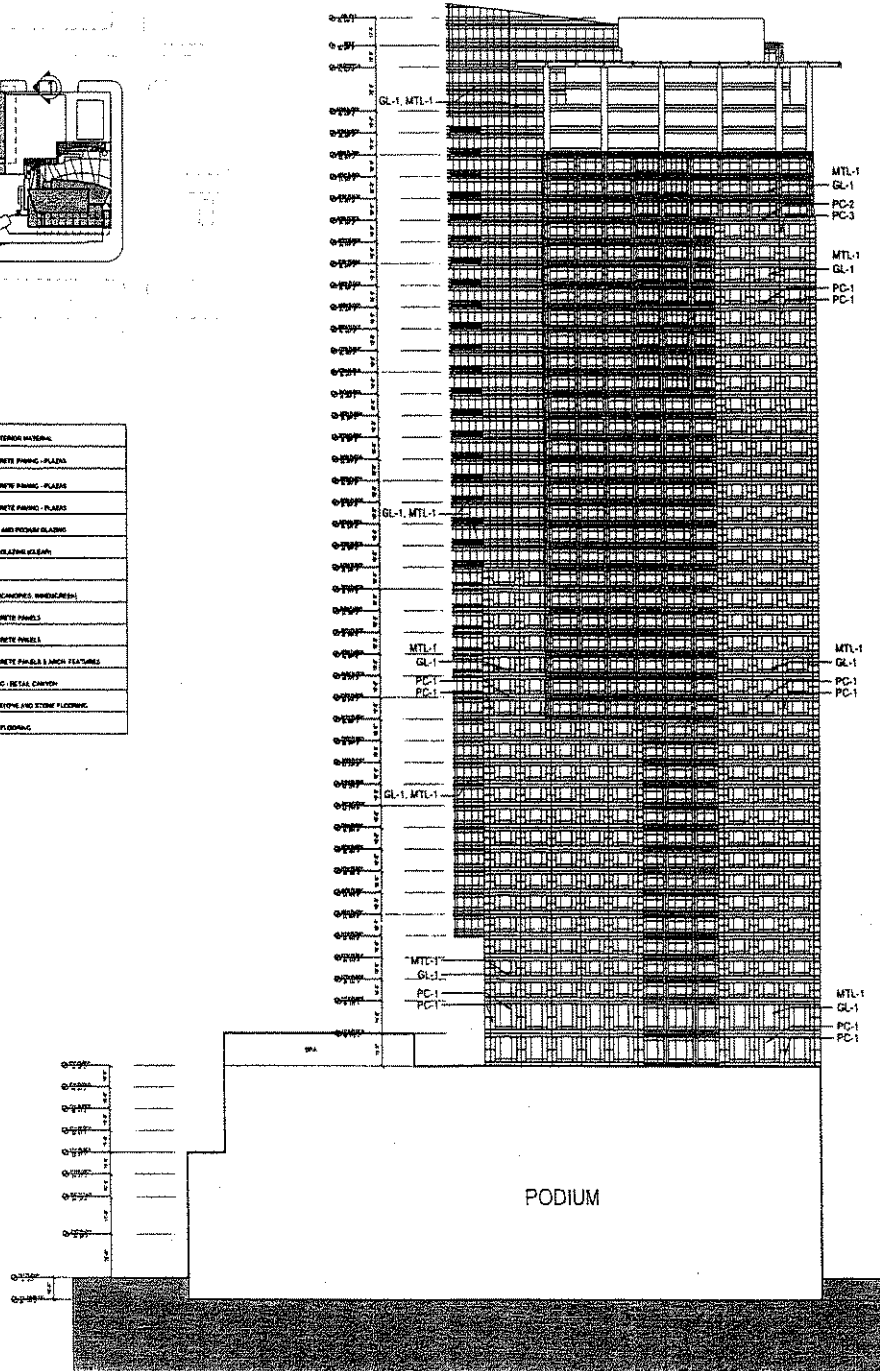
TOWER ELEVATIONS 1" = 50'-0" A307

Exhibit 1K

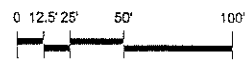
East Elevation – Tower 1 (A), facing 4th Street



NUMBER	EXTERIOR MATERIAL
DMC-1	COLORED CONCRETE FINING - FLAKES
DMC-2	COLORED CONCRETE FINING - FLAKES
DMC-3	COLORED CONCRETE FINING - FLAKES
SL-1	TYPICAL STONE AND WINDOW GLAZING
SL-2	TYPICAL METAL GLAZING GLASS
MTL-1	TYPICAL METAL
MTL-2	ACCENT METAL (CANTONIA BRASS/BRUSH)
PC-1	PRE-CAST CONCRETE PANELS
PC-2	PRE-CAST CONCRETE PANELS
PC-3	PRE-CAST CONCRETE PANELS & ARCH DETAILS
ST-1	STONE FLOORING (ITALY CANTON)
ST-2	BUILDING MADE STONE AND STONE FLOORING
ST-3	ACCENT STONE FLOORING



1 EAST ELEVATION - TOWER 1
SCALE: 1" = 50'-0"



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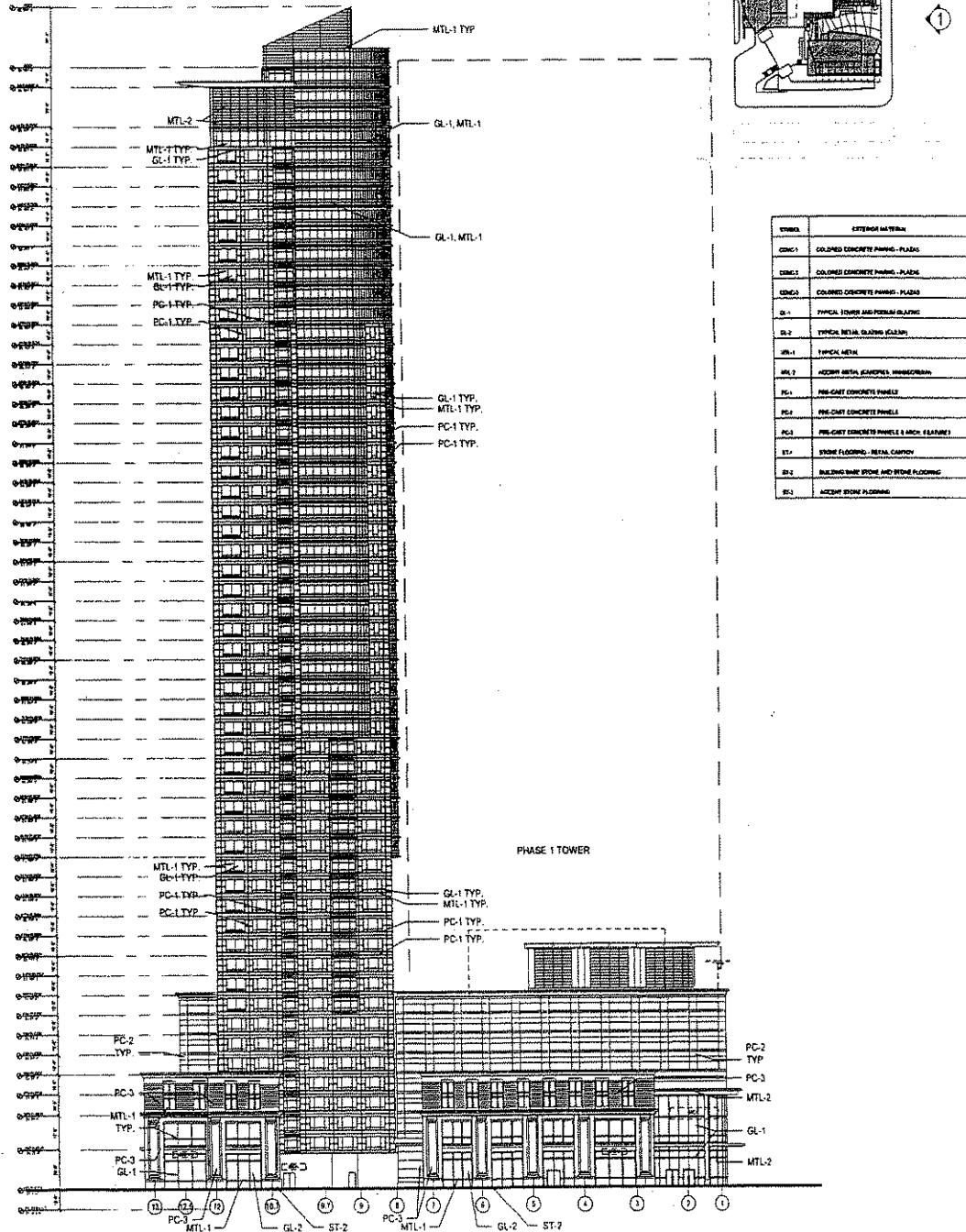
1110 112TH AVE. NE | SUITE 500
BELLEVUE, WA | 98004
1425.463.2000 | 1425.463.2002

THE TOWERS on Capitol Mall
DESIGN REVIEW SET
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TOWER ELEVATIONS 1" = 50'-0" **A306**

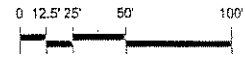
Exhibit 1L

East Elevation – Tower 2 (B), facing 4th Street



SYMBOL	EXTERIOR MATERIAL
CMC-1	COLORWASH CONCRETE PANELS - PLAIN
CMC-2	COLORWASH CONCRETE PANELS - PLAIN
CMC-3	COLORWASH CONCRETE PANELS - PLAIN
GL-1	TYPICAL GLASS AND METAL GLAZING
GL-2	TYPICAL METAL GLAZING GLAZING
MTL-1	TYPICAL METAL
MTL-2	ACCENT METAL SCANTIES, HANDRAILS
PC-1	PRE-CAST CONCRETE PANELS
PC-2	PRE-CAST CONCRETE PANELS
PC-3	PRE-CAST CONCRETE PANELS ARCH SCANTIES
ST-1	STONE FLOORING - METAL CAPTION
ST-2	BUILDING SHIRT STONE AND STONE FLOORING
ST-3	ACCENT STONE FLOORING

1 EAST ELEVATION - TOWER 2
SCALE: 1" = 50'-0"



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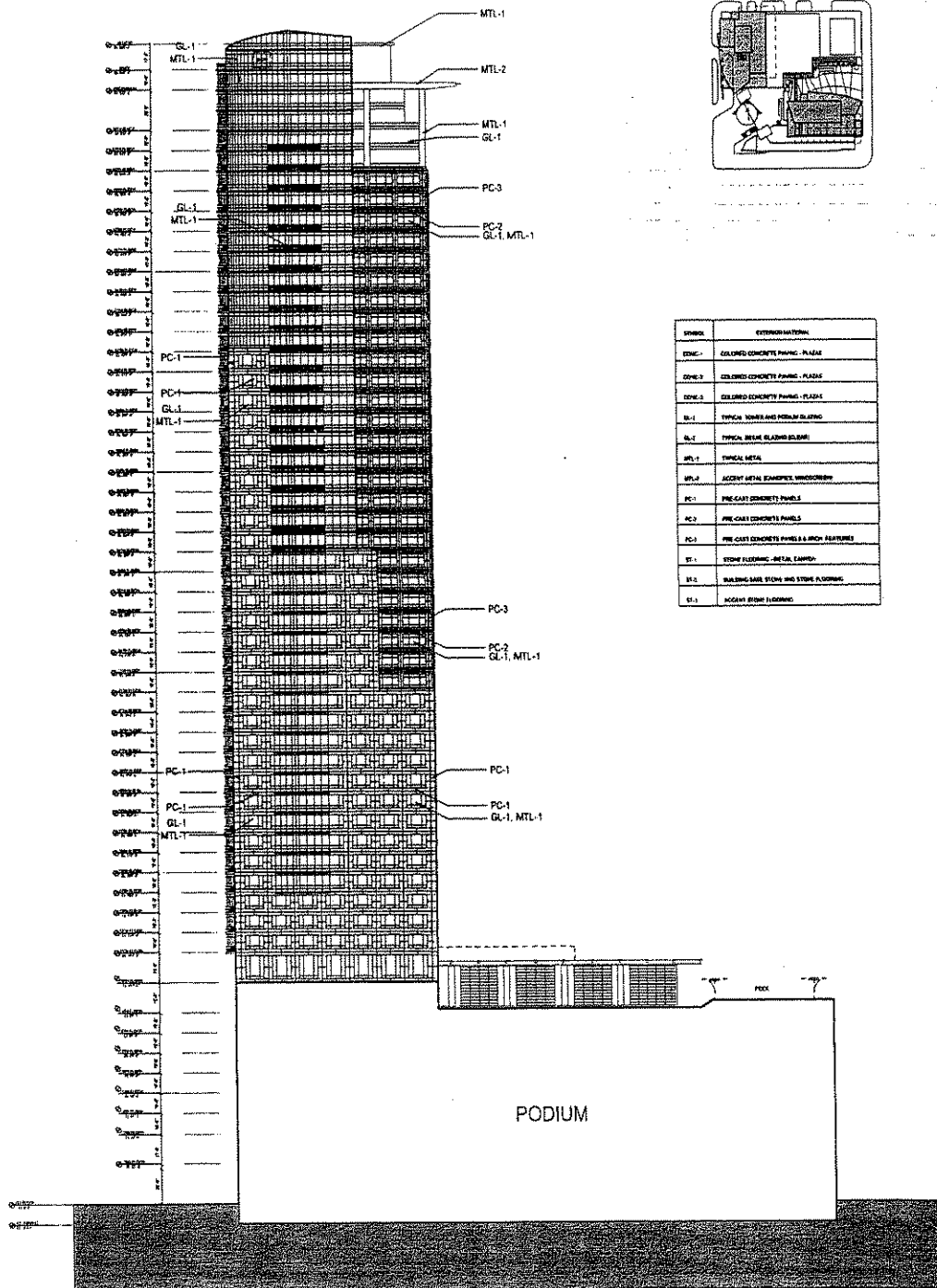
04-1217-01
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11/01/04

TOWER ELEVATIONS 1" = 50'-0"

A303

Exhibit 1M

South Elevation – Tower 1 (A), facing Capitol Mall



1 SOUTH ELEVATION - TOWER 1
SCALE: 1" = 50'-0"



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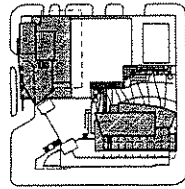
THE TOWERS on Capitol Mall
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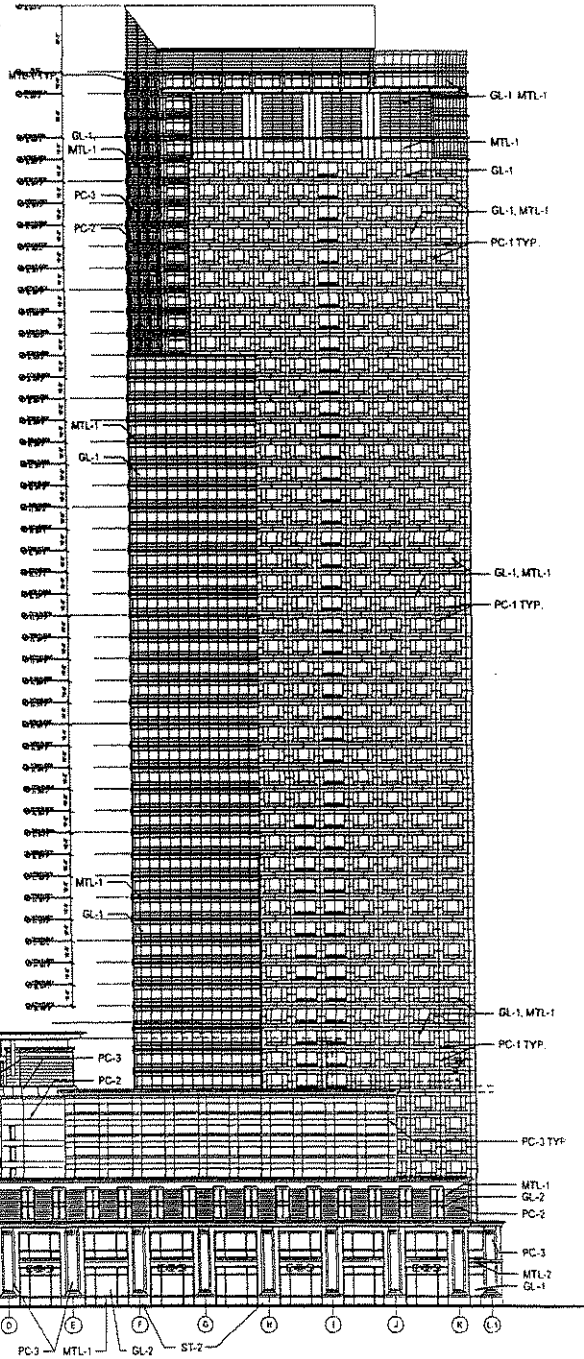
TOWER ELEVATIONS 1" = 50'-0" **A305**

Exhibit 1N

South Elevation – Tower 2 (B), facing Capitol Mall

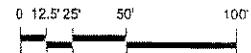


SYMBOL	EXHIBIT MATERIAL
CONC-1	COLORADO CONCRETE FINISH - PLAZA
CONC-2	COLORADO CONCRETE FINISH - PLAZA
CONC-3	COLORADO CONCRETE FINISH - PLAZA
GL-1	TYPICAL TOWER AND PODIUM GLAZING
GL-2	TYPICAL METAL GLAZING DETAILS
MTL-1	TYPICAL METAL
MTL-2	ACCENT METAL, BRASS/INTEL WINDOW CASES
PC-1	PRE-CAST CONCRETE PANELS
PC-2	PRE-CAST CONCRETE PANELS
PC-3	PRE-CAST CONCRETE PANELS & ARCH FEATURES
ST-1	STONE FLOORING, METAL CARPETS
ST-2	PLAZA/BRIDGE STONE AND STONE FLOORING
ST-3	ACCENT STONE FLOORING



1 SOUTH ELEVATION - TOWER 2

SCALE: 1" = 50'-0"



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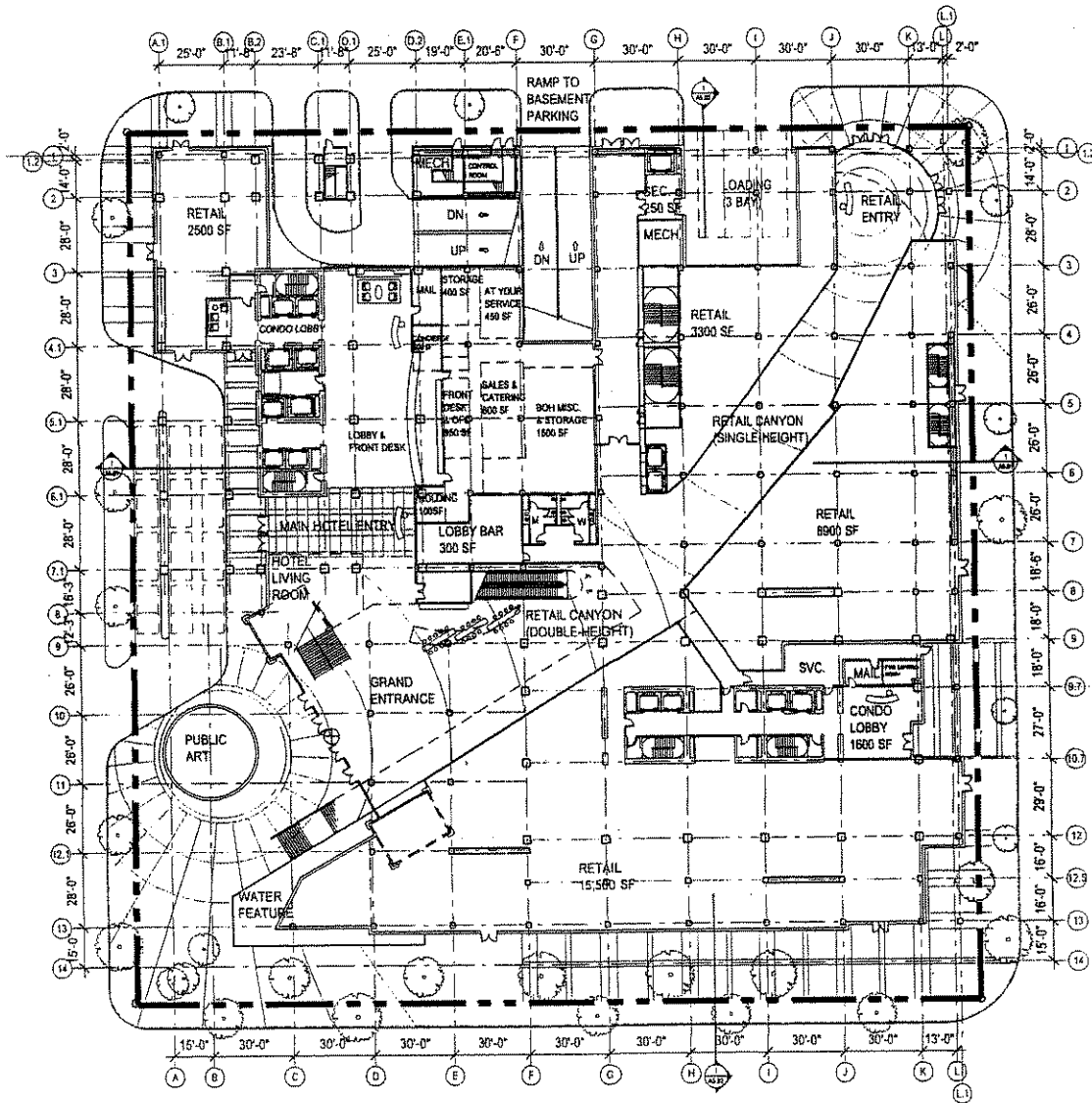
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TOWER ELEVATIONS 1" = 50'-0"

A302

Exhibit 1P

First Floor Plan



0 10' 20' 40' 80'

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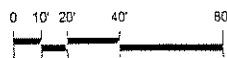
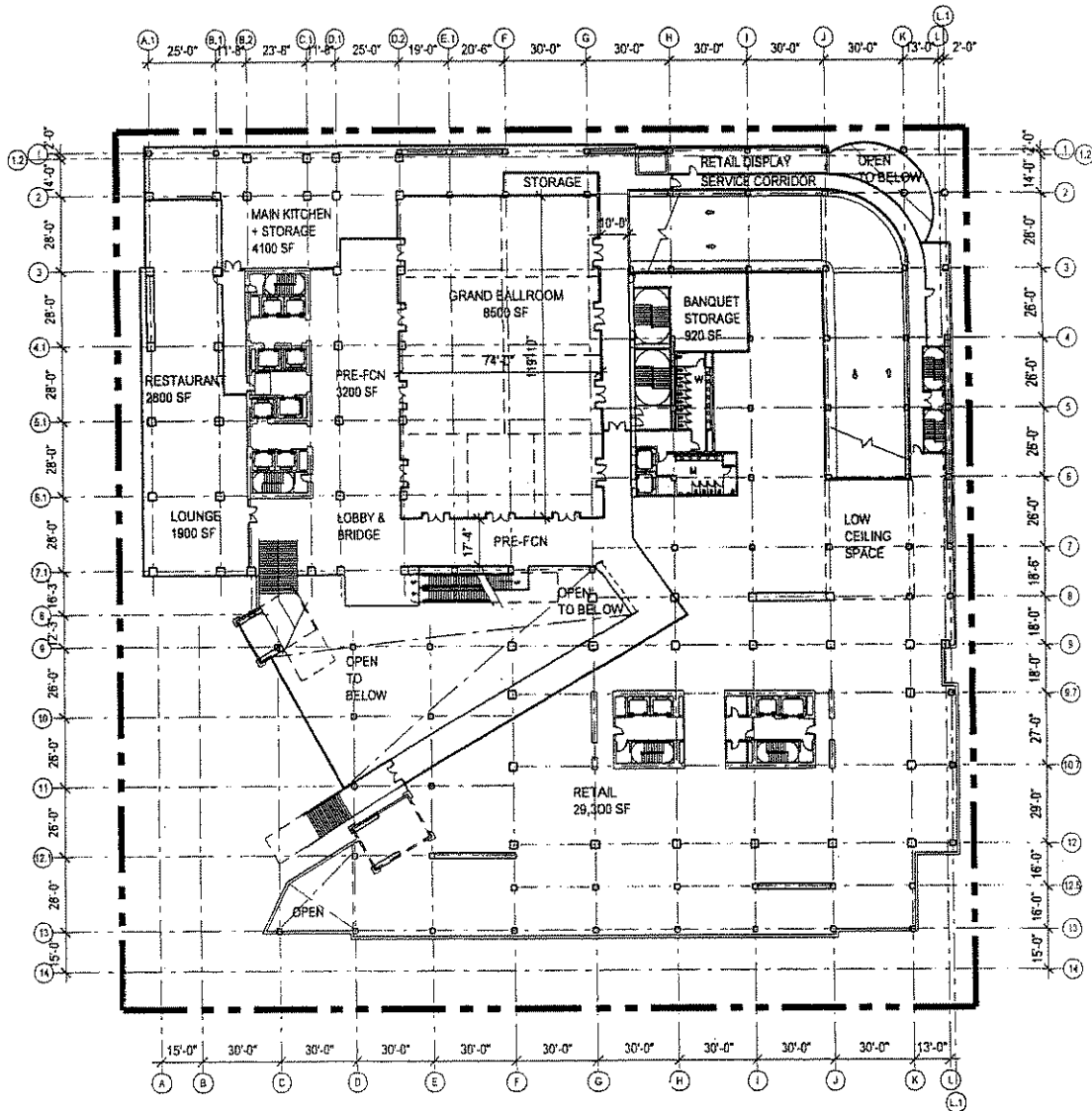
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FIRST FLOOR PLAN 1/40" = 1'-0"

A201

Exhibit 1Q

Second Floor Plan



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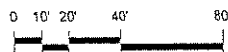
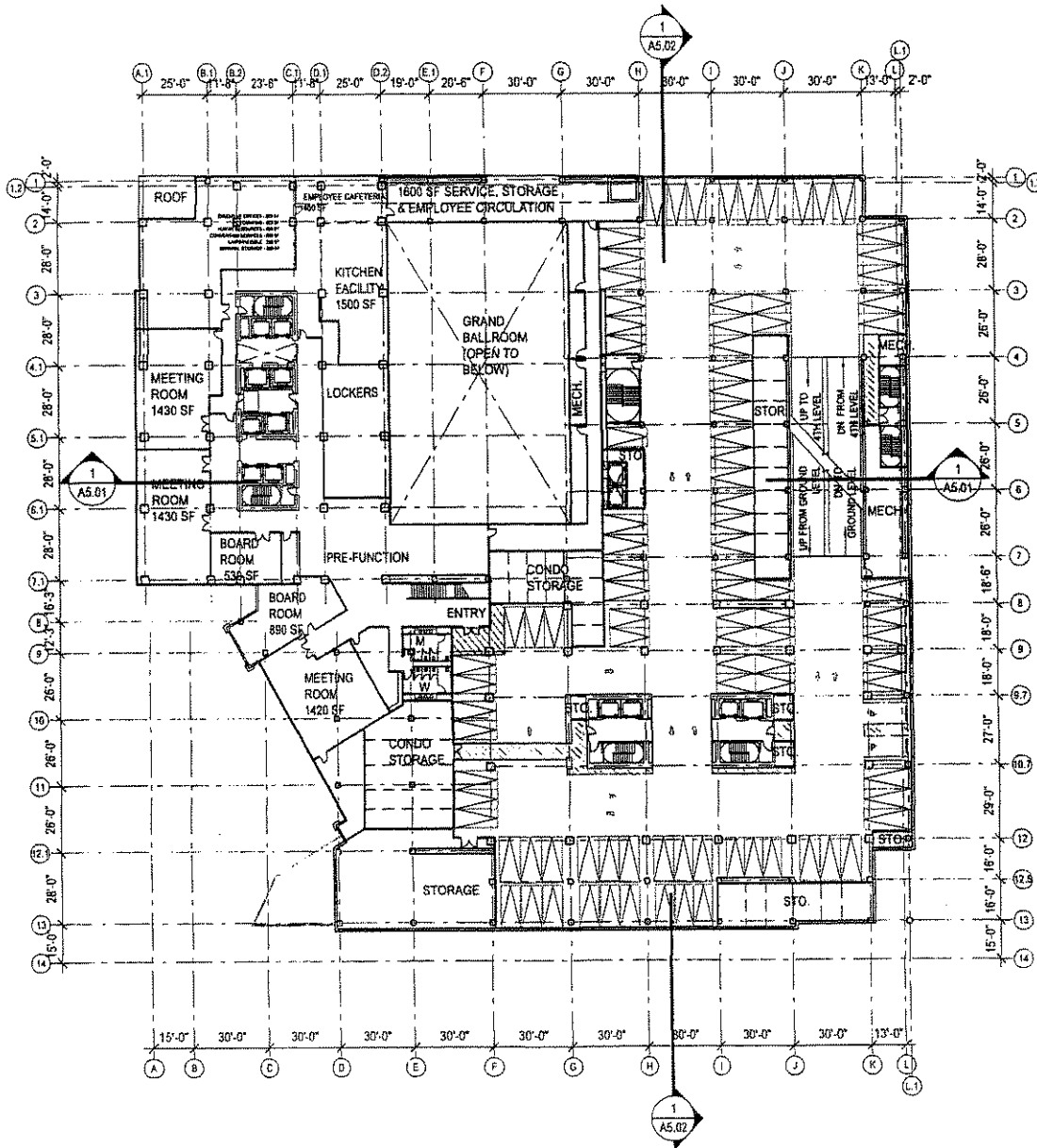
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SECOND FLOOR PLAN 1/40" = 1'-0"

A202

Exhibit 1R

Third Floor Plan



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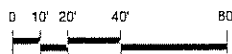
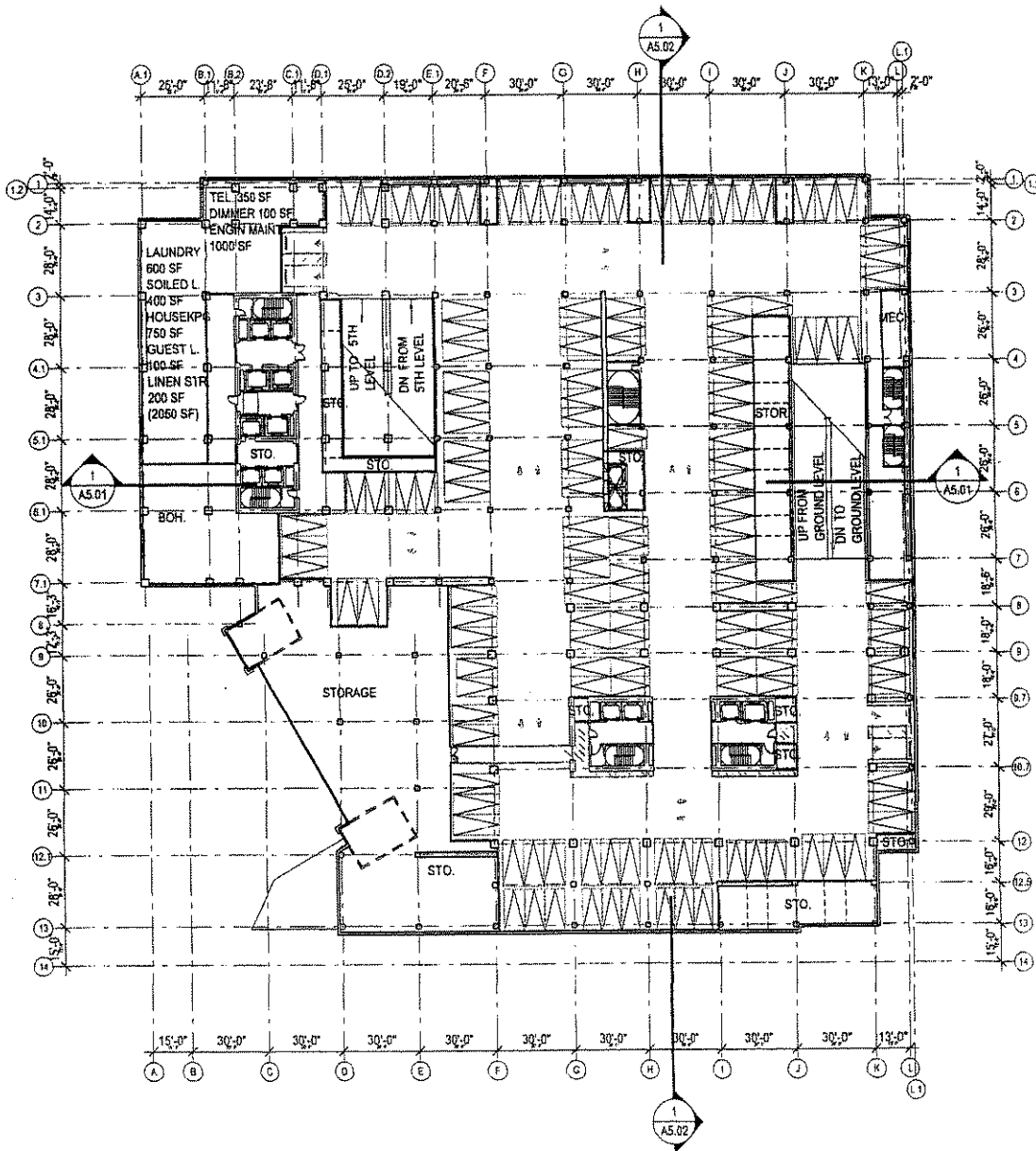
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THIRD FLOOR PLAN 1/40" = 1'-0"

A203

Exhibit 1S

4th Floor Plan



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1 425 463.2000 | 1 425.463.2002

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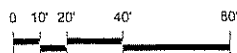
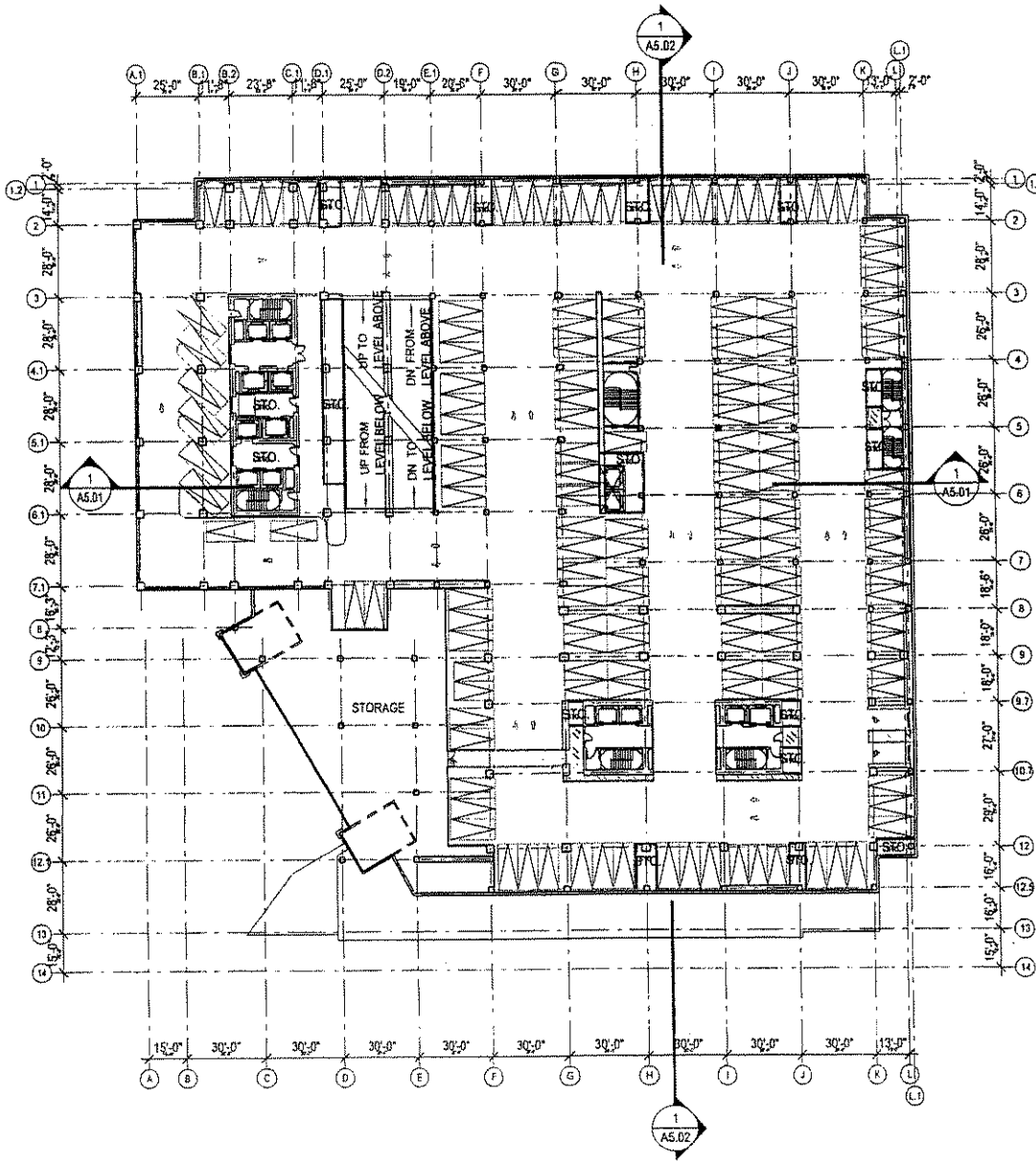
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4TH FLOOR PLAN 1/40" = 1'-0"

A204

Exhibit 1T

5th-7th Floor Plans



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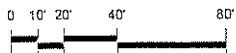
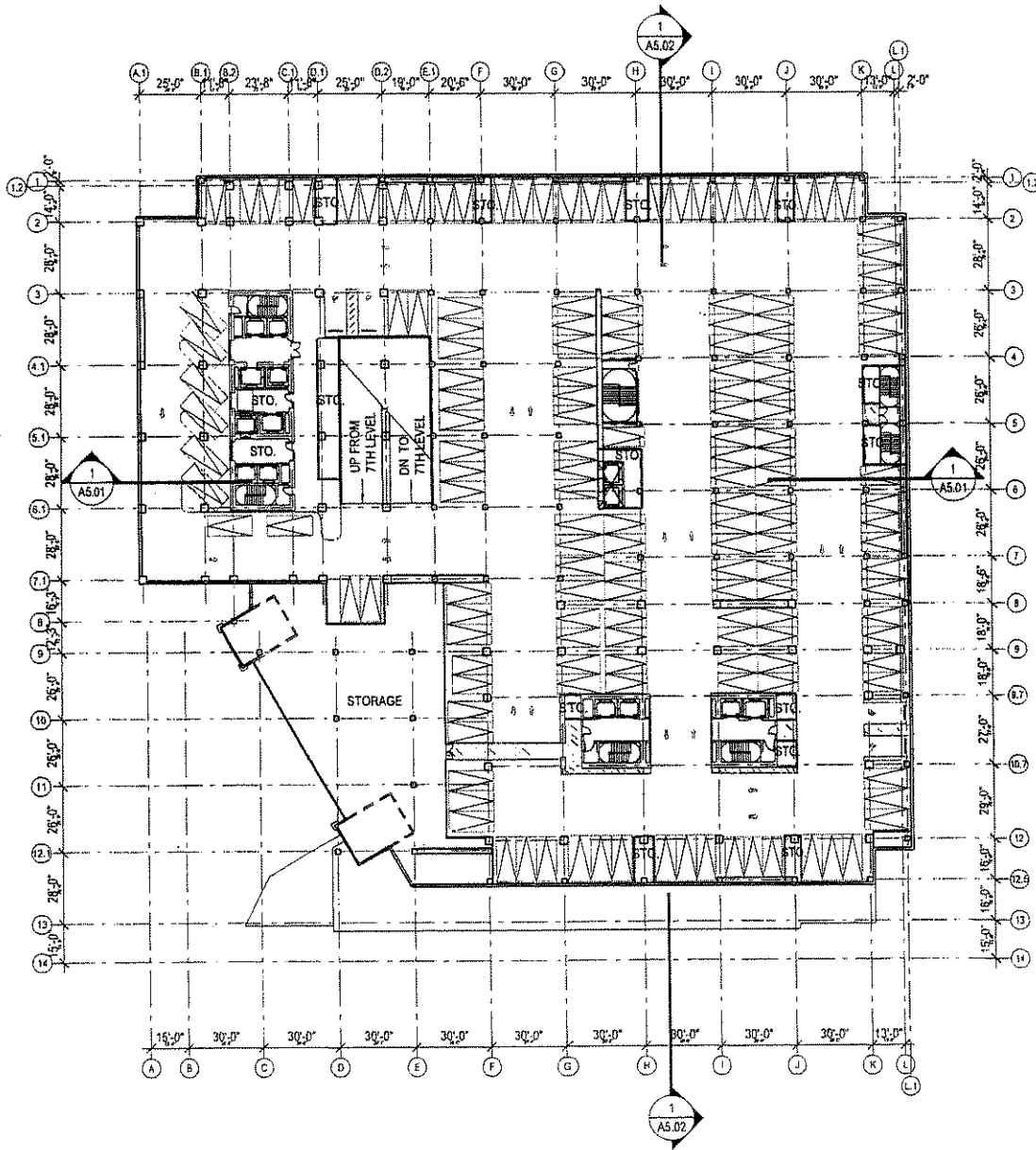
1110 112TH AVE. NE | SUITE 500
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5TH - 7TH FLOOR PLANS 1/40" = 1'-0"

A205

Exhibit 1U

8th Floor Plan



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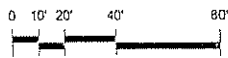
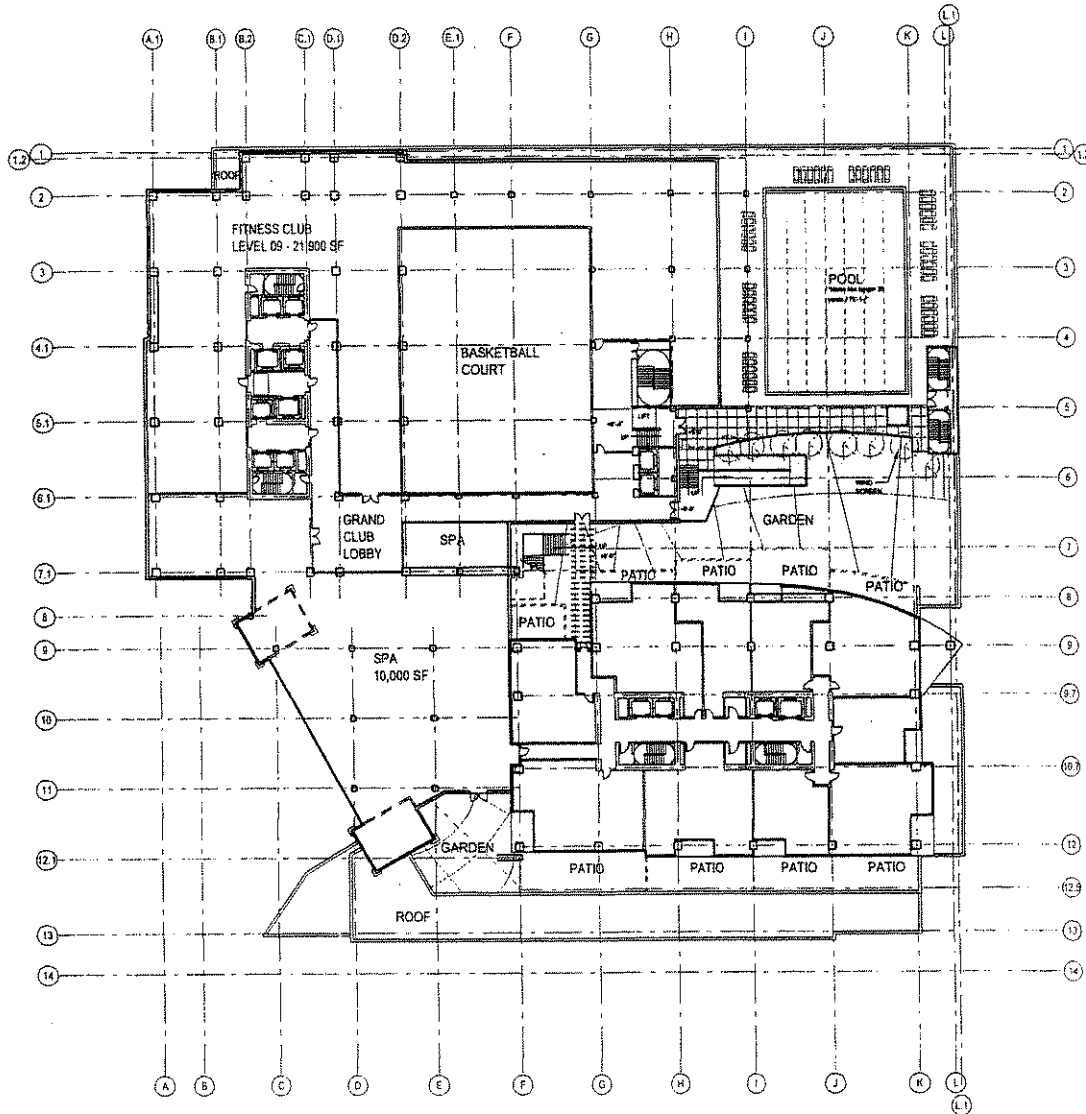
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11/01/04

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8TH FLOOR PLAN 1/40" = 1'-0" A206

Exhibit 1V

9th Floor Plan



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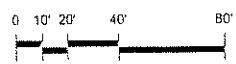
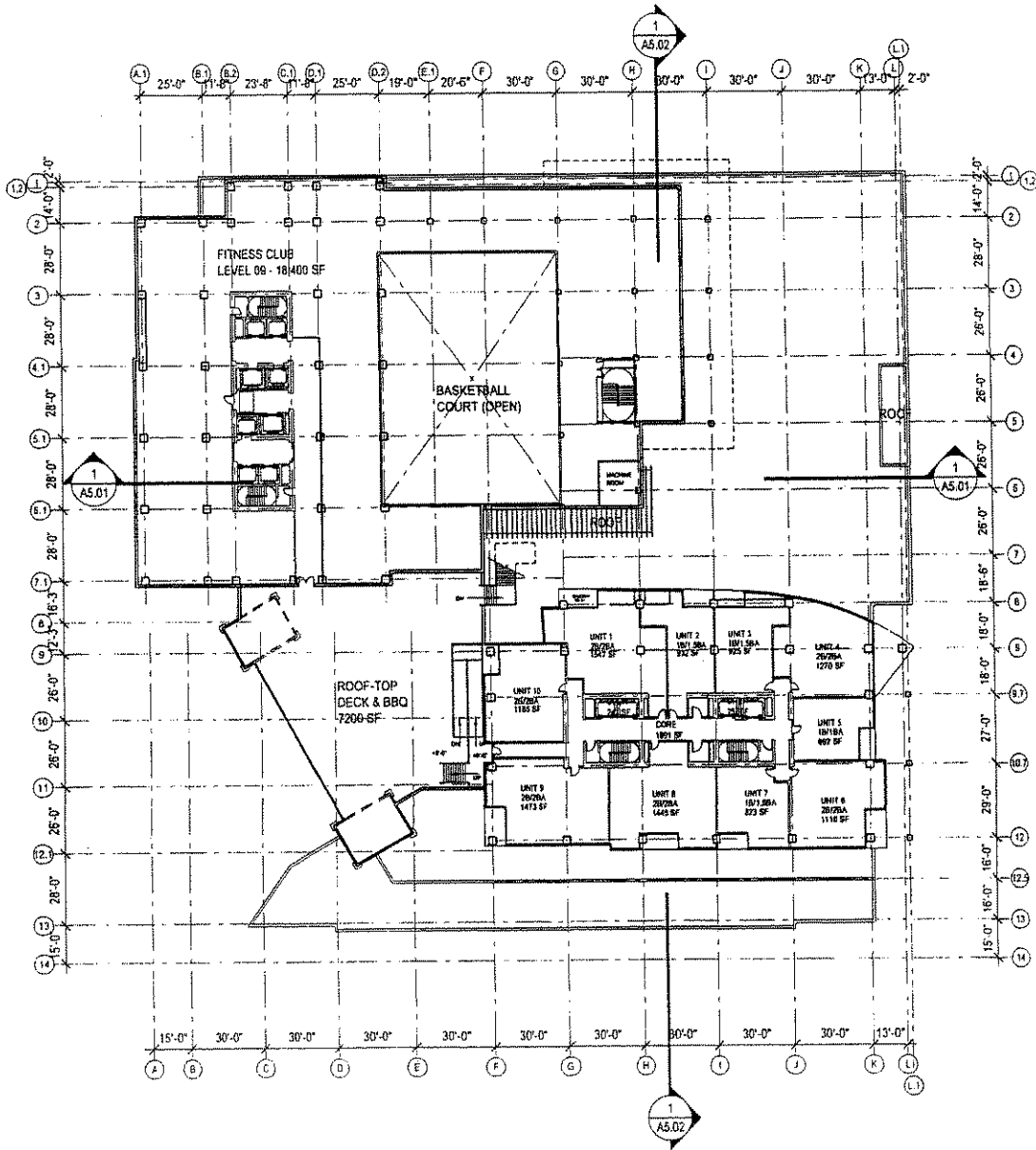
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9TH FLOOR PLAN 1/40" = 1'-0"

A207

Exhibit 1W

10th Floor Plan



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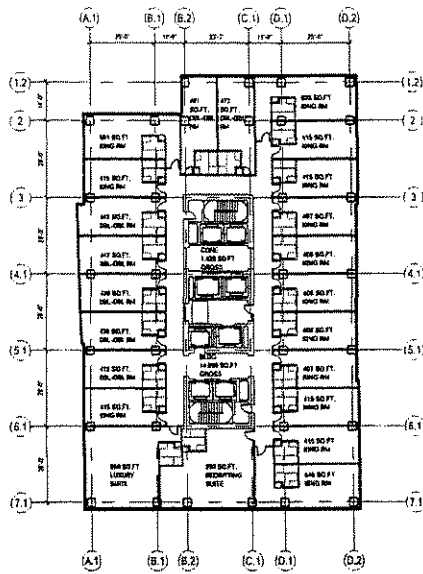
1110 112TH AVE, NE | SUITE 500
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1425.463.2000 | 1425.463.2002

10TH FLOOR PLAN 1/40" = 1'-0"

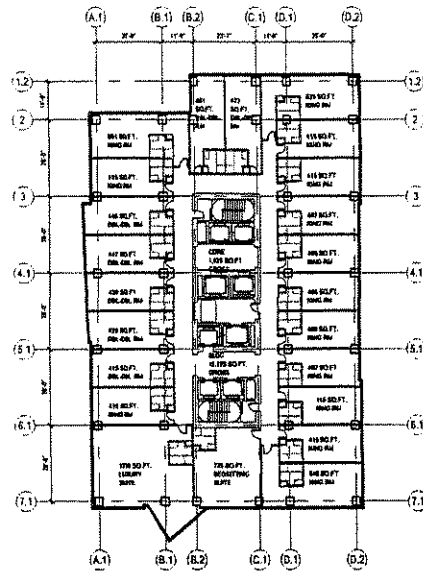
A208

Exhibit 1X

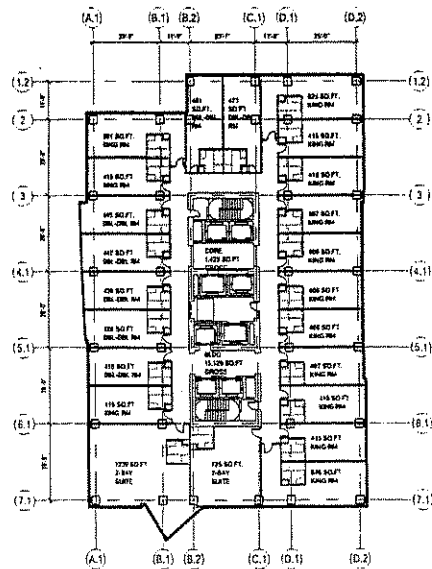
Tower 'A' - Typical Plan 11th-20th Floor Plans



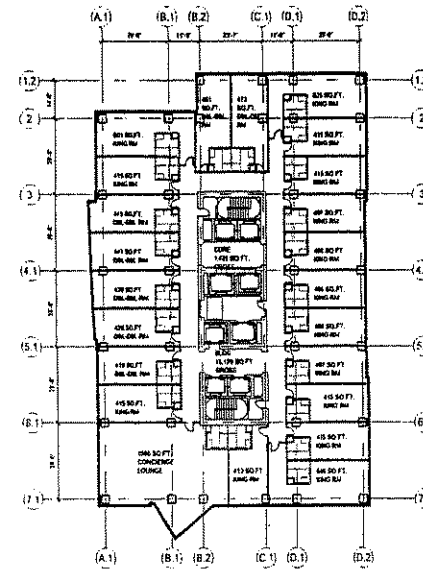
① 11th-13th FLOOR PLAN - HOTEL
SCALE: 1/40" = 1'-0"



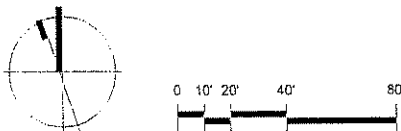
② 14th - 18th FLOOR PLAN - HOTEL
SCALE: 1/40" = 1'-0"



③ 19th FLOOR PLAN - HOTEL
SCALE: 1/40" = 1'-0"



④ 20th FLOOR PLAN - HOTEL
SCALE: 1/40" = 1'-0"



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THE TOWERS on Capitol Mall
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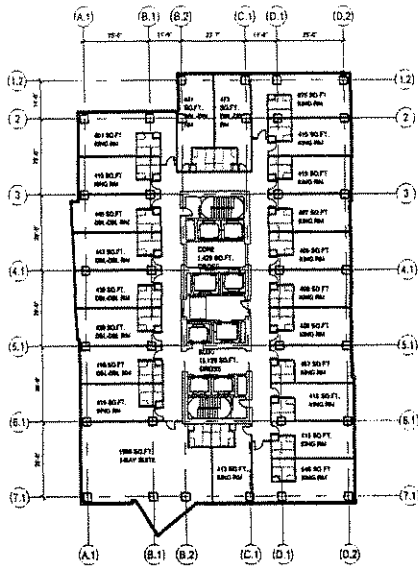
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11/01/04

TOWER 'A' - TYP. PLAN 11TH - 20TH 1/40" = 1'-0"

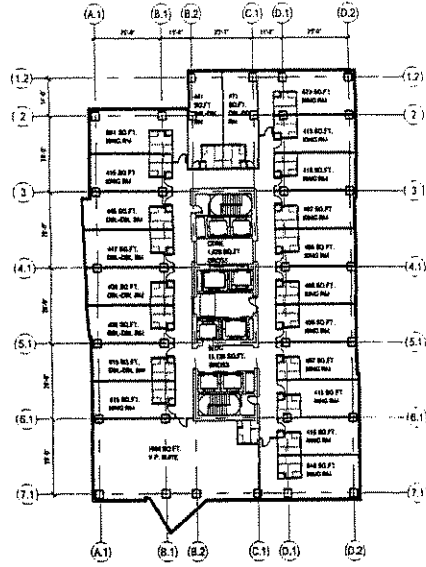
A209

Exhibit 1Y

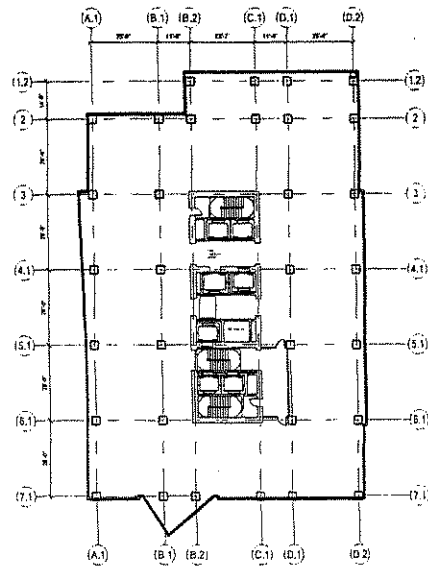
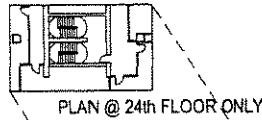
Tower 'A' - Typical Plan 21st-30th Floor Plans



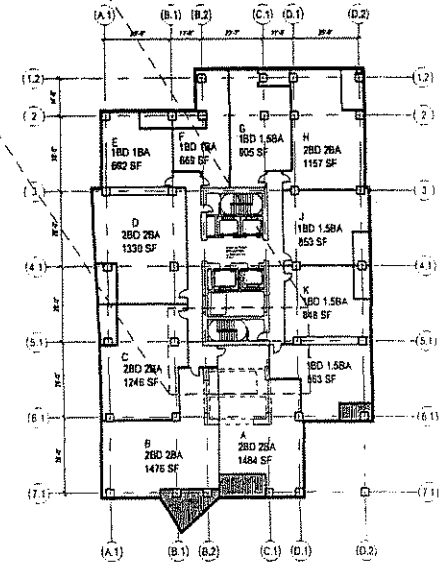
① 21st FLOOR PLAN - HOTEL
SCALE: 1/40" = 1'-0"



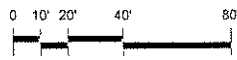
② 22nd FLOOR PLAN - HOTEL
SCALE: 1/40" = 1'-0"



③ 23rd FLOOR PLAN - MECHANICAL
SCALE: 1/40" = 1'-0"



④ 24th - 30th FLOOR PLAN - CONDO
SCALE: 1/40" = 1'-0"



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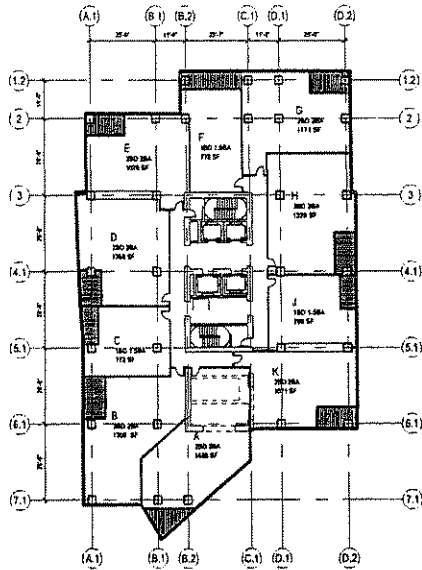
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TOWER 'A' - TYP PLAN 21st - 30th 1/40" = 1'-0"

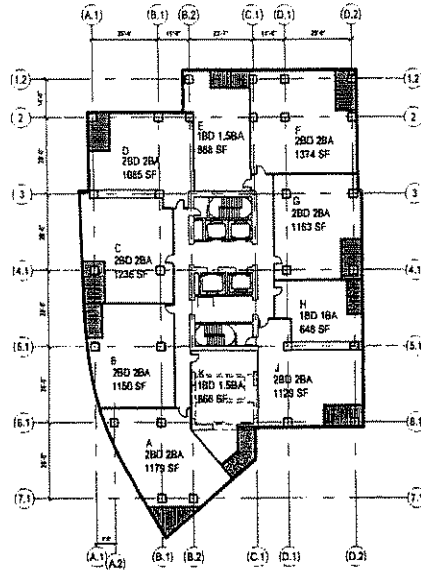
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Exhibit 1Z

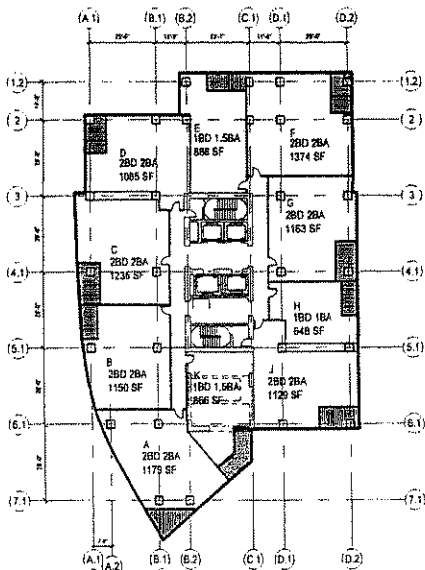
Tower 'A' - Typical Plan 31st-51st Floor Plans



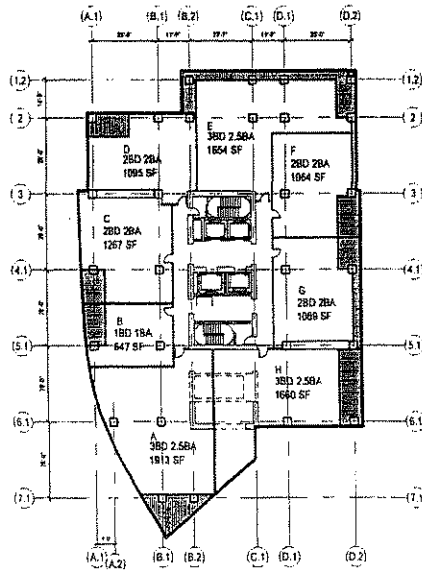
1 31st - 37th FLOOR PLAN - CONDO
SCALE: 1/400" = 1'-0"



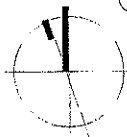
2 38th - 47th FLOOR PLAN - CONDO
SCALE: 1/400" = 1'-0"



3 48th - 49th FLOOR PLAN - CONDO
SCALE: 1/400" = 1'-0"



4 50th - 51st FLOOR PLAN - CONDO
SCALE: 1/400" = 1'-0"



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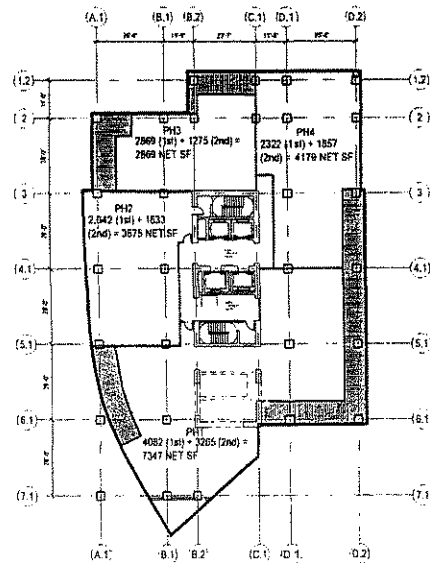
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TOWER 'A' - TYP. PLAN 31st - 51st 1/400" = 1'-0"

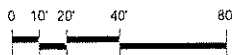
A211

Exhibit 1AA

Tower 'A' - Typical Plan 52nd Floor Plan



4 52nd FLOOR PLAN - CONDO
SCALE 1/40" = 1'-0"



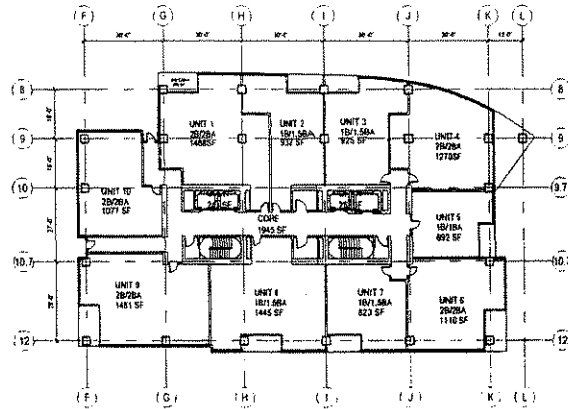
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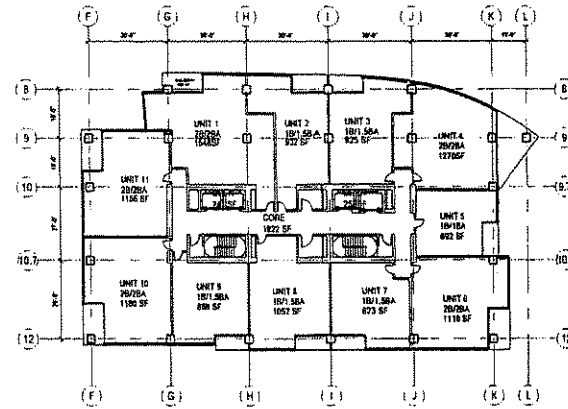
TOWER 'A' - TYP. PLAN 31st - 51st 1/40" = 1'-0"

A211B

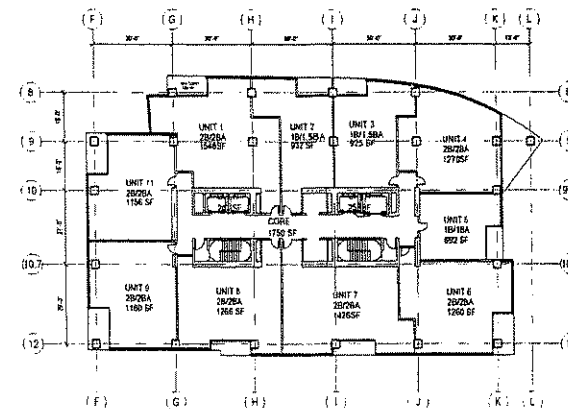
Exhibit 1BB Tower 'B' – Typical Plan 9th-20th Floor Plans



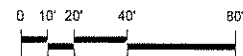
① 9th FLOOR PLAN - CONDO
SCALE: 1/40" = 1'-0"



② 9.5 FLOOR PLAN - CONDO
SCALE: 1/40" = 1'-0"

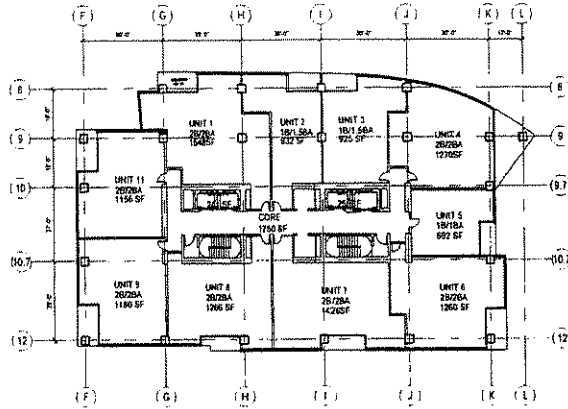


③ 10th - 20th FLOOR PLAN - CONDO
SCALE: 1/40" = 1'-0"

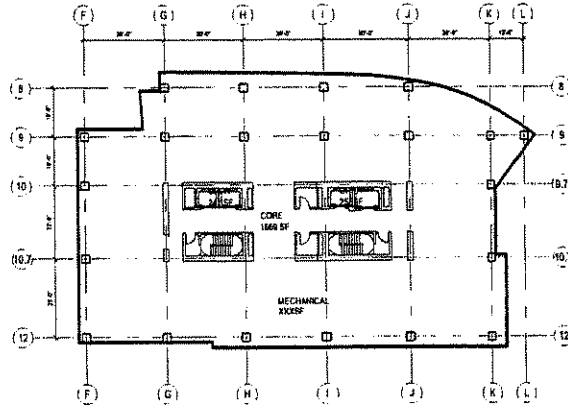


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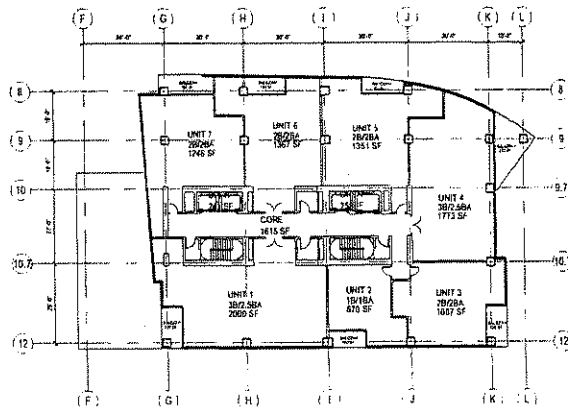
Exhibit 1CC Tower 'B' - Typical Plan 21st-49th Floor Plans



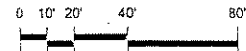
1 21st - 40th FLOOR PLAN - CONDO
SCALE: 1/4" = 1'-0"



2 41st FLOOR PLAN - MECH.
SCALE: 1/4" = 1'-0"



3 42nd - 49th FLOOR PLAN - CONDO
SCALE: 1/4" = 1'-0"



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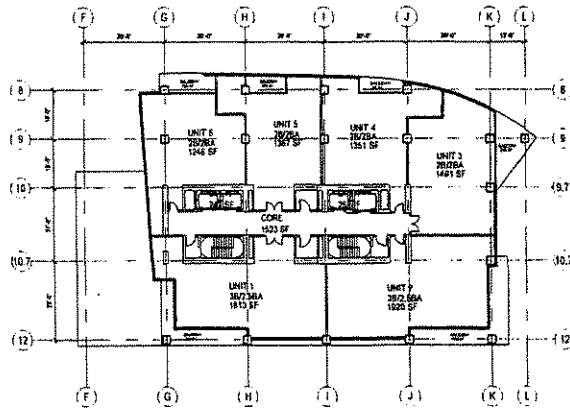
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TOWER 'B' TYP. PLAN 21st - 49th 1/40" = 1'-0"

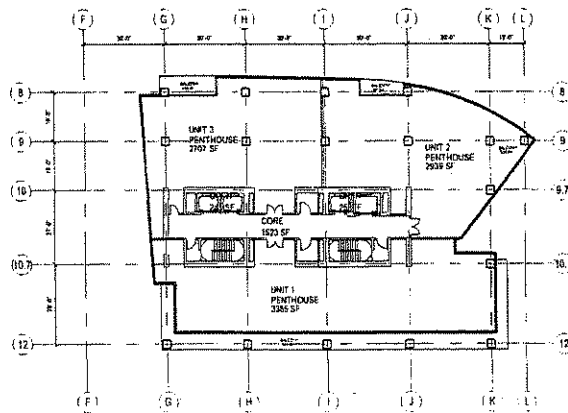
A213

Exhibit 1DD

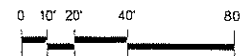
Tower 'B' - Typical Plan 50th-52nd Floor Plans



① 50th - 51st FLOOR PLAN - CONDO
SCALE: 1/40" = 1'-0"



② 52nd FLOOR PLAN - CONDO
SCALE: 1/40" = 1'-0"



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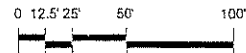
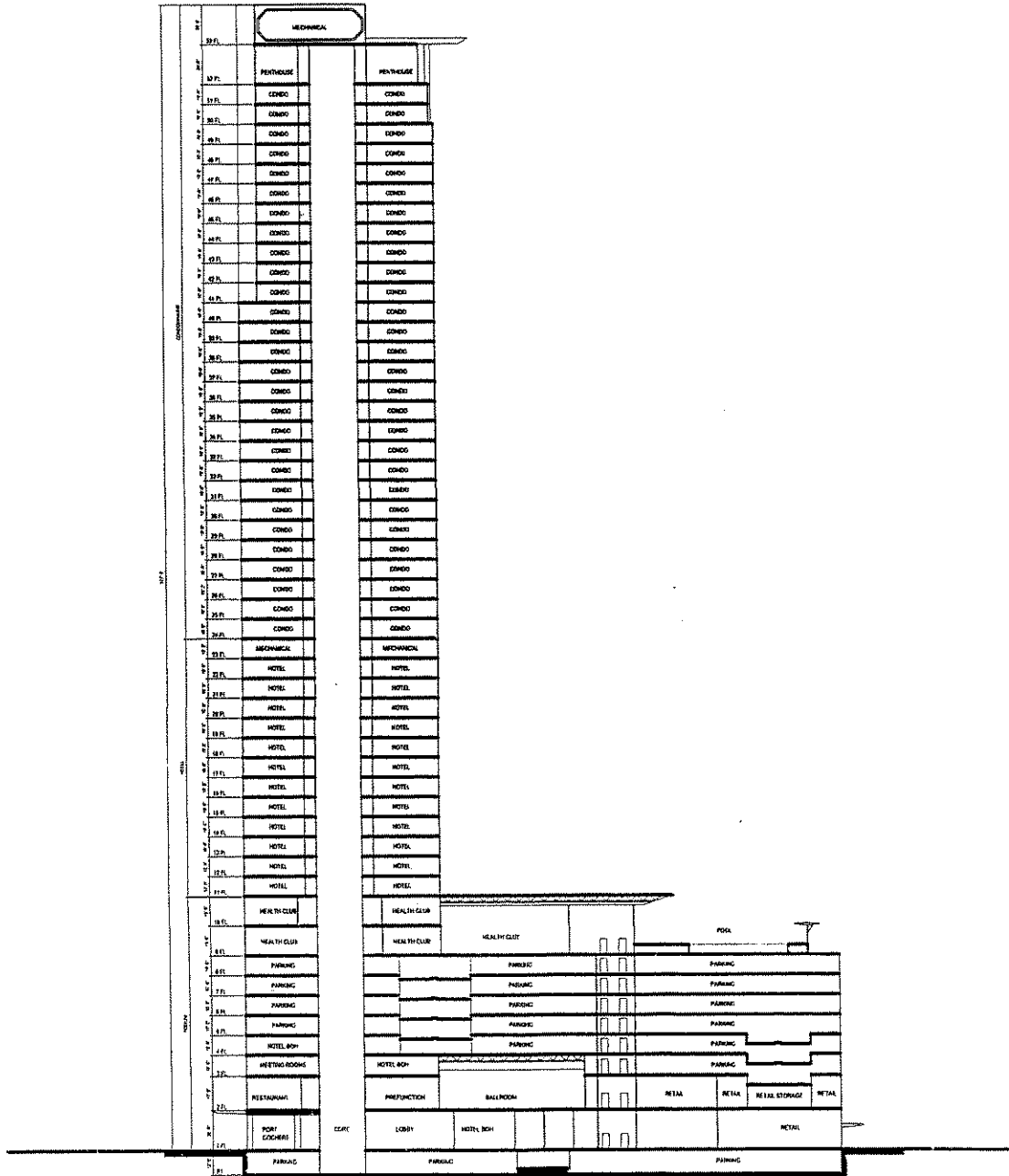
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TOWER 'B' TYP. PLAN 50th - 52nd 1/40" = 1'-0"

A214

Exhibit 1EE

Tower A, Section Exhibit



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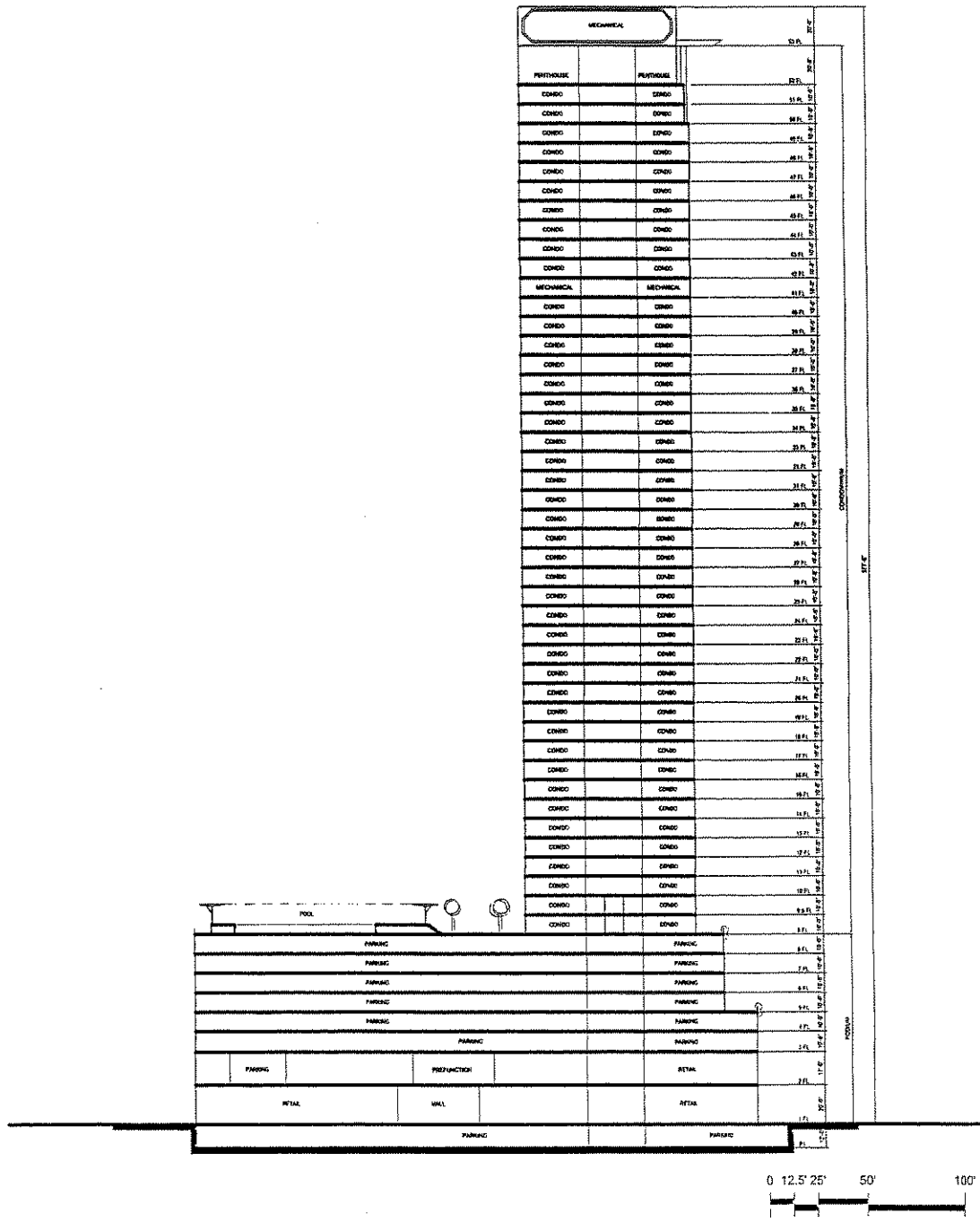
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SECTION @ TOWER 'A' 1/50" = 1'-0"

A501

Exhibit 1FF

Tower B, Section Exhibit



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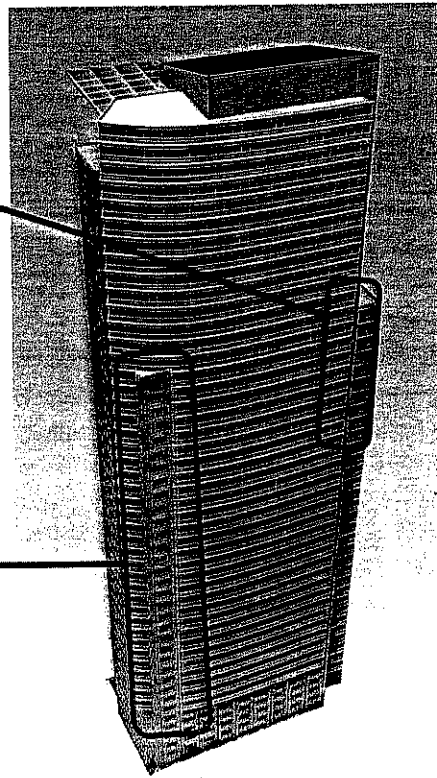
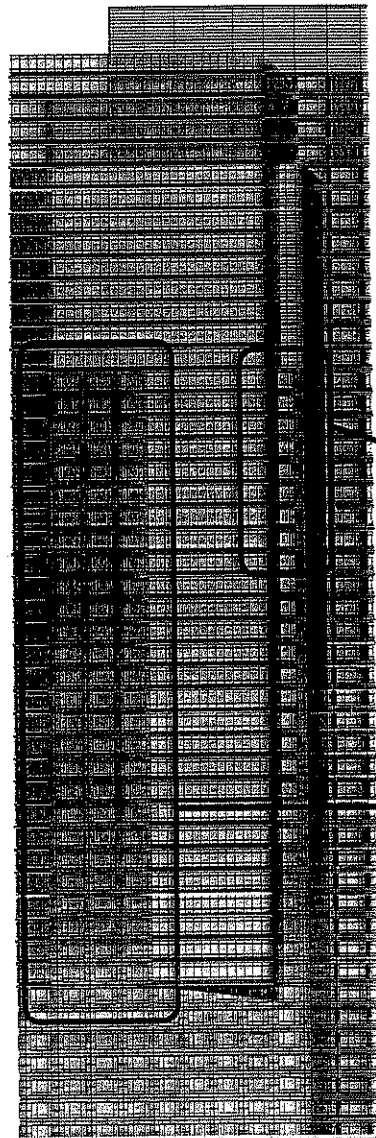
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SECTION @ TOWER 'B' 1/50" = 1'-0"

A502

Exhibit 1GG

Tower Details, Planar and Materials

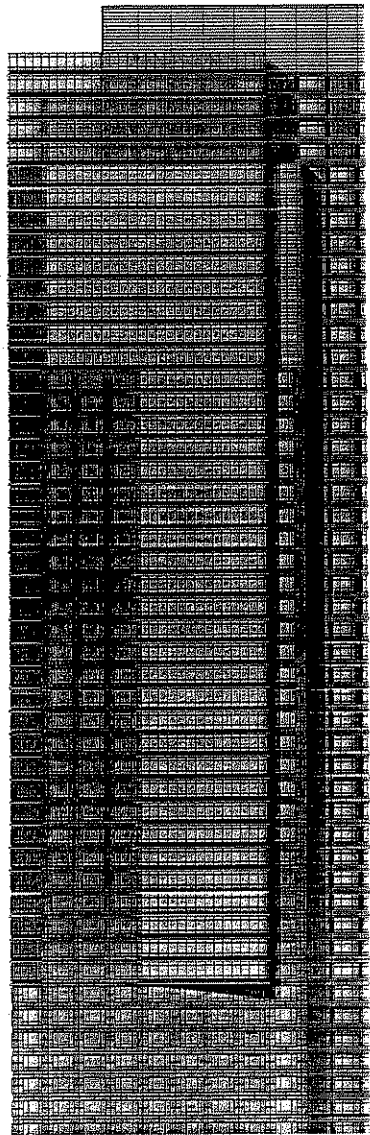


TOWER TWO MODEL

NORTH ELEVATION

Exhibit 1GG

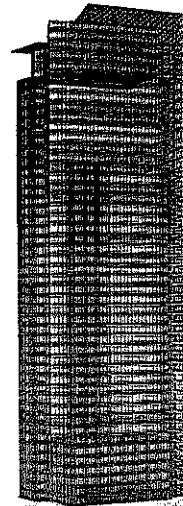
Tower Details, Planar and Materials



NORTH ELEVATION



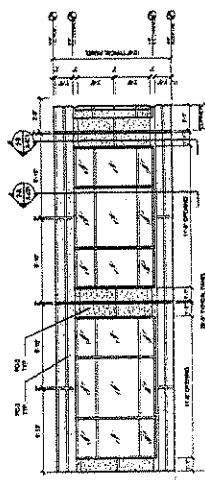
SE PERSPECTIVE



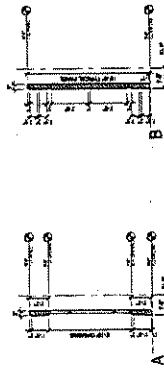
NE PERSPECTIVE

Exhibit 1GG

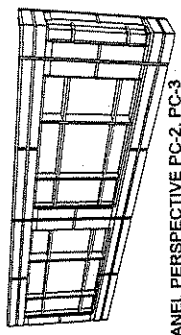
Tower Details, Planar and Materials



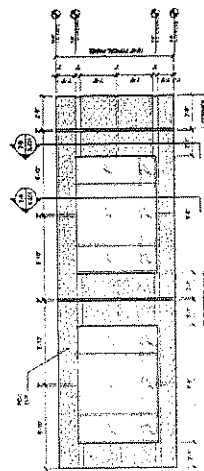
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SCALE: 1/8" = 1'-0"



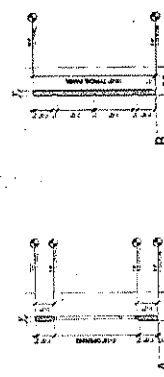
2. PANEL SECTIONS PC-2, PC-3
SCALE: 1/8" = 1'-0"



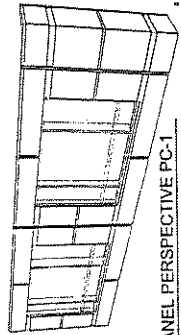
3. PANEL PERSPECTIVE PC-2, PC-3
SCALE: 1/8" = 1'-0"



1. PANEL ELEVATION PC-1
SCALE: 1/8" = 1'-0"



2. PANEL SECTIONS PC-1
SCALE: 1/8" = 1'-0"

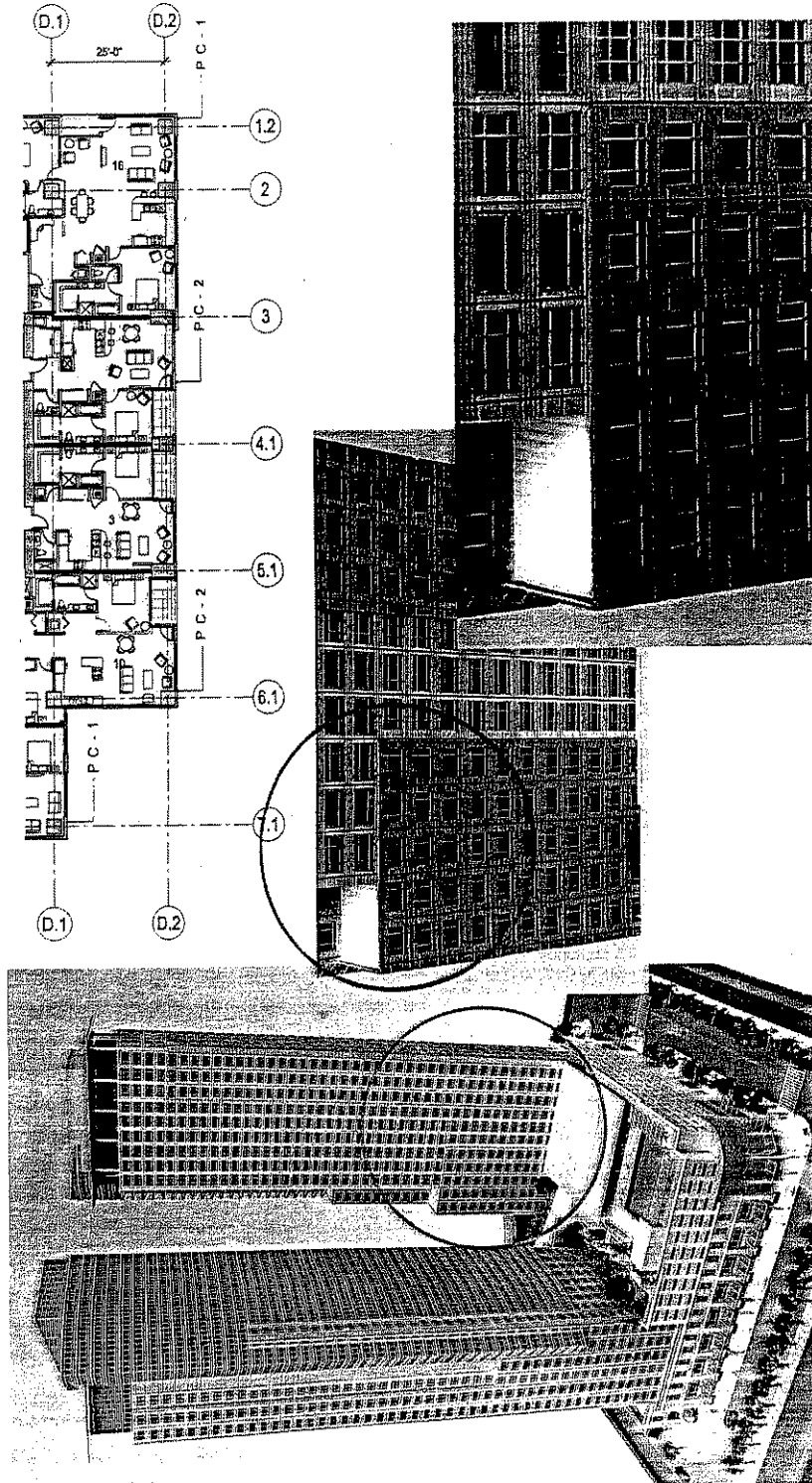


3. PANEL PERSPECTIVE PC-1
SCALE: 1/8" = 1'-0"


THE TOWERS
 EXTERIOR PRECAST WALL
 PANEL DETAILS
 LIBERTY BELL

Exhibit 1GG

Tower Details, Planar and Materials



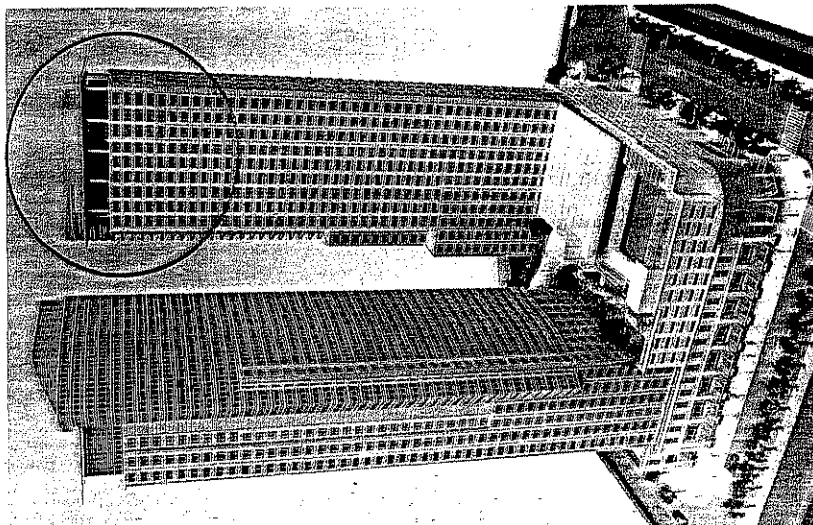
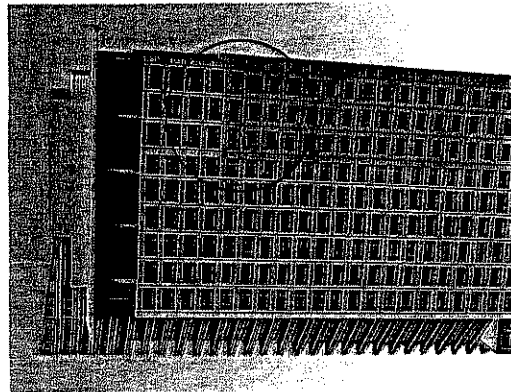
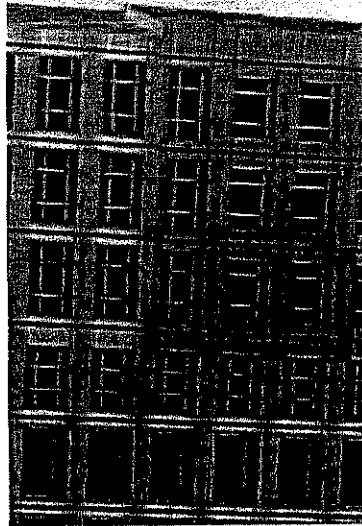
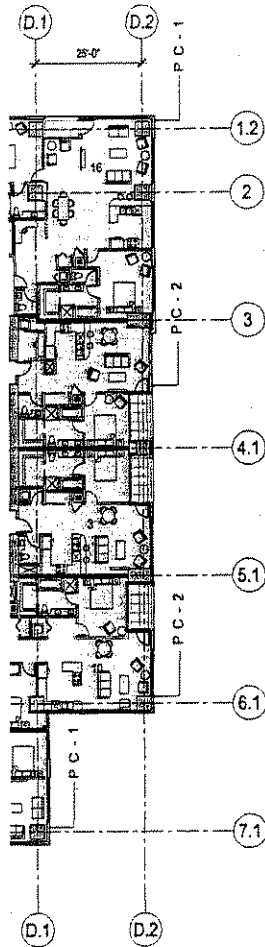
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TOWER ONE
NORTH WALL
ARTICULATIONS

THE TOWERS
BY GUSTAV GULLI

Exhibit 1GG

Tower Details, Planar and Materials



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TOWER ONE
NORTH WALL
ARTICULATIONS

THE TOWERS
BY THE TOWERS GROUP