

**PARTIAL DECERTIFICATION
OF THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
CAPITOL ANNEX PROJECT**

SCH# 2019049066

The Capitol Annex Project (project) involves three primary components: (1) demolition and reconstruction of the existing Annex, (2) construction of a new underground parking garage under the 12th Street walkway to the east of the Annex, and (3) construction of a new underground visitor/welcome center on the west side of the Historic Capitol. The project includes the demolition of the existing 325,000-square-foot Capitol Annex building and construction of a new approximately 525,000-square-foot building. The project would address numerous deficiencies in the existing building, including life safety/building code deficiencies, noncompliance with Americans with Disabilities Act standards, overcrowding, aging, and failing infrastructure, and insufficient public and working space. Existing basement parking under the Annex would be abandoned and replaced with new underground parking on the east side of the new Annex under the 12th Street walkway, accommodating approximately 150 vehicles. The project would also include a new underground visitors/welcome center located between 10th Street and the west steps of the Historic Capitol.

In addition to the Draft Environmental Impact Report (EIR) and the Recirculated Draft EIR, the Final EIR for the project included revisions to the Recirculated Draft EIR, a list of persons and agencies commenting on the Draft EIR and Recirculated Draft EIR, comments received on the Draft EIR and Recirculated Draft EIR, and responses to those comments (State Clearinghouse Number 2019049066).

The Department of General Services (Department) is the lead agency for the project. DGS prepared the Final EIR in collaboration with the Joint Committee on Rules (JRC) of the California State Senate and Assembly, which is the entity responsible for implementing the project. The Final EIR was presented to the decision-making body of the Department, and they reviewed and considered the information contained in the Final EIR for the project. In accordance with Section 15090 of the California Environmental Quality Act (CEQA) the Final EIR was certified and the project approved on July 30, 2021.

Following the certification of the EIR, Save Our Capitol! and Save the Capitol, Save the Trees filed petitions for writ of mandate with the Superior Court of California, County of Sacramento. The trial court denied the petitions and the Plaintiffs appealed the decision. On January 18, 2023, the Third District Court of Appeal issued an Opinion that reversed in part and affirmed in part the trial court's judgment. (*Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655.) The Opinion directed the trial court to issue a peremptory writ of mandate directing the Department of General Services to vacate partially its certification of the EIR and to revise and recirculate the

deficient portions of the EIR consistent with the Court of Appeal's Opinion. Then on June 21, 2023, the trial court entered judgment and issued a Peremptory Writ of Mandate to vacate partially certification of the Environmental Impact Report and all associated approvals for the Capitol Annex Project consistent with the Opinion of the Court of Appeal, Third Appellate District dated December 6, 2022, as modified on rehearing on January 18, 2023 in Case Nos 34-2021-80003717-CU-WM-GDS and 34-2021-80003716-CU-WM-GDS.

To comply with this judgment, the Department hereby decertifies, and vacates associated approvals, for the parts of the Capitol Annex Project EIR that the Court identified as requiring remedy, as described below:

1. Insofar as the court found that the public was foreclosed from commenting meaningfully on the new Annex's glass exterior's potential impacts on the Historic Capitol, and
2. Insofar as the court found that the analysis of the potential effects of the glass exterior on the Capitol Complex (i.e., the combined Historic Capitol, Capitol Park, Annex, and Insectary) required an opportunity for meaningful public comment, and
3. Insofar as the court found that the aesthetic impact analysis of the visitor/welcome center's impact on the Capitol Mall scenic vista was incomplete without a visual simulation, and that the evaluation of the Annex's generation of light due to the glass exterior required additional substantial evidence supporting the impact conclusion to satisfy the demands of CEQA, and
4. Insofar as the court found that the Capitol Annex project EIR's alternative section lacked an alternative to reduce potential environmental impacts on the "West Lawn" (a portion of Capitol Park that contributes to the historic landscape that is a component of the National Register of Historic Places listed Capitol Complex) from the visitor/welcome center,

Now, therefore, DGS decertifies and vacates associated approvals for the following:

1. The portion of the project description as it relates to the new Annex's exterior façade, and
2. The discussion of the effects of the exterior appearance of the new Annex on the Capitol Complex, and
3. The discussion of impacts of the generation of light from the proposed glass exterior of the new Annex on the surrounding area, and
4. The discussion of aesthetic impacts of the visitor/welcome center on the historic Capitol's west side as viewed from Capitol Mall, and

5. The finding that the EIR considered a reasonable range of alternatives with respect to the Visitor Center.

All other parts of the EIR, which are not specified in this decertification, remain certified and in full effect. This decertification has been carefully drafted to ensure minimal disruption to the overall project while addressing the specific deficiencies identified by the court.

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