# **ARENA BROWNSTONE LIVING PROJECT (P22-026)**

# INITIAL STUDY / MITIGATED NEGATIVE DECLARATION ERRATA AND COMMENTS & RESPONSES



October 2022

# Arena Brownstone Living Initial Study/Mitigated Negative Declaration Errata

This errata sheet presents, in strike through and <u>double-underline format</u>, the revisions to the proposed Project IS/MND. The revisions reflected in this errata sheet do not affect the adequacy of the previous environmental analysis contained in the proposed Project IS/MND. Because the changes presented below would not result in any new significant impacts or increase in impact significance from what was identified in the proposed Project IS/MND, recirculation of the IS/MND is not required.

#### Staff-Initiated Revisions to the Initial Study/Mitigated Negative Declaration

The following staff-initiated changes are made to clarify the IS/MND.

1. Page 41 of the IS/MND has been revised as follows:

Mitigation Measure AQ-2: Implement Best Available Control Technology for Construction Equipment. All diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the air district as necessary. The Certification Statement must include a statement of compliance with the In-Use Off-Road Diesel Fueled Fleets Regulation. The Certification Statement must also state that the Contractor agrees to compliance with the requirements in this mitigation measure and acknowledges that a violation of these this requirements shall constitute a material breach of contract. The equipment inventory and Certification Statement shall be submitted to City staff and SMAQMD, as directed by the City.

The Lead Agency may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the Lead Agency grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available, as detailed in **Table 3.3-6** below, but heavy-duty off-road vehicles to be used in project construction shall not generate diesel particulate matter emissions in excess of 1.3E-02 tons per year.

For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the region occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the Project and (ii) geographic proximity to the Project site of Tier 4 Final equipment.

The Contractor shall maintain records concerning its efforts to comply with this requirement, and shall submit an initial report to SMAQMD prior to grading or improvement plan approval, as well as a final report at completion. The initial report shall be submitted at least four (4) business days prior to start of construction activity using the SMAQMD's Construction Mitigation Tool (available at

http://www.airquality.org/businesses/ceqa-land-use-planning/mitigation), which generates calculations of daily particulate matter emissions (in pounds per day).

Information entered into the SMAQMD Construction Mitigation Tool shall include project information and construction company information and include the equipment type, horsepower rating, engine model year, projected hours of use, and the CARB equipment identification number for each piece of equipment to be used. All owned, leased, and subcontracted equipment to be used shall be included. 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.

The final report shall be submitted at the end of construction, construction phase, or calendar year, as pre-arranged with SMAQMD staff and documented in the approval letter, to demonstrate continued Project compliance.

Table 3.3-6 describes the Off-Road Compliance Step Down approach. If engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the Contractor shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not commercially available, then the Project sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not commercially available, then the Project sponsor shall meet Compliance Alternative 3 as demonstrated below.

TABLE 3.3-6
OFF ROAD EQUIPMENT COMPLIANCE STEP DOWN APPROACH

Compliance Alternative	Engine Emissions Standard	Emissions Control	
1	Tier 4 Interim	N/A	
2	Tier 3	CARB Level 3 VDECS	
3	Tier 2	CARB Level 3 VDCES	

This measure shall be included as a note on grading or improvement plans.

The above changes are for clarification purposes only and do not alter the analysis or conclusions of the IS/MND

Attachment: Comments and Responses to Comments Memo



2600 Capitol Avenue Suite 200 Sacramento, CA 95816 916.564.4500 phone 916.564.4501 fax

# memorandum

date October 14, 2022

to Scott Johnson, Environmental Planner, City of Sacramento

from Jon Teofilo

subject Arena Brownstone Living Project Initial Study/Mitigated Negative Declaration Response to Comments

# **Response to Comments**

Following the close of the proposed Arena Brownstone Living project (proposed Project) Initial Study/Mitigated Negative Declaration (IS/MND) public comment period (September 21, 2022 through October 11, 2022), four (4) comment letters were submitted to the City of Sacramento. Written comments were received as follows:

Letter			Author(s) of Comment	
#	Entity	Type of Entity	Letter/e-mail	Date Received
1	Sacramento Metropolitan Air Quality Management District	Agency	Molly Wright, AICP Air Quality Planner / Analyst	October 7, 2022
2	California Department of Transportation (Caltrans)	Agency	Angelina Healy	October 11, 2022
3	Sacramento Area Sewer District (SASD)	Agency	Jose Campos	October 13, 2022
4	Wangari Kungu	Individual	Wangari Kungu	September 21, 2022

**Letter 1** recommends modifying Mitigation Measure AQ-2 to require an equipment inventory and Certification Statement be provided for documenting compliance and for review by City staff and SMAQMD prior to the start of construction, monthly during construction, and at the completion of construction and clarifying which Tier applies for Compliance Alternative 3 in Table 3.3-6. Comments in this letter resulted in minor revisions to the IS/MND, as documented below.

Letter 2 acknowledges the Project's CEQA review process and provides no further comments.

**Letter 3** provides Sacramento Area Sewer District's (SASD's) conditions for connection of the proposed project to SASD service infrastructure. Comments do not identify issues with the IS/MND. The comments are acknowledged, and no further response is required.

**Letter 4** provides support for the proposed Project. The comments are acknowledged, and no further response is required.

### **Errata**

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For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the region occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the Project and (ii) geographic proximity to the Project site of Tier 4 Final equipment.

The Contractor shall maintain records concerning its efforts to comply with this requirement, and shall submit an initial report to SMAQMD prior to grading or improvement plan approval, as well as a final report at completion. The initial report shall be submitted at least four (4) business days prior to start of construction activity using the SMAQMD's Construction Mitigation Tool



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The final report shall be submitted at the end of construction, construction phase, or calendar year, as pre-arranged with SMAQMD staff and documented in the approval letter, to demonstrate continued Project compliance.

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This measure shall be included as a note on grading or improvement plans.

The above changes are for clarification purposes only and do not alter the analysis or conclusions of the IS/MND.



Sacramento Metropolitan Air Quality Management District

From: <u>LU Project Review Account</u>

To: Scott Johnson

Cc: Karen Huss; Paul Philley

Subject: RE: Notice of Availability/Intent to Adopt an MND for Arena Brownstone Living (P22-026)

**Date:** Friday, October 7, 2022 1:24:41 PM

Attachments: <u>image001.png</u>

image002.png

SCH2022090380 Arena Brownstone SMAQMD.pdf

#### Dear Scott Johnson:

Thank you for providing Sac Metro Air District with the opportunity to review the <u>Arena Brownstone Living Mitigated Negative Declaration</u>. This project proposes 282 residential condominium units in the North Natomas Community Plan Area on an 11.96 gross-acre site at the intersection of Arena Boulevard and East Commerce Way. Sac Metro Air District offers the comments attached on air quality and climate considerations for project implementation and CEQA review, consistent with methods recommended in our <u>Guide to Air Quality Assessment in Sacramento County</u> (CEQA Guide), available on our website.

### **Molly Wright**

Air Quality Planner/Analyst Desk: (279) 207-1157 mwright@airquality.org www.AirQuality.org



SACRAMENTO METROPOLITAN



From: Scott Johnson <SRJohnson@cityofsacramento.org>

Sent: Wednesday, September 21, 2022 2:23 PM

**To:** Scott Johnson <SRJohnson@cityofsacramento.org>

**Cc:** Jose Quintanilla <JQuintanilla@cityofsacramento.org>; Garrett Norman <GNorman@cityofsacramento.org>; Ron Bess <RBess@cityofsacramento.org>

Subject: Notice of Availability/Intent to Adopt an MND for Arena Brownstone Living (P22-026)

# \*\*\* THIS EMAIL ORIGINATED OUTSIDE AIRQUALITY.ORG \*\*\*

This email is to inform you that the City of Sacramento, Community Development Department, as Lead Agency, has issued a **Notice of Availability/Intent to Adopt the Mitigated Negative Declaration for the Arena Brownstone Living Project (P22-026)** (attached) for a 20-day public review and comment period.

### The Comment Period is from September 21, 2022, to October 11, 2022.

The document is now available for public review and comment. The NOA/I is available, along with the Mitigated Negative Declaration at the City's Community Development Department EIR webpage at:

http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports

Comments are invited from all interested parties. Written comments on the Mitigated Negative Declaration should be submitted to the following address **NO LATER THAN 5:00 pm on Tuesday, October 11, 2022.** Please submit comments via email or mail to:

Ron Bess, Associate Planner
City of Sacramento
Community Development Department
Environmental Planning Services
300 Richards Blvd. 3<sup>rd</sup> Floor
Sacramento, CA 95811
(916) 808-8272
RBess@citvofsacramento.org

Thank you.

Scott Johnson
City of Sacramento
Community Development Department
Environmental Planning Services
300 Richards Blvd., 3<sup>rd</sup> Floor
Sacramento, CA 95811
(916) 808-5842
<a href="mailto:srightsubarder-state-s

SACRAMENTO METROPOLITAN



October 7, 2022

Scott Johnson, Senior Planner City of Sacramento Community Development Department 300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811

Subject: Arena Brownstone Living (SCH# 2022090380)

Dear Scott Johnson:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the <u>Arena Brownstone Living Mitigated Negative Declaration</u> (MND) under the California Environmental Quality Act (CEQA). This project proposes 282 residential condominium units in the North Natomas Community Plan Area on an 11.96 gross-acre site at the intersection of Arena Boulevard and East Commerce Way. Sac Metro Air District offers the comments below on air quality and climate considerations for project implementation and CEQA review, consistent with methods recommended in our <u>Guide to Air Quality Assessment in Sacramento County</u> (CEQA Guide), available on our website.

MND Mitigation Measure AQ-2 stipulates that "All diesel off-road [construction] equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by [the California Air Resources Board]," and provides for a "step down" approach whereby construction equipment with less efficient Tier 4 Interim, or even lower tier engines, may be used if the contractor demonstrates Tier 4 Final engines are not available. Because less efficient engines were not incorporated into air quality modeling for project construction, it is not certain that the use of these engines would result in less than significant health risk.

• Sac Metro Air District recommends supplementing Mitigation Measure AQ-2 by stipulating a limit on Particulate Matter emissions from project construction, consistent with the emissions in the modeling that resulted in a less than significant risk. For example, if project modeling shows maximum 7.34E-03 tons per year emissions of diesel particulate matter, Mitigation Measure AQ-2 might include a stipulation that heavy-duty off-road vehicles to be used in the project construction shall not generate diesel particulate matter emissions in excess of 7.34E-03 tons per year. The City included mitigation measures with an emissions limit to reduce diesel particulate matter exposure for both the Norwood Townhomes MND (Z21-086) and the Robla Estates MND (P21-009).

Mitigation Measure AQ-2 reporting requirements include a "Certification Statement to be made by the Contractor for documentation of compliance and for future review by the air district as necessary."

- Sac Metro Air District recommends supplementing this measure by stipulating that reporting
  occur prior to grading or improvement plan approval, and monthly thereafter, using a pounds
  per day measurement (since a tons per year measurement is not perfectly applicable to monthly
  reporting), with submission to City staff and / or Sac Metro Air District. We also recommend a
  requirement that the mitigation be noted on grading or improvement plans.
- Sac Metro Air District recommends clarifying the term "Certification Statement." We
  recommend that the Certification Statement include the statement of compliance that
  contractors are required to provide the California Air Resources Board, affirming that fleets
  comply with the In-Use Off-Road Diesel-Fueled Fleets Regulation.

Finally, as a reminder, all projects are subject to Sac Metro Air District rules and regulations in effect at the time of construction. Please visit our website to <u>find a list of the most common rules that apply at the construction phase of projects</u>.

Thank you for your attention to our comments. If you have questions about them, please contact me at <a href="mwright@airquality.org">mwright@airquality.org</a> or 279-207-1157.

Sincerely,

Molly Wright, AICP

Air Quality Planner / Analyst

Molly Wright

c: Paul Philley, AICP, CEQA and Land Use Program Supervisor

California Department of Transportation

 From:
 Healy, Angelina R@DOT

 To:
 Scott Johnson

 Cc:
 Arnold, Gary S@DOT

**Subject:** Caltrans District 3 LDR Response: Arena Brownstone Living

**Date:** Tuesday, October 11, 2022 7:30:18 AM

Hello,

Thank you for including the California Department of Transportation (Caltrans) in the review process of the Arena Brownstone Living Project. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this project as we would appreciate the opportunity to review and comment on any changes related to this project. Should you have questions regarding these comments or require additional information, please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 790-8138 or via email at D3.local.development@dot.ca.gov.

Thank you!

### **Angelina Healy**

Local Development Review, Equity & System Planning Equity Lead & Native American Liaison

\_\_\_\_\_

Work Cell: (530) 790-8138

Email: angelina.healy@dot.ca.gov

Schedule: 6am - 3:30pm, M-F (Friday as rotating day off)

DPLAS | Caltrans – District 3 703 B Street | Marysville, CA 95901



**From:** Scott Johnson <SRJohnson@cityofsacramento.org>

Sent: Wednesday, September 21, 2022 2:23 PM

**To:** Scott Johnson <SRJohnson@cityofsacramento.org>

**Cc:** Jose Quintanilla <JQuintanilla@cityofsacramento.org>; Garrett Norman <GNorman@cityofsacramento.org>; Ron Bess <RBess@cityofsacramento.org>

Subject: Notice of Availability/Intent to Adopt an MND for Arena Brownstone Living (P22-026)

### **EXTERNAL EMAIL.** Links/attachments may not be safe.

This email is to inform you that the City of Sacramento, Community Development Department, as Lead Agency, has issued a **Notice of Availability/Intent to Adopt the Mitigated Negative Declaration for the Arena Brownstone Living Project (P22-026)** (attached) for a 20-day public review and comment period.

### The Comment Period is from September 21, 2022, to October 11, 2022.

The document is now available for public review and comment. The NOA/I is available, along with the Mitigated Negative Declaration at the City's Community Development Department EIR webpage at:

http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports

Comments are invited from all interested parties. Written comments on the Mitigated Negative Declaration should be submitted to the following address **NO LATER THAN 5:00 pm on Tuesday, October 11, 2022.** Please submit comments via email or mail to:

Ron Bess, Associate Planner
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Community Development Department
Environmental Planning Services
300 Richards Blvd. 3<sup>rd</sup> Floor
Sacramento, CA 95811
(916) 808-8272
RBess@cityofsacramento.org

Thank you.

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City of Sacramento
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300 Richards Blvd., 3<sup>rd</sup> Floor
Sacramento, CA 95811
(916) 808-5842
<a href="mailto:srightsubset:100%">srightsubset:100%</a>
Srightsubset:100%</a>
Srightsubset:100%
Sacramento.org

Sacramento Area Sewer District



10060 Goethe Road Sacramento, CA 95827-3553 Tel 916.876.6000 Fax 916.876.6160 www.sacsewer.com

October 13, 2022

Ron Bess City of Sacramento Community Development Department 300 Richards Boulevard, 3<sup>rd</sup> Floor Sacramento, CA 95811

Subject: Notice of Availability / Intent to Adopt an MND for Arena Brownstone Living

APN: 225-2950-001; -003; -004; -005; -006; -007

File No.: **P22-026** 

Dear Mr. Bess,

The Sacramento Area Sewer District (SacSewer) has reviewed the subject documents.

The applicant is requesting to include construction of the Arena Brownstone Living project (Project), which consist of residential condominium units in the North Natomas Community Plan Area in the City of Sacramento on an 11.96-gross-acre site. Overall, the community is planned with 282 marketrate condominiums ranging from 625 square feet (sf) to 1,100 sf, with most units containing either a private patio or balcony. The project also includes a club house, pool, spa, fitness center, barbecue areas, linear park, community green, and dog park in a condominium community setting.

### **SASD Conditions:**

- Prior to the APPROVAL OF IMPROVEMENT PLANS: To obtain sewer service, construction of SASD sewer infrastructure will be required. Current SASD Standards and Specifications apply to any offsite or onsite public sewer construction or modification. These improvements must be shown on the plans. Field modifications to new or existing precast manhole bases are not allowed.
- Prior to the APPROVAL OF IMPROVEMENT PLANS: The proposed density is greater than what was planned in SASD's Master Plan. SASD will be modeling the proposed density in the hydraulic model to determine if the downstream system is capacity constrained. If the results require upsizing the sewer system, this must be shown on the plans.

NOTICE OF AVAILABILITY / INTENT TO ADOPT AN MND FOR ARENA BROWNSTONE LIVING

Page 2

Prior to the APPROVAL OF IMPROVEMENT PLANS: To obtain sewer service, construction of SASD sewer infrastructure will be required. Current SASD Standards and Specifications apply to any offsite or onsite public sewer construction or modification. These improvements must be shown on the plans. Field modifications to new or existing precast manhole bases are not allowed. Connection to the main line on Arena Blvd will require installation of a new manhole.

- Prior to the APPROVAL OF IMPROVEMENT PLANS: Lower Laterals must not directly connect to main lines more than 19 feet deep / directly to trunk lines (lines with flow greater than 1 MGD). Connection to the main line on Arena Blvd will not be allowed except at the manholes.
- Prior to the APPROVAL OF IMPROVEMENT PLANS: Installation of a public cleanout is required at the right-of-way. These improvements must be shown on the plans
- Prior to the APPROVAL OF IMPROVEMENT PLANS: SASD Design Standards and Specifications require minimum 6-inch lower laterals for commercial and industrial buildings.
- Prior to the APPROVAL OF IMPROVEMENT PLANS: All onsite sewer plans and offsite sewer plans must be submitted separately to SASD for review and approval.
- Prior to the ISSUANCE OF A BUILDING PERMIT: The owner must contact Permit Services Unit at PermitServices@sacsewer.com or by phone at (916) 876-6100 to determine if sewer impact fees are due. Fees are to be paid prior to the issuance of building permits.
- Prior to DISTRICT SIGN-OFF ON THE TENTATIVE PARCEL MAP: the existing and/or proposed sewer lines must be shown on a utility plan or the improvement plans.

# **SASD Advisories:**

ONGOING: If the proposed garbage enclosure will contain a drain to the sewer, it must be covered.

If you have any questions regarding these comments, please call me at (916) 876-6039 or Yadira Lewis at (916) 876-6336.

Sincerely,

Jose Campos Jose Campos

SacSewer Development Services

Wangari Kungu

From: <u>Kaka Raha</u>
To: <u>Scott Johnson</u>

Cc: <u>Jose Quintanilla</u>; <u>Garrett Norman</u>; <u>Ron Bess</u>

Subject: Re: Notice of Availability/Intent to Adopt an MND for Arena Brownstone Living (P22-026)

Date: Wednesday, September 21, 2022 9:16:42 PM

Attachments: 01 Notice of Availability Intent Arena Brownstones (P22-026).pdf

Thank you and we support the Arena Brownstone Living project (Project) residential condominium units in the North Natomas Community Plan Area in the City of Sacramento on an 11.96-acre site. Overall, the community is planned with 282 market-rate condominiums ranging from 625 square feet (sf) to 1,100 sf, with most units containing either a private patio or balcony. The Project also includes a club house, pool, spa, fitness center, barbecue areas, linear park, community green, and dog park in a condominium community setting. This is a great addition to our community.

Wangari Kungu 16 Meramec Bluff Place Sacramento CA 95835

Sent from my iPhone

On Sep 21, 2022, at 2:23 PM, Scott Johnson <a href="mailto:SRJohnson@cityofsacramento.org">SRJohnson@cityofsacramento.org</a> wrote:

This email is to inform you that the City of Sacramento, Community Development Department, as Lead Agency, has issued a **Notice of Availability/Intent to Adopt the Mitigated Negative Declaration for the Arena Brownstone Living Project (P22-026)** (attached) for a 20-day public review and comment period.

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300 Richards Blvd. 3<sup>rd</sup> Floor Sacramento, CA 95811 (916) 808-8272 RBess@cityofsacramento.org

Thank you.

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<a href="mailto:srightsuperscript">srighnson@cityofsacramento.org</a>