

# **Appendix E**

## **Response to Comments**

# RESPONSE TO COMMENTS

This Response to Comments document contains comments received during the public review period of the Fruitridge Shopping Center project (P18-007) Draft Initial Study/Mitigated Negative Declaration (IS/MND).

## BACKGROUND

The City of Sacramento Community Development Department, as lead agency, released the Draft IS/MND for public review beginning on January 23, 2019 and ending on February 12, 2019 pursuant to CEQA Guidelines Section 15105. The Draft IS/MND and supporting documents were made available at the public counter of the City of Sacramento Community Development Department located at 300 Richards Boulevard, Third Floor, Sacramento, California 95811. According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during consultation and review periods together with the negative declaration. However, unlike with an Environmental Impact Report, comments received on a negative declaration are not required to be attached to the negative declaration, nor must the lead agency make specific written responses to public agencies. Nonetheless, the lead agency has chosen to provide responses to the comments received during the public review process for the IS/MND.

## LIST OF COMMENTERS

The City of Sacramento received seven comment letters during the open comment period on the IS/MND for the proposed project. The comment letters were authored by the following:

Letter 1 .....Uzma Rehman, Caltrans  
Letter 2 .....Robb Armstrong, Regional San Development Services & Plan Check  
Letter 3 .....Nicole Goi, Sacramento Municipal Utility District  
Letter 4 .....Gurmit Singh, Citizen  
Letter 5 .....Vanessa Dagavarian, Citizen  
Letter 6 .....Port J. Parker, Parker Law Group

## RESPONSE TO COMMENTS

The Response to Comments below include responses to the comment letters submitted regarding the proposed project. The letters are numbered and bracketed with assigned comment numbers. The bracketed comment letters are followed by numbered responses corresponding to each bracketed comment. Where revisions to the Draft IS/MND text were made, new text is double underlined and deleted text is ~~struck through~~.

# Letter 1

**From:** [Rehman, Uzma@DOT](mailto:Rehman.Uzma@DOT)  
**To:** [Scott Johnson](mailto:Scott.Johnson)  
**Cc:** [Fong, Alexander Y@DOT](mailto:Fong.Alexander.Y@DOT)  
**Subject:** Fruitridge Shopping Center  
**Date:** Thursday, February 7, 2019 10:43:24 AM

---

Good Morning Scott,  
Thank you for submitting Fruitridge Shopping Center project for review. At this time Caltrans does not have any comments.

Please let us know if anything changes.

Thanks,

Uzma Rehman  
Transportation Planner  
Caltrans, District 3  
Planning, Local Assistance, and Sustainability  
703 B Street | Marysville CA 95901  
(530) 741-5173  
[Uzma.Rehman@dot.ca.gov](mailto:Uzma.Rehman@dot.ca.gov)



1-1

**Response to Comment 1-1**

Comment noted. Caltrans will be notified if anything changes that would affect Caltrans.



October 17, 2018

Letter 2

Mr. Scott Johnson  
City of Sacramento – Community Development Department  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento CA 95811

**Subject: Notice of Availability/Intent to Approve the Draft Mitigated Negative Declaration for the Fruitridge Shopping Center Project (P18-007)**

**Main Office**

10060 Goethe Road  
Sacramento, CA 95827-3553  
Tel: 916.876.6000  
Fax: 916.876.6160

**Treatment Plant**

8521 Laguna Station Road  
Elk Grove, CA 95758-9550  
Tel: 916.875.9000  
Fax: 916.875.9068

**Board of Directors**

Representing:

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

Prabhakar Somavarapu

*District Engineer*

Ruben Robles

*Director of Operations*

Christoph Dobson

*Director of Policy & Planning*

David O'Toole

*Director of Internal Services*

Joseph Maestretti

*Chief Financial Officer*

Nicole Coleman

*Public Affairs Manager*

[www.regionalsan.com](http://www.regionalsan.com)

Dear Mr. Johnson,

Sacramento Regional County Sanitation District (Regional San) has the following comments pertaining to the Negative Declaration for the Fruitridge Shopping Center project.

The proposed project consists of a Tentative Subdivision Map, Conditional Use Permits and other entitlements for the redevelopment of an existing shopping center on an 8.7-acre site. The proposed project site is located at 5607-5781 Stockton Boulevard within the General Commercial Zone of the City of Sacramento.

Local sanitary sewer service for the proposed project site will be provided by the Sacramento Area Sewer District's (SASD) local sewer collection system. Ultimate conveyance of wastewater from the SASD collection system to the Sacramento Regional Wastewater Treatment Plant (SRWTP) for treatment and disposal will be provided by the Regional San Interceptor system.

2-1

Customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances. Fees for connecting to the sewer system are set up to recover the capital investment of sewer treatment facilities that provides service to new customers. The SASD ordinance is located on the SASD website at <https://www.sacsewer.com/sewer-ordinance>, and the Regional San ordinance is located on the Regional San website at: <https://www.regionalsan.com/ordinance>.

Regional San and SASD are not land-use authorities. Projects identified within Regional San and SASD planning documents are based on growth projections provided by land-use authorities. Sewer studies may need to be completed to assess the impacts of any proposed project that has the potential to increase flow demands.

The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks.

Mr. Scott Johnson

January 24, 2019

Page 2

These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two mile “outfall” pipeline to the Sacramento River, near the town of Freeport, California. Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

2-1  
cont.

A NPDES Discharge Permit was issued to Regional San by the Central Valley Regional Water Quality Control Board (Water Board) in December 2010. In adopting the new Discharge Permit, the Water Board required Regional San to meet significantly more restrictive treatment levels over its current levels for ammonia, nitrate, and pathogens. The new treatment facilities for achieving the permit requirements must be completed by May 2021 for ammonia and nitrate and May 2023 for the pathogen requirements. In April 2016 the Water Board adopted a new NPDES Discharge Permit that continued the more restrictive treatment levels and deadlines for new treatment facilities for ammonia, nitrate, and pathogens.

Regional San currently owns and operates a 5-mgd Water Reclamation that has been producing and providing Title 22 tertiary recycled water since 2003 to select areas within the SRWTP property and the City of Elk Grove. The recycled water used in the City of Elk Grove is wholesaled by Regional San to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to recycled water customers in the City of Elk Grove. Although Regional San has evaluated at a high level the feasibility of using recycled water in the Mather area, Regional San currently does not have any planned facilities that could provide recycled water to the proposed project or its vicinity. Additionally, Regional San is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

If you have any questions regarding this letter, please feel free to contact me at (916) 876-6104 or by email: [armstrongro@sacsewer.com](mailto:armstrongro@sacsewer.com).

Sincerely,

*Robb Armstrong*

Robb Armstrong

Regional San Development Services & Plan Check

**Response to Comment 2-1**

The comment describes the proposed project and provides background regulatory information related to local sewer service. Comment Noted.



Letter 3

*Sent Via E-Mail*

February 12, 2019

Scott Johnson  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 95811  
srjohnson@cityofsacramento.org

Subject: Fruitridge Shopping Center / Draft MND / P18-007

Dear Scott Johnson

3-1

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft Mitigated Negative Declaration (MND) for the Fruitridge Shopping Center Project (Project, P18-007). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

3-2

It is our desire that the Project MND will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
  - <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
  - <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery



More specifically, SMUD would like to have the following details related to the electrical infrastructure incorporated into the project description:

3-3

- 1) SMUD has a high-pressure natural gas transmission pipeline along Fruitridge Road, all conditions listed in the letter SMUD sent to the City of Sacramento, dated July 16, 2018, still apply.
- 2) There are existing overhead lines on the east side and within the project site that shall remain.
- 3) There are existing underground facilities within the project site that shall remain.

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

3-4

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this MND. If you have any questions regarding this letter, please contact SMUD's Environmental Management Specialist, Rob Ferrera, at [rob.ferrera@smud.org](mailto:rob.ferrera@smud.org) or 916.732.6676.

Sincerely,



Nicole Goi  
Regional & Local Government Affairs  
Sacramento Municipal Utility District  
6301 S Street, Mail Stop A313  
Sacramento, CA 95817  
[nicole.goi@smud.org](mailto:nicole.goi@smud.org)

Cc: Rob Ferrera

**Response to Comment 3-1**

Comment noted.

**Response to Comment 3-2**

The topics listed by the commenter such as overhead and underground transmission lines (Utilities section of Project Description on page 12 of the Draft IS/MND), energy efficiency (Energy section on page 15 of the Draft IS/MND), climate change (Question I of the Air Quality section beginning on page 29 of the Draft IS/MND) and cumulative impacts related to electricity (Utilities and Service Systems section on page 62 of the Draft IS/MND) were analyzed in the Draft IS/MND. See Response to Comment 3-3 below.

**Response to Comment 3-3**

As requested by the commenter, the following is added to the Project Description on Page 12:

**Utilities**

The project site currently has overhead electrical facilities serving the existing uses at the Fruitridge Shopping Center, which are along the eastern project site boundary adjacent to the single family residential homes to the east. SMUD has a high-pressure natural gas transmission pipeline along Fruitridge Road, all conditions listed in the letter SMUD sent to the City of Sacramento, dated July 16, 2018, still apply. There are existing overhead lines on the east side and within the project site that shall remain. There are existing underground facilities within the project site that shall remain. Underground water lines, sewer lines, storm drain lines and gas lines also serve the existing uses at the project site. City records indicate that there are City fiber optics running through the northern portion of the shopping center.

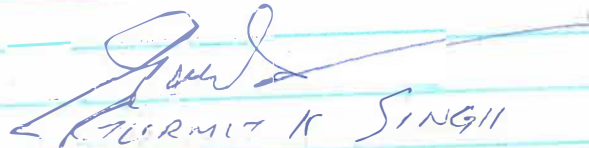
**Response to Comment 3-4**

Comment noted.

To  
CITY OF SACRAMENTO  
COMMUNITY DEVELOPMENT DEPT  
300 RICHARD BLVD  
SACRAMENTO CA 95811

4-1

SUB: NOTICE AVAILABILITY INT TO APPROVE DRAFT  
MITIGATED NEG DECLARATION  
RE: YOUR LETTER RE: PROJECT  
FRUIT RIDGE SHOPPING CENTER #18-007  
PLEASE SEND ME A COPY FOR THE  
PROPOSED PROJECT SITE LOCATED 5607-5781  
STOCKTON BLVD SACRAMENTO FOR  
MY REVIEW APN 027-0011 021 0000  
GENL COMM (C2-SPD)  
LETTER CLARIFIES DUE DATE 10 DAYS  
NOT LATER THAN FEB 12, 2019  
YOUR NECESSARY CO-OPERATION  
APPRECIATED  
THANK

  
PERMIT K SINGH  
4525 CORNFIELD WAY  
ELK GROVE CA  
95758

**Response to Comment 4-1**

The commenter requested a copy of the Draft IS/MND. The City of Sacramento mailed a copy of the Draft IS/MND to the address provided by the commenter.

**From:** [vanessadagavarian](#)  
**To:** [Scott Johnson](#)  
**Subject:** Fruitridge  
**Date:** Tuesday, February 12, 2019 8:40:28 AM

---

Letter 5

Hi

I live at Fruitridge and Stockton and am really disappointed about this redevelopment. There is already too much traffic and pollution. Plus a rite aid across the street and a small independent business, the coffee shop, and beautiful trees. That is such an ugly area, I am so upset you will be taking down the trees. We need the trees and they are along the outside, so why would they need to be taken down?

5-1

And to tear down a unique independent small business for another stupid starbucks is disgusting. There are empty buildings all along Stockton so why build more before dealing with that blight.

It sucks and all the people who draw up these plans don't live near this type of traffic, pollution, and noise.

No one in my house will ever use these businesses.

Vanessa Dagavarian

Brett Mallard

5520 Fruitridge

Sent from my Virgin Mobile Phone.

**Response to Comment 5-1**

The comment does not address the adequacy of the Draft IS/MND. The proposed project would relocate the existing Java Express to the southeastern portion of the project site. The proposed project would add significant landscape improvements to the project site, such as much wider street front landscapers than the ones that currently exist and an increased number of trees. As noted in the Project Description on page 12 of the Draft IS/MND, "The significant landscape improvements with the proposed project would require the removal of approximately 65 pear trees, which would be replaced with approximately 108 low/medium water use trees. The existing pear trees on the project site range from two to 17 feet tall and have limited canopy size and do not provide the environmental contribution that the replacements trees could provide in a short period of time (Sierra Nevada Arborists, 2018)." Traffic, pollution and noise impacts from the proposed project were analyzed in the Air Quality, Noise and Transportation and Circulation and were found to be less than significant.

---

# PARKER LAW GROUP

---

Letter 6

Parker Law Group Attorneys, A Professional Corporation  
555 Capitol Mall, Suite 1230  
Sacramento, CA 95814  
(916) 996-0400  
[parlawgroup.com](http://parlawgroup.com)

February 12, 2019

Port J. Parker  
[port@parlawgroup.com](mailto:port@parlawgroup.com)

**Via Hand-Delivery, Electronic & U.S. Mail**

[sjohnson@cityofsacramento.org](mailto:sjohnson@cityofsacramento.org)

Scott Johnson, Associate Planner  
Community Development Department  
City of Sacramento  
300 Richards Blvd, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

**Re: Comments to Request for Review for the Mitigated Negative Declaration, Fruitridge Shopping Center (P18-007)**

Dear Mr. Johnson,

6-1

My office represents Tabitha Keefauver who is the owner of Java Express, a coffee shop, located at the Fruitridge Shopping Center. On behalf of Ms. Keefauver, I am submitting herewith my client's comments to the City of Sacramento's Mitigated Negative Declaration ("MND"). My client is requesting a public hearing be set with respect to these comments and questions, and that the applicant be required to appear and participate at the hearing to address questions, objections, and concerns based upon the foregoing.

6-2

Initial General Objection/Comments. First, my client reasonably objects and is concerned based upon notable inconsistencies between what Sustained Investments, LLC ("Project Applicant") has purportedly represented to the City of Sacramento regarding the proposed project details, as opposed to the information that was provided to my client as recent as January 8, 2019. My client is presently concerned that what has been represented to the City regarding the proposed project differs materially from what has been disclosed to my client for her restaurant. These material differences have not been properly addressed in the MND and significantly impact and/or alter disclosures; as well as impacting the conclusions with respect to the project in my client's "restaurant." We are attaching the "sixty-day" notice, that represents and purports to provide a completely different design, which materially impacts not only location, traffic, parking, potential infraction on or near surrounding homes, businesses and/or tenants. A true and correct copy of the same is attached hereto as **Exhibit A**. As you can see by the 60-day notice, what has been set forth in the MND materially differs from what the Project Applicant claims in the 60-day notice, including my client's restaurant. For this reason, my

6-2  
cont.

client presently, respectfully objects to the MND as being misleading, incomplete, and inconsistent with what the Project Applicant has represented to my client, including the scope of construction. The Project Applicant has made inconsistent representations, that reasonably call into question the scope of the actual project, at least as it relates to my client's restaurant. Furthermore, the Project Applicant purports to build a relocated premises during the construction for my client's business that presently does not appear to conform with all laws, codes, and ordinances. Please also note for reference only, there is a pending legal action in the Sacramento Superior Court seeking a declaration of rights, obligations and duties based upon concerns expressed by my client, the lack of transparency and/or ongoing conduct with respect to the proposed project now presently before you. A true and correct copy of the same is attached hereto as **Exhibit B**.

Specific Comments.

6-3

Page 8. The statement that the new building for Java Express will consist of one drive-thru lane is incorrect. The Project Applicant has failed to provide information with respect to the actual code compliant construction of a drive through "restaurant," as depicted in the MND. On January 8, 2019, the Project Applicant provided a notice to my client of the project details for the relocation of her business, that materially differs from what has been represented to the city, and possibly other regulatory agencies, with respect to my client's restaurant in the project. For example, despite what has been submitted for approval, what has been provided to my client appears to depict a building that is set back further, closer to the alley, a double drive-thru lane—one on each side of the newly constructed building. It is unclear, based upon the information presented to the city, and now to my client, whether this project as presented will comply with all applicable laws, codes and requirements for the "restaurant" proposed, including those relative to current building standards and codes (See specific code problems for Page 62.) My client is reasonably concerned that based on the Project Applicant's plans the new structure is not code compliant and does not meet the minimum turning radius and/or provide proper vehicle accessibility, including vehicle stacking. While my client is trying to cooperate in the relocation process, the inconsistencies and/or lack of information regarding the relocation of her restaurant now reveals, at a minimum, inconsistencies based on the project, and the applicant's representation of the project as it relates to my client's relocated business.

6-4

Page 17. The study indicates that the proposed project requires a Conditional Use Permit from the City for the Starbucks restaurant with drive-thru use and also requires Site Plan and Design Review from the City. However, on the MND cover page, it describes a Conditional Use Permits for two Drive-Through restaurants. Based upon this discrepancy between the Cover Page and Page 17, there is no clarification on whether a conditional use permit will also be required from the City for Java Express, which is identified in the MND as a "Fast Food Restaurant with Drive Thru." The Project Applicant has failed to provide adequate detail in terms of what specifically the conditional use permit seeks to



6-4 cont. address, at least as it relates to the drive-through restaurant depicted for my client's business.

6-5 Pages 23-29. The study concludes that there will be less than significant impact on construction emissions, operational emissions, asbestos emissions from demolition or renovations of structures. We presently believe this conclusion is factually inaccurate, misleading, incomplete and incorrect. As noted above, on or about January 8, 2019, the Project Applicant issued a 60-Day Notice of Landlord's Exercise of Right to Relocate Premises to my client demanding that she vacate the premises and leave it in "broom clean" condition, on or before March 9, 2019. If my client is going to operate her business during the demolition/construction, which we believe would be required based on the MND, then my client, her employees, and/or customers will be significantly exposed to airborne asbestos emissions and construction-related emissions. We believe the project warrants preparation of an Environmental Impact Report for adequate and complete environmental review. Accordingly, under 14 California Code of Regulations § 15074, we presently believe there to be "substantial evidence that the project will have a significant effect on the environment" and our client, employees, and customers. To that end, the Project Applicant has failed to disclose and/or fully describe the potential impact of demolition of the building, due to its actual age – not represented age – and the dissemination of potentially toxic and/or carcinogenic particles, including asbestos, as part of the demolition process. Moreover, the Project Applicant fails to describe the impact on my client and surrounding businesses during the demolition and construction process. In short, the potential presence of asbestos or other potentially hazard materials in the existing building needs to be properly addressed, which does not presently appear to be the case in the MND. Our client is also reasonably concerned about project specific biological and vegetation effects on the surrounding bushes, grass, landscape and neighborhoods. In other words, we do not presently believe that the applicant has demonstrated that the construction of her restaurant will have less than a significant level impact on the air, environment or scenic resources associated with this project.

6-6 The applicant confirms that the three buildings to be demolished are greater than 50 years old. (Page 27) The applicant also represents that our clients building is approximately 20 years old. (*Id.*) In truth, our client's building is believed to be at least 30 years old. With respect to the possibility of airborne contaminants and/or materials present in this old construction, we do not presently believe that adequate disclosures and/or information have been disclosed, analyzed or provided to be consistent with the Master EIR, related general plan, or the CEQA guidelines as set forth therein. In other words, we do not presently believe that the applicant has properly disclosed, analyzed and/or provided all of the project specific significant environmental effects associated with this project, in particular the existence of toxic or potential materials that will be disseminated as part of the project, the proposed demolition and/or construction process.

6-7

There are other aspects of the project, based upon the relocation of our client's restaurant, that may also negatively impact the project site with respect to the view of existing scenic resources, light, glare (impact 4.13 – one), or potential hazards for nearby sensitive receptors, including those businesses adjacent to and/or neighborhoods directly behind the project. It is unclear based on the existence of pollutants and/or materials in the proposed demolition, whether the maximum daily auto emissions, construction emissions, noise and/or stacking can be met, in particular those with respect to our client's existing business, the shopping center and nearby neighborhoods, as presently proposed.

6-8

Page 62. The proposed project includes the demolition of the existing building Java Express operates in, and relocation to a newly constructed building for a "Fast Food Restaurant with Drive Thru." We believe the proposed construction is not compliant with the County of Sacramento Environmental Division, County of Sacramento Planning Division, and County of Sacramento Building Division's requirements for a new structure that would be used and occupied by a restaurant, including but not limited to having restroom access, plumbing, infrastructure, storage shelving, ADA compliance, waste line requirements, and site circulation. Specifically, these problems include:

#### **County of Sacramento Environmental Division**

- An employee single compartment restroom will be required.
- Restrooms for customers will be required unless an adjacent business within 200 feet of the Premises enters into an agreement allowing the Premises' customers access to their restrooms. Access will be required during Premises hours of operation.
- The following plumbing fixtures will be required:
  - Three Compartment Sink (size to be determined by largest piece of equipment to be washed)
  - Prep Sink (if fresh food is to be prepared on site)
  - Hand Sink (can be provided inside or outside of the employee restroom and must be adjacent to the three-compartment sink)
  - Mop Sink (general requirement of Sacramento County)
- Storage Shelving (144 square feet is required and cannot exceed 6 feet in height for top shelf).
- The following infrastructure will be required:
  - A waste line will be required to service the required floor sinks and equipment sinks.
  - A water line will be required as well as a water heater.

#### **County of Sacramento Planning Division**

- Stacking at Drive thru is proposed for a single window operation not the two-window configuration. Stacking will need to be verified once design is revised.

### County of Sacramento Building Division

- Americans with Disabilities Act (ADA) Requirements:
  - Accessible parking will need to be provided for the walk-up customers adjacent to the Premises. If the Premises has reciprocal parking access to adjacent center accessible parking, a path of travel from said parking to the Premises will need to be provided.
  - A path of travel from the Premises to the public right of way must be provided.
  - The walk-up window will need to comply with required grades, reach and height.
  - If customer restroom is required, it will need to be fully compliant.
- Infrastructure Requirements:
  - A waste line will be required and will need to be tied to an adjacent onsite line of sufficient size or run to the street frontage and tap into a County of Sacramento line.
  - A water line will be required and will need to be on a separate meter. In addition, it will need to be tied to an adjacent on-site line of sufficient size or run to the street frontage and tap into a County of Sacramento line.
- Mechanical, Plumbing and Electrical Systems:
  - All systems will need to comply with all local, state and federal building codes including CalGreen and Title 24.

6-8  
cont.

The study's findings that there would be no significant environmental effect on the utilities and service systems is incorrect. (See 14 California Code of Regulations § 15074.) The Project Applicant has failed to adequately describe or disclose that it does not intend to build Java Express a code-compliant building for a restaurant that would be ADA compliant and including plumbing, sewer pipes, and restroom access. Currently, Java Express operates in conjunction with a commissary, which she will lose access to based on the proposed project. Additionally, as mentioned above, the MND and the Project Applicant differ as to whether one or two drive throughs will be provided. If there are to be two drive throughs, the MND does not address car-stacking and the release of additional carcinogens from car idling. The project further specifies that demolition will begin in the summer of 2019, and construction will take approximately a year. We believe this is a failure of the lead agency and/or the project applicant to exercise "independent judgment and analysis" under § 15074; therefore, warranting more further clarification, a hearing, and more time for review. Based on that, the project fails to specify my client's existing business, demolition of my client's existing business, and my client's operation of the business during the demolition and construction as represented. This must be clarified and addressed. Moreover, to the extent the sewer and/or water requirements for this project have not been adequately or appropriately captured with respect to my client's relocated business, there is presently insufficient information to determine whether appropriate disclosures for this project and the impact on water, sewer, wastewater or

6-9

6-9  
cont.

other facilities as contemplated by the 2035 General plan. In other words, we also do not presently believe the Project Applicant has demonstrated that the construction of her restaurant will have less than a significant level impact on the service systems, hydrology and/or water associated with this project.

6-10

Page 62. Furthermore, it is unclear from the Project Applicant and MND how this property can be subdivided, how it impacts the operations of our client's business, neighborhood concerns, and existing business under any and all building codes and health regulations. We believe the Project Applicant is attempting to create multiple parcels around my client's business and we are concerned this is not addressed in the MND. If the Project Applicant does create multiple parcels, this may impact the business in regards to the drive-thru, building codes, and other local ordinances.

6-11

Appendices Page 107. The proposed project only includes one Fast Food Restaurant with Drive Thru under Table 7.2 Water by Land Use. However, the MND describes two separate Fast Food Restaurants with a Drive Thru. This is concerning, because as described above, it is unclear whether the project applicant intends to include Java Express by requiring restroom access, plumbing, infrastructure, storage shelving, ADA compliance, waste line requirements, and site circulation or excluding such a requirement. Moreover, at this point, based upon the inconsistencies in the project as described in the MND, versus what was provided to my client, the proposed project will have additional negative impacts on traffic, congestion, the environment the surrounding businesses, homes and neighborhoods.

6-12

Appendices Page 109. The proposed project only includes one Fast Food Restaurant with Drive Thru under Table 8.2 Waste by Land Use. However, the MND describes two separate Fast Food Restaurants with a Drive Thru. This is concerning, because as described above, what has been represented to my client is inconsistent with the project represented to the city, and it is further unclear whether the project applicant intends to include Java Express by requiring having restroom access, plumbing, infrastructure, storage shelving, ADA compliance, waste line requirements, and site circulation or excluding such a requirement.

6-13

Notice. We believe the Project Applicant did not provide adequate and/or reasonable notice of the proposed project to all persons, including residents and businesses that may be impacted by the proposed project, to allow sufficient time for comment submissions to the proposed Mitigated Negative Declaration before it is approved. Further, my client objects and is concerned that the information the Project Applicant provided to the City is significantly different than what has been disclosed to my client, and these differences have not been properly addressed in the MND and will impact and/or alter the City's findings.



6-14

Conclusion. For the above reasons, my client believes the MND does not adequately address the significant environmental impacts which would result from this proposed project, in particular as it relates to her restaurant. Based on the Project Applicant's plans and the MND, we do not believe that the new building for Java Express will be in compliance with current building codes and health department requirements for new structures to be used as a restaurant. The proposed project present multiple issues that do not comply with the applicable laws, rules and ordinances, including but not limited to restroom access, plumbing, infrastructure, ADA compliance, waste line requirements, and site circulation. We believe the Project Applicant must properly disclose the material facts relating to the proposed project and construction of a new structure for Java Express in order for the City of Sacramento to properly evaluate whether the proposed project will have a significant effect on the environment. For these reasons set forth herein, and that may be further discovered as part of the timely disclosure process, we disagree that the project is consistent with the 2035 master EIR, General plan, that the applicant has met its burden with respect to the significant effects as set forth in the master EIR, or that the proposed project will not have significant environmental effects, as could be properly examined in the master EIR. In other words, until additional information is provided and/or disclosed by the applicant, we respectfully submit one cannot presently determine the level of insignificance of the project, in particular as it relates to demolition of buildings associated or adjacent to our client's business, or the reconstruction of her restaurant, as currently represented by the applicant in the MND, or as compared to what has been presented in the MND or to the business owner.

Regards,



Port J. Parker  
Marjan Hajimirzaee  
Parker Law Group, Attorneys APC

PJP:MWG:zp  
cc: file

**Response to Comment 6-1**

The comment is introductory information and does not address the adequacy of the IS/MND. As part of the Planning Entitlement process, there will be a public hearing before the City of Sacramento Planning and Design Commission.

**Response to Comment 6-2**

The comment is broad and does not provide specific examples of how project details in the Draft IS/MND differ from the project details that were provided to the commenter by the Applicant. The Java Express relocation is a small component of the proposed project, which was analyzed in the Draft IS/MND. New construction is required to conform with all laws, codes and ordinances and the analysis in the Draft IS/MND assumes that the proposed project will comply with laws, codes and ordinances as required. If minor changes to project design are needed to comply with laws, codes and ordinances it is assumed those minor changes would not create a significant environmental impact.

**Response to Comment 6-3**

Originally, the proposed project plans indicated one drive-thru lane for the relocated Java Express, but the design was revised during preparation of the Draft IS/MND. The existing Java Express at the project site includes two drive-thru lanes (See **Figure RTC-1** through **RTC-3** for the revised Site Plan). Trip generation estimates for the relocated Java Express in the Draft IS/MND were estimated using trip generation rates that are based on building square footage and an additional drive-thru lane at the relocated Java Express would not increase vehicle trip estimates and thus would not create a new environmental impact. Minor changes to building setback and circulation are expected as a project progresses towards final plans and would not result in a new environmental impact. Existing buildings at the project site are much closer to the adjacent residences to the east than the relocated Java Express will be. See Response to Comment 6-2.

**Response to Comment 6-4**

The City of Sacramento requires a Conditional Use Permit for drive-thru restaurants on the project site.

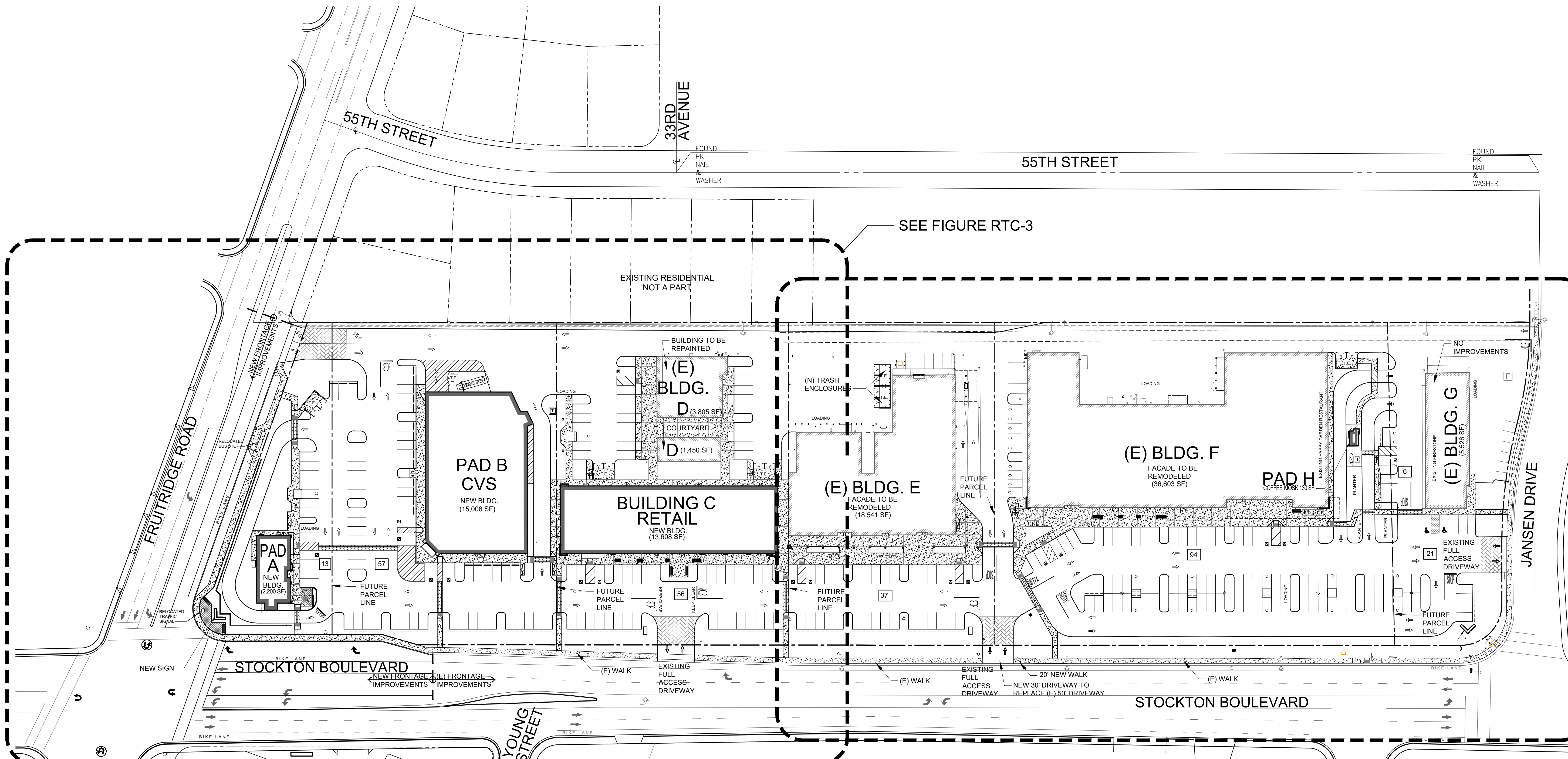
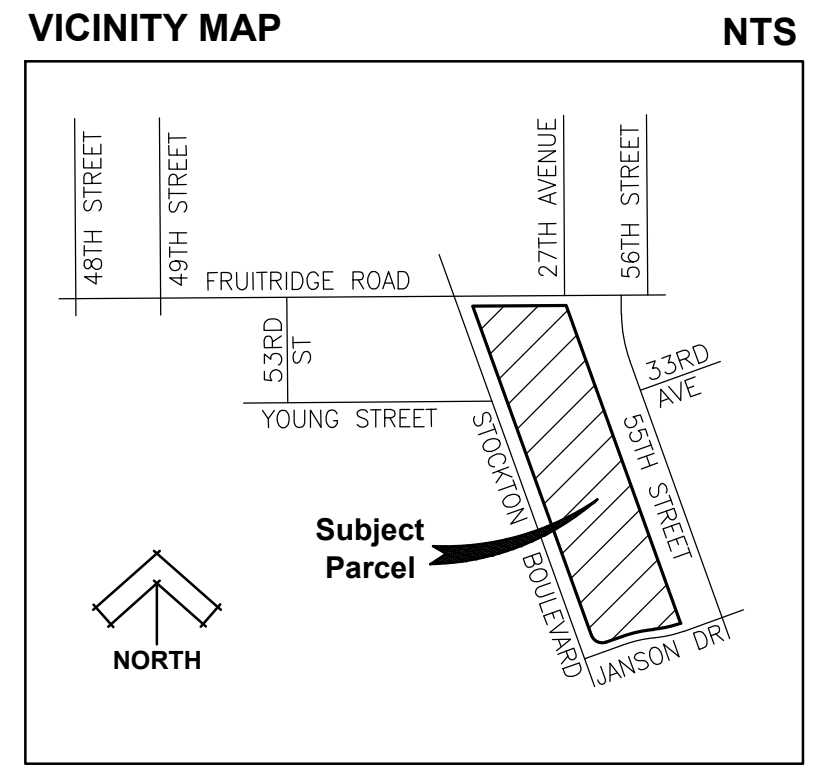
The following is added to the Project Description on Page 13:

**“Project Approvals**

The proposed project requires a Conditional Use Permit (CUP) from the City for the Starbucks with drive-thru use and relocated Java Express with drive-thru use and also requires Site Plan and Design Review from the City. The proposed project also requires a ~~Major Subdivisions~~ Tentative Parcel Map since the proposed project would subdivide the parcel into 5 or more parcels.”



# FIGURE RTC-1



PROJECT STATISTICS								
BUILDING	USE	AREA (SQ. FT.)	PARKING REQUIRED (1,500 SF)	PARKING PROPOSED	BIKE PARKING REQUIRED*		BIKE PARKING PROVIDED*	
					SHORT TERM	LONG TERM	SHORT TERM	LONG TERM
PAD A	STARBUCKS (NEW)	2,200	4	13	2	2	2	2
PAD B	CVS PHARMACY (NEW)	15,008	30	57	8	2	8	2
BUILDING C	MULTI-TENANT RETAIL/ RESTAURANT (NEW)	13,608	27	46	7	2	8	2
BUILDING D	OFFICES (EXISTING)	5,255	11	10	3	2	4	2
BUILDING E	MULTI-TENANT (EXIST.)	18,541	37	37	10	2	10	2
BUILDING F	MULTI-TENANT (EXIST.)	36,603	73	94	19	4	20	4
BUILDING G	AUTO CARE (EXIST.)	5,526	11	21	N/A	N/A	N/A	N/A
BUILDING H	COFFEE KIOSK (NEW)	130	2	6	2	2	2	2
TOTAL		96,871	195 STALLS	284 STALLS (1:341 SF)	51	18	54	16

\* BIKE PARKING PER SCC 17.608.030C, TRADITIONAL DISTRICT. LONG TERM: 1 PER 10,000 GSF. SHORT TERM: 1 PER 2,000 SF. TWO SPACES MINIMUM.

### PARKING STATISTICS

TYPE	STALLS
STANDARD	245
COMPACT	9
ACCESSIBLE	19
TOTAL	285

**Stockton & Fruitridge**  
 SEC Stockton Blvd. & Fruitridge Road  
 Sacramento, CA

**SUSTAINED INVESTMENTS**  
 17165 New Hope Street, Suite H  
 Fountain Valley, CA 92708

## OVERALL SITE PLAN



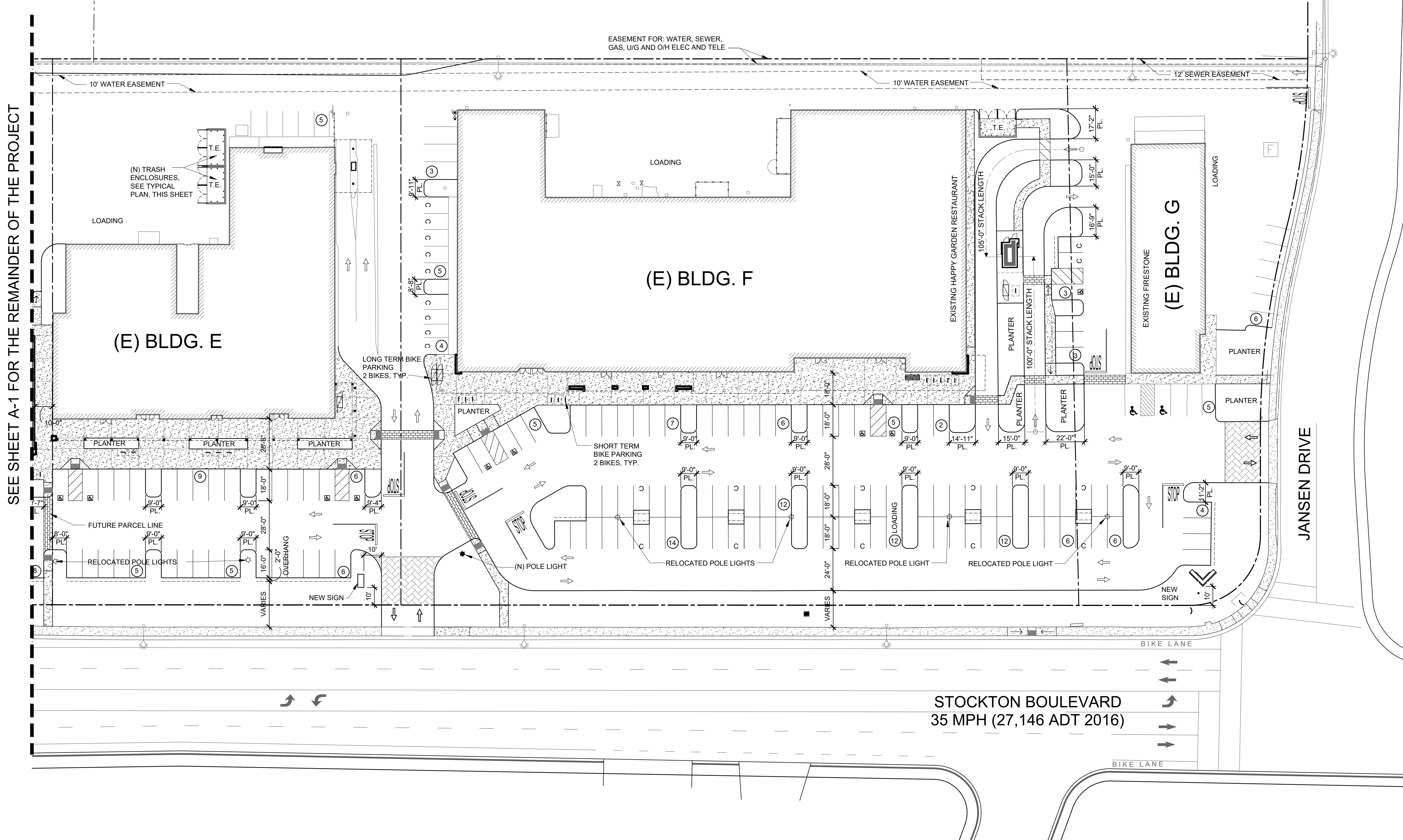
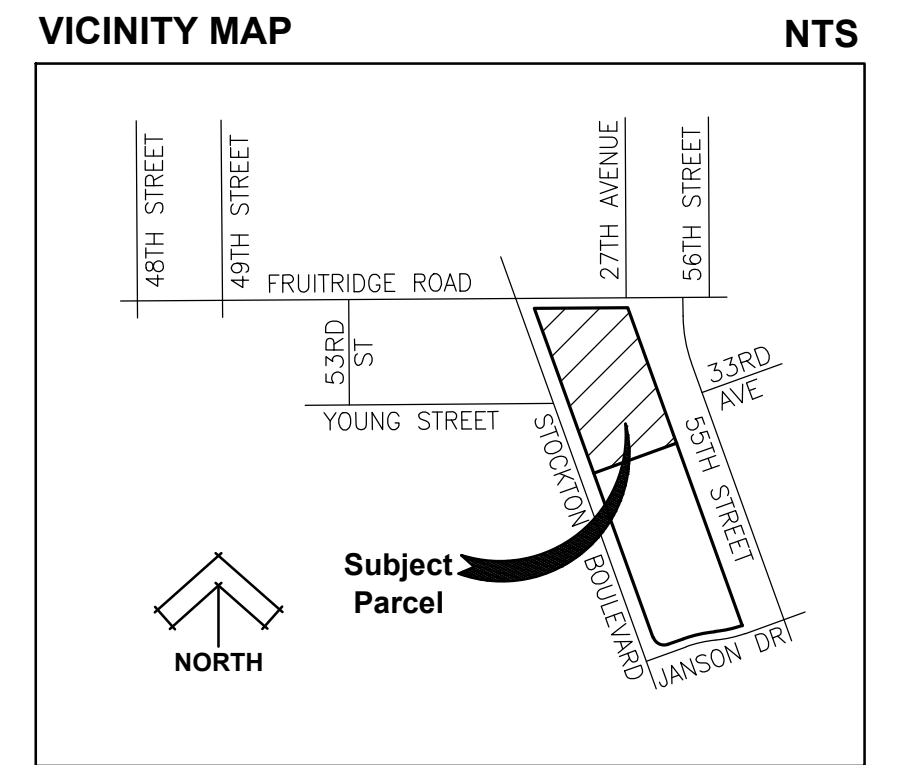
coactdesignworks.com  
 801 T STREET  
 SACRAMENTO, CA 95811  
 916.930.5900

414 JACKSON STREET, SUITE 404  
 SAN FRANCISCO, CA 95411  
 415.426.7052

PROJECT NO. 04967.00	SHEET NO.
DRAWN BY RC/UK	CHECKED BY MM
ISSUE DATE FEBRUARY 6, 2019	<b>A2</b>



# FIGURE RTC-2



SEE SHEET A-1 FOR THE REMAINDER OF THE PROJECT

**Stockton & Fruitridge**  
 SEC Stockton Blvd. & Fruitridge Road  
 Sacramento, CA

**SUSTAINED INVESTMENTS**  
 17165 New Hope Street, Suite H  
 Fountain Valley, CA 92708

SCALE 1" = 30'-0"

NORTH

## SOUTHERLY SITE PLAN

**coact DESIGNWORKS**  
 coactdesignworks.com

801 T STREET  
 SACRAMENTO, CA 95811  
 916.930.5900

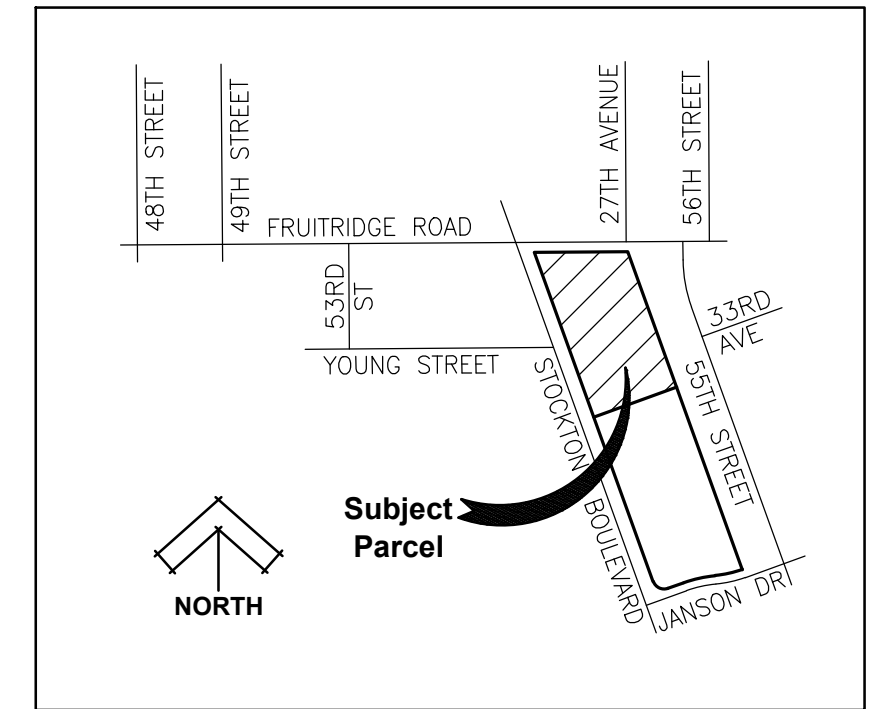
414 JACKSON STREET, SUITE 404  
 SAN FRANCISCO, CA 95411  
 415.426.7052

PROJECT NO. 04967.00	SHEET NO.
DRAWN BY RC/UK	CHECKED BY MM
ISSUE DATE FEBRUARY 6, 2019	<b>A1.1</b>



# FIGURE RTC-3

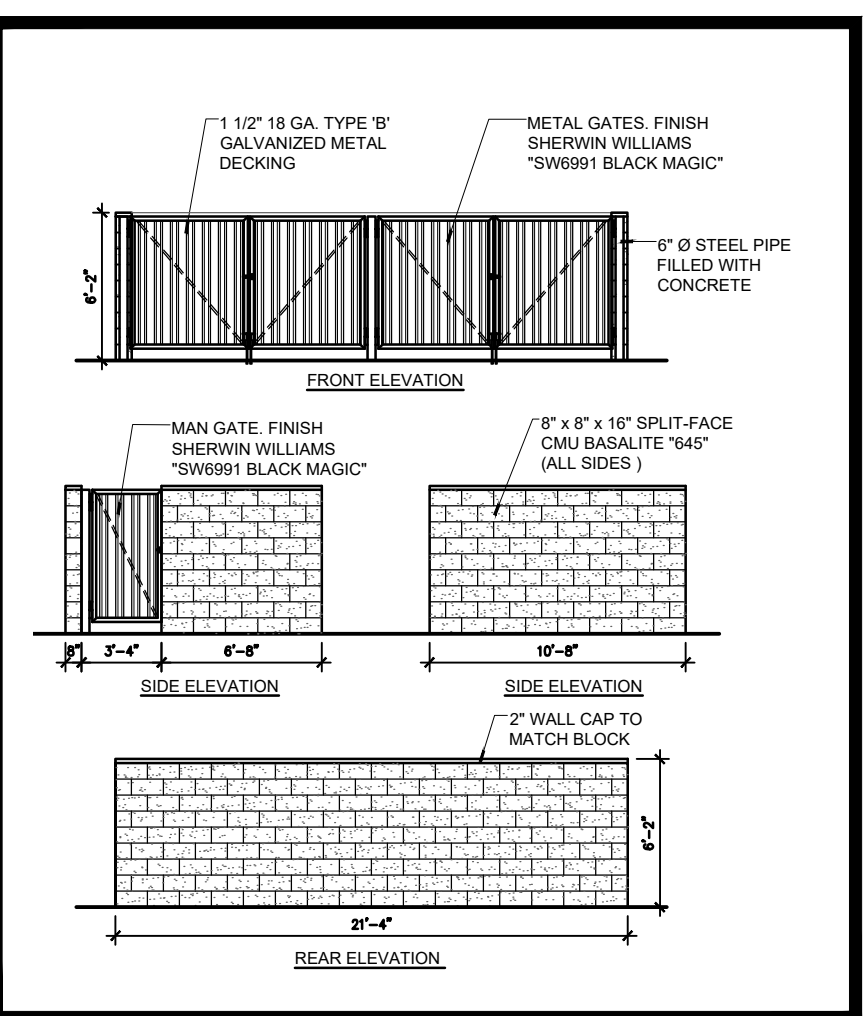
VICINITY MAP NTS



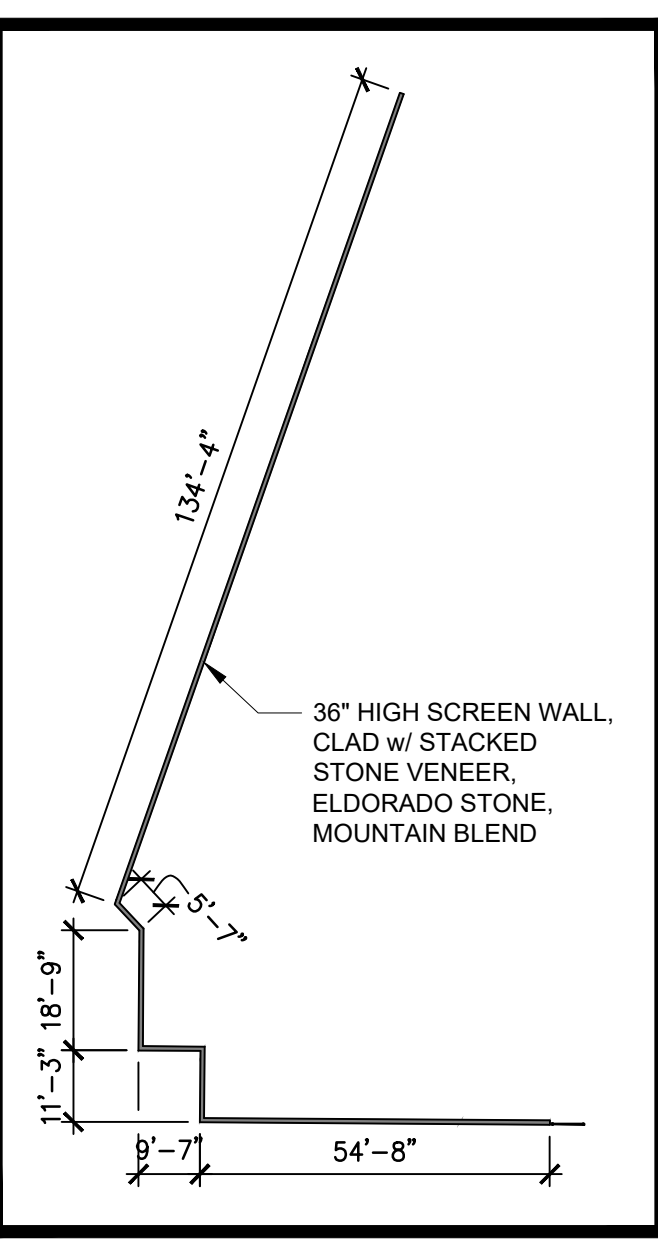
## PROJECT STATISTICS

PAD A (STARBUCKS)	2,200 SF
STALLS REQUIRED	4 (1:500 SF)
STALLS PROVIDED	13 (1:169 SF)
PAD B (CVS)	15,008 SF
STALLS REQUIRED	30 (1:500 SF)
STALLS PROVIDED	58 (1:259 SF)
BUILDING C (MULTI-TENANT RETAIL/REST.)	13,608 SF
STALLS REQUIRED	27 (1:500 SF)
STALLS PROVIDED	47 (1:290 SF)
BUILDING D (EXIST. OFFICES)	5,255 SF
STALLS REQUIRED	11 (1:500 SF)
STALLS PROVIDED	10 (1:525 SF)

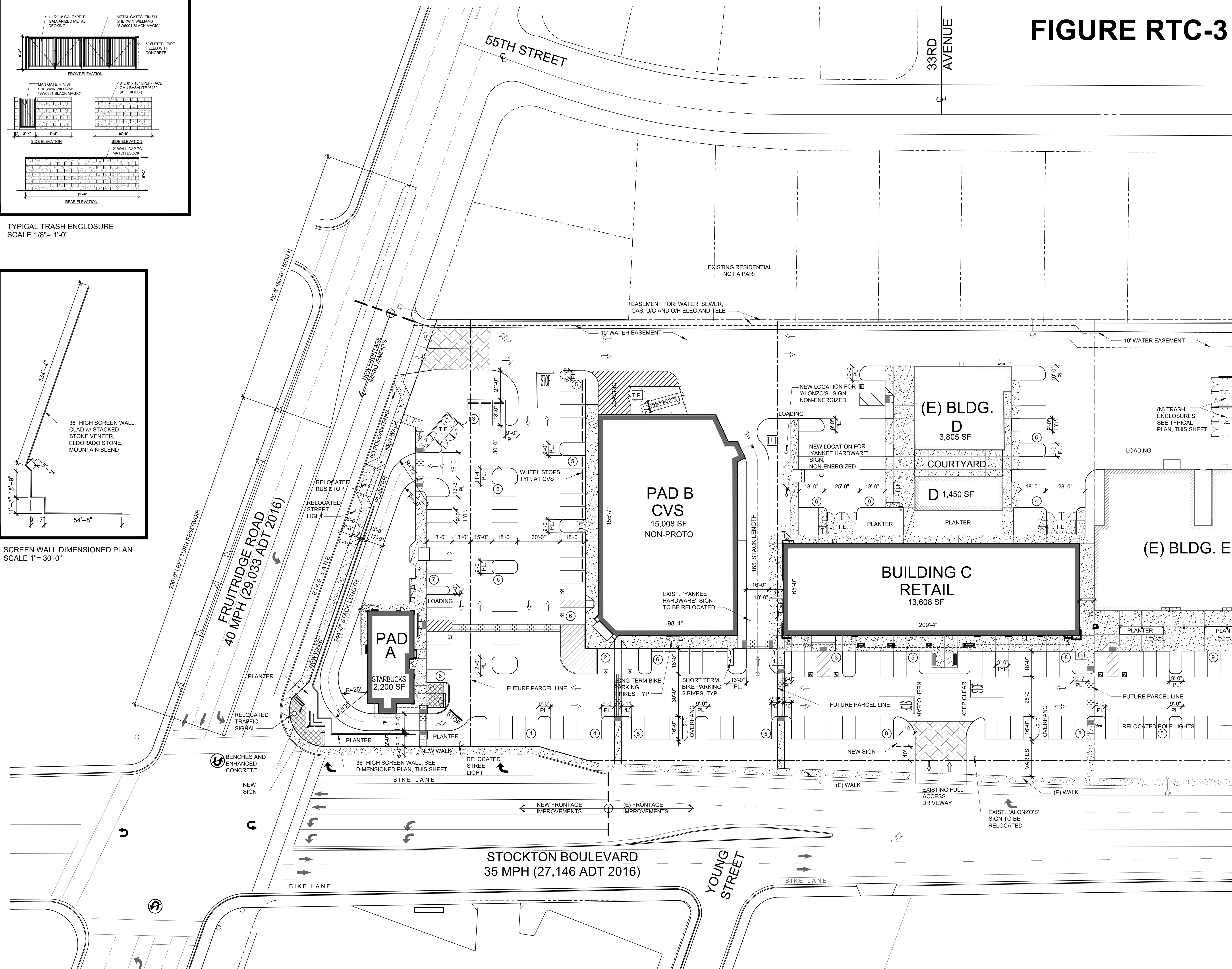
NOTE: SEE SHEET A2 FOR OVERALL PROJECT STATISTICS



TYPICAL TRASH ENCLOSURE SCALE 1/8" = 1'-0"



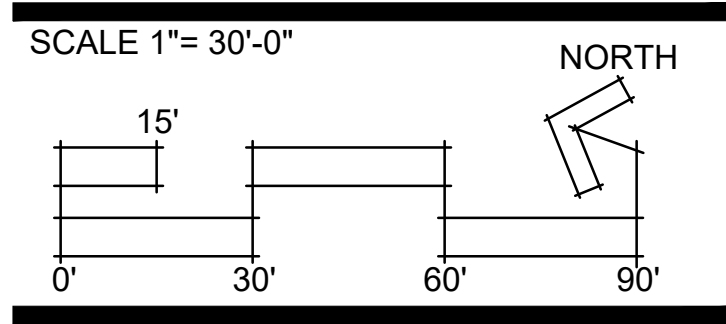
SCREEN WALL DIMENSIONED PLAN SCALE 1" = 30'-0"



SEE SHEET A-1.1 FOR THE REMAINDER OF THE PROJECT

**Stockton & Fruitridge**  
SEC Stockton Blvd. & Fruitridge Road  
Sacramento, CA

**SUSTAINED INVESTMENTS**  
17165 New Hope Street, Suite H  
Fountain Valley, CA 92708



## NORTHERLY SITE PLAN

**coact DESIGNWORKS**

coactdesignworks.com  
801 T STREET  
SACRAMENTO, CA 95811  
916.930.5900  
414 JACKSON STREET, SUITE 404  
SAN FRANCISCO, CA 95411  
415.426.7052

PROJECT NO. 04967.00	SHEET NO.
DRAWN BY RC/UK	CHECKED BY MM
ISSUE DATE FEBRUARY 6, 2109	<b>A1</b>

### **Response to Comment 6-5**

Demolition and construction emissions were estimated and compared to SMAQMD's thresholds of significance. Demolition and construction emissions would be well below SMAQMD's thresholds of significance and are therefore less than significant (See Table 4 on Page 26 of the Draft IS/MND). The proposed project would also be required to comply with all SMAQMD rules and regulations for construction, including, but not limited to, Rule 403 (Fugitive Dust) and Rule 404 (Particulate Matter).

Demolition of Asbestos Containing Materials was analyzed on Page 29 of the Draft IS/MND as follows: "Demolition or renovation of existing buildings and structures would be subject to SMAQMD Rule 902 (Asbestos). Rule 902 is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of regulated asbestos containing material (RACM) generated or handled during these activities. Rule 902 addresses the national emissions standards for asbestos along with some additional requirements. Rule 902 requires lead agencies, building owners, and their contractors to notify the SMAQMD of any regulated renovation or demolition activity. This notification includes specific requirements for surveying, removal, location, work methods, and disposal of RACM. Projects that comply with Rule 902 would ensure that RACM would be disposed of appropriately and safely, minimizing the release of airborne asbestos emissions. Because Rule 902 is in place, SMAQMD's *Guide to Air Quality Assessment in Sacramento County* states that no further analysis regarding demolition of RACM is needed in a CEQA document. Therefore, the proposed project would have a **less-than-significant** impact."

Furthermore, asbestos-containing materials and other hazardous substances were also analyzed in the Hazards section of the Draft IS/MND on Page 43 and 44. The Draft IS/MND includes **Mitigation Measure HM-1** to ensure demolition would not expose people (e.g., residents, pedestrians, construction workers) to asbestos-containing material or other hazardous materials such as lead-based paint. See page 44 of the Draft IS/MND for **Mitigation Measure HM-1**.

Project-specific biological and vegetation effects were analyzed in the Biological Resources section of the Draft IS/MND. The project site is a paved shopping center and the proposed project would enhance vegetation and landscaping on the project site. All biological resources impacts were found to be less than significant.

### **Response to Comment 6-6**

See Response to Comment 6-5. The age of the existing Java Express was an estimate and all demolition activities proposed by the project would be subject to SMAQMD Rule 902, regardless of the age of a given structure. The Draft IS/MND includes **Mitigation Measure HM-1** to ensure demolition would not expose people (e.g., residents, pedestrians, construction workers) to asbestos-containing material or other hazardous materials such as lead-based paint. **Mitigation Measure HM-1** applies to all demolition activities on the project site. See page 44 of the Draft IS/MND for **Mitigation Measure HM-1**.

### **Response to Comment 6-7**

Impacts to Aesthetics from the proposed project such as light, glare and visual character degradation were analyzed in the Aesthetics section of the Draft IS/MND. The project site is an existing shopping center with sources of light and glare that already exist. Existing buildings at the project site are much closer to the adjacent residences to the east than the relocated Java Express will be. The amount and intensity of lighting with the proposed would be similar to the current intensity of light at the existing project site. See Response to Comment 6-5 regarding demolition and construction air emissions.

### **Response to Comment 6-8**

See Response to Comment 6-2.

### **Response to Comment 6-9**

See Response to Comment 6-2 regarding code compliant buildings. See Response to Comment 6-3 regarding one or two drive-thru lanes and air quality emissions. It is unclear what environmental impact the commenter is trying to refer to by stating "The project further specifies that demolition will begin in the summer of 2019, and construction will take approximately a year."

The Hydrology and Water Quality section of the Draft IS/MND contains water quality requirements for the proposed project during construction and operations. The Utilities and Service Systems section of the Draft IS/MND contains wastewater and water supply requirements for the proposed project.

As stated on Page 63 of the Draft IS/MND, "The project site is an existing shopping center. The proposed project would reduce building square footage at the project site by 11,213 SF, which should reduce demand for wastewater conveyance, water supply, solid waste disposal and energy use. Replacing the old structures at the project site with new buildings would also be expected to reduce demand on utilities and service systems due to increased standards for energy efficiency and water use efficiency. Based on the above, the proposed project would result in an overall *less-than-significant* impact related to utilities and service systems."

### **Response to Comment 6-10**

As stated in the Project Description on Page 13 of the Draft IS/MND, "The proposed project also requires a ~~Major Subdivisions~~ Tentative Parcel Map since the proposed project would subdivide the parcel into 5 or more parcels." The Draft IS/MND assumes that the proposed project will comply with laws, codes and ordinances as required.

### **Response to Comment 6-11**

CalEEMod groups the Fast Food Restaurant uses together in emission summaries. As shown on Appendices Page 76, both Fast Food Restaurant uses and their corresponding building sizes were input into CalEEMod. Traffic and congestion is adequately analyzed in the Draft IS/MND. See Response to Comment 6-3.

### **Response to Comment 6-12**

See Response to Comment 6-11.

### **Response to Comment 6-13**

The City of Sacramento complied with all of the noticing requirements found in the CEQA Guidelines for Mitigated Negative Declarations (CEQA Guidelines Section 15105 and Sections 15070 to 15075). Notices of the availability of the draft MND were advertised in a newspaper of general circulation, mailed to property owners within 500 feet of the project site, and to occupants of properties onsite and immediately adjacent to the project site. The Notice of Availability/Intent to Adopt a Mitigated Negative Declaration was also posted in the County Clerk's Office. See Response to Comment 6-2.

### **Response to Comment 6-14**

The comment summarizes the previous comments in the comment letter. See Response to Comments 6-2 through 6-13.