

## SAC Music Hall and Performing Arts Center Responses to Comments Received on the Initial Study/Mitigated Negative Declaration

The Initial Study/Mitigated Negative Declaration (IS/MND) for the SAC Music Hall and Performing Arts Center (proposed project) was circulated for public comment from October 19, 2022 to November 18, 2022. Written comments were received as follows:

Letter	Date	Commenter
1	11/16/2022	Gavin McCreary, Department of Toxic Substances Control
2	11/16/2022	Plan Review Team, Pacific Gas and Electric Company
3	11/17/2022	Sandra Samaniego, Resident
4	11/17/2022	Jesse J. Yang, Taylor & Wiley Attorneys
5	11/18/2022	Peter Minkel, Central Valley Regional Water Quality Control Board
6	11/18/2022	Molly Wright, Sacramento Metropolitan Air Quality Management District
7	11/22/2022	Nathan Dietrich, California State University, Sacramento
8	11/29/2022	David Moore, Civic Thread

The written comments are included as Attachment A. The comments are acknowledged by the City and have been considered as part of the project planning and its implementation. The comments received did not identify any new significant effect, increase in severity of an impact identified in the IS/MND, or any significant new information. Recirculation of the IS/MND is not required (CEQA Guidelines section 15073.5).

The responses below include responses to each written comment submitted regarding the proposed project. Where revisions to the IS/MND text are required in response to a comment, new text is double underlined and deleted text is ~~struck through~~.

### **Letter 1: Gavin McCreary, Department of Toxic Substances Control, 11/16/2022**

#### Response to Comment 1-1

The comment is an introductory statement and does not address the adequacy of the IS/MND.

#### Response to Comment 1-2

A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the proposed project by phase1assessments.com. The Phase I ESA was prepared by a registered professional engineer in accordance with American Society of Testing Materials (ASTM) 1527-13. Evidence has not been provided to suggest that the conclusion of the Phase I ESA is invalid. Therefore, review and concurrence by a regulatory agency is not warranted. In addition, the Phase I ESA prepared for the proposed project was included as Appendix B to the IS/MND, and was available for review during the public review period. Finally, the comment does not directly address the adequacy of the IS/MND, and the suggestion has been forwarded to the decision-makers for their consideration.

#### Response to Comment 1-3

Pages 57 through 59 of the IS/MND evaluates the potential for past or future activities on or near the project site to result in the release of hazardous materials on the project site. As noted therein,

operations of the proposed project would not include any manufacturing, use, or handling of hazardous materials. In addition, the proposed project would not be located on a site with the potential for historic activities that would result in the release of hazardous wastes/substances. Because renovation and demolition of on-site structures as part of the proposed project could release asbestos and/or lead-contaminated dust, as a result, Mitigation Measure 8-1 is required.

Furthermore, page 34 of the IS/MND states that the use, handling, and storage of hazardous materials is regulated by the California Occupational Safety and Health Administration (Cal/OSHA); thus, Cal/OSHA would be the government agency responsible for providing appropriate regulatory oversight during project operation.

#### Response to Comment 1-4

It is anticipated that lead levels would be present in soil throughout the urbanized area of the City of Sacramento due to the use of lead in gasoline for many years, as well as in paint and other materials generally found in an urbanized area. In the case of any project site on which the City identifies past or present specific uses that could lead to site-specific lead contamination, such as auto repair or garage facilities, the City would implement a site-specific response. The project site has not been subject to past or present uses that would lead to site-specific lead contamination in soils and, as a result, testing for lead in on-site soils is not warranted. The comment does not directly address the adequacy of the IS/MND, and the suggestion has been forwarded to the decision-makers for their consideration.

#### Response to Comment 1-5

As stated on page 57 of the IS/MND, a Phase I ESA has been conducted for the project site, which determined that the potential exists for asbestos and lead-based paints to be present within the existing on-site buildings. Mitigation Measure 8-1, found on page 58 of the IS/MND, requires a site assessment to be prepared which would determine whether any of the existing on-site structures to be demolished contain lead-based paint or asbestos. Therefore, impacts related to the presence of such chemicals has been adequately addressed in the IS/MND. However, in response to the comment, Mitigation Measure 8-1, on page 58 of the IS/MND, has been revised to also require evaluation for the presence of mercury and polychlorinated biphenyl caulk on-site, as requested by the DTSC. Mitigation Measure 8-1 is hereby revised as follows:

- 8-1                    *Prior to issuance of a demolition permit by the City for any on-site structures, the project applicant shall provide a site assessment that determines whether any structures to be demolished contain lead-based paint (LBP), ~~or asbestos, mercury, or polychlorinated biphenyl caulk.~~ Sampling shall be conducted in accordance with the California Department of Toxic Substances Control's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead based Paint, Termiticides, and Electrical Transformers. If structures do not contain LBP ~~or asbestos~~ the aforementioned chemicals, further mitigation is not required; however, if LBP is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with California Air Resources Board recommendations and OSHA requirements. If asbestos is found, all construction activities shall comply with all requirements and regulations promulgated through the National Emission Standards for Hazardous Air Pollutants (NESHAP) enforced by*

*Sacramento Metropolitan Air Quality Management District (AQMD) local district Rule 902 Asbestos. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead and/or asbestos. The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. Should mercury or polychlorinated biphenyl caulk be detected, the removal, demolition, and disposal of such chemicals shall be conducted in compliance with California environmental regulations and policies. Work practice standards generally include appropriate precautions to protect construction workers and the surrounding community, and appropriate disposal methods for construction waste containing lead paint or asbestos in accordance with federal, State, and local regulations subject to approval by the City Engineer.*

The foregoing revisions would not change the analysis or conclusions presented within the IS/MND.

#### Response to Comment 1-6

Given that the project site is already developed and graded, the import of fill is not anticipated for construction of the proposed project. Nevertheless, should imported fill be required, the location selling fill utilized for the proposed project would be required to comply with all applicable State regulations, thus ensuring that the imported soil is free of contamination. The project site is not subject to site remediation, corrective action, or closure activities that would require the substantial import of fill, and the proposed project is not a sensitive use subject to DTSC oversight. The comment does not directly address the adequacy of the IS/MND, and the suggestion has been forwarded to the decision-makers for their consideration.

#### Response to Comment 1-7

The comment alluded to potential effects of historic agricultural activity. As stated on page 14 of the IS/MND, the project site was not historically, and is not currently, used for agricultural purposes.

#### Response to Comment 1-8

The comment is a conclusory statement and does not address the adequacy of the IS/MND.

### **Letter 2: Plan Review Team, Pacific Gas and Electric Company, 11/16/2022**

#### Response to Comment 2-1

The comment states that the proposed project would not directly interfere with existing Pacific Gas and Electric Company facilities or easement rights. The comment does not address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

### **Letter 3: Sandra Samaniego, Resident, 11/17/2022**

#### Response to Comment 3-1

Please refer to page 13 of the IS/MND, which states that the Manufacturing/Research & Development/Solid Waste Restricted (MRD-SWR) zoning designation allows for the use of restaurants, assembly, and alcoholic beverage sales within the limits of the special-use regulations noted in Sacramento, California City Codes 17.288.128 and 17.288.108. The comment does not address the adequacy of the IS/MND.

#### Response to Comment 3-2

Noise impacts of the proposed project are addressed beginning on page 65 of the IS/MND. As stated therein, the proposed project would not result in significant impacts related to noise. The commenter's stated opinion of the relationship of the proposed project to the project area has been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 3-3

The comment does not address the adequacy of the IS/MND. The comment has been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 3-4

The comment does not address the adequacy of the IS/MND. The commenter's stated opinion about the proximity of the proposed project to the Tahoe Tallac Little League Field has been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 3-5

Regarding concerns about the noise impacts of the proposed project, it should be noted that events at the Tahoe Tallac Little League Field take place outdoors; events hosted at the proposed music hall would take place within the confines of the proposed venue. As such, noise impacts generated from the two sources would differ significantly. Furthermore, as stated on page 73 of the IS/MND, according to the Environmental Noise & Vibration Assessment prepared for the proposed project, predicted noise levels for amplified music events do not approach or exceed City of Sacramento noise standards applicable to music sources at any of the nearest existing residential locations to the project site, approximately 450 feet to the south. As a result, noise impacts associated with the playing of amplified music and associated crowd noise within the proposed venue were determined to be less than significant.

#### Response to Comment 3-6

The comment expresses concern regarding traffic congestion that could result from operation of the project. The project site itself is expected to be the primary location of post-event congestion. Therefore, as stated on page 86 of the IS/MND, an Event Transportation Management Plan (TMP) shall be implemented for all events at the project site for which at least 90 percent of parking spaces within the project site would be occupied. Implementation of the Event TMP would ensure

the efficient emptying of the project parking lot. In addition, as noted on page 86 of the IS/MND, the proposed project would not result in removal of any existing pedestrian facilities or preclude the implementation of any proposed or existing off-street trails in the vicinity of the project. As a result, implementation of the project would not adversely affect pedestrians. Impacts related to safety risks and emergency vehicle access were evaluated in the IS/MND on pages 87 and 88. As noted therein, all impacts would be less than significant. See also Response to Comment 4-4.

#### Response to Comment 3-7

The potential for a project to increase rates of illegal behavior is not included within the scope of CEQA analysis; however, the comment has been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 3-8

The commenter's opinion has been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 3-9

The comment is a conclusory statement and does not address the adequacy of the IS/MND.

#### **Letter 4: Jesse J. Yang, Taylor & Wiley Attorneys, 11/17/2022**

#### Response to Comment 4-1

The comment is an introductory statement and does not address the adequacy of the IS/MND.

#### Response to Comment 4-2

The comment expresses concern regarding consistency of the proposed project with the Sacramento Center for Innovation Specific Plan. The project is consistent with the specific plan. This planning issue is addressed in the staff report. While inconsistency with an adopted plan may be cause for concern with regard to unplanned potential effects on the environment, the IS/MND conducted a project-specific review, and such effects were not identified.

#### Response to Comment 4-3

Please refer to Response to Comment 4-2. The commenter's concerns regarding the proposed project's consistency with SCI Specific Plan goals and policies have been noted for the record, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 4-4

Transportation impacts are considered significant if the proposed project would result in vehicle miles traveled (VMT) per capita above 85 percent of the regional average, consistent with technical guidance published by the Governor's Office of Planning and Research (OPR). Per OPR's guidance, local-serving retail may generally be presumed to have a less-than-significant VMT impact and, thus, can be screened out from further VMT analysis. Unlike venues such as the Golden One Arena or the Memorial Auditorium, due in part to the limited size of the proposed venue, the proposed project is anticipated to primarily draw patrons from the local community.

Therefore, the proposed project was determined to qualify for screening as a local-serving retail use and, as a result, VMT impacts were determined to be less than significant. Further impacts indirectly related to VMT, including noise, air quality, and GHG emissions, are addressed in the responses below.

#### Response to Comment 4-5

As detailed on page 19 of the Transportation Impact Study prepared for the proposed project, the trip generation projections used for the analysis of the proposed project are based on observations of attendance of similar events. Therefore, the assumptions for the air quality analysis remain valid. See also Response to Comment 4-9.

#### Response to Comment 4-6

See Responses to Comments 4-5 and 4-9.

#### Response to Comment 4-7

While the Sacramento Metropolitan Air Quality Management District (SMAQMD) requires that projects be designed and constructed without natural gas, SMAQMD is still developing guidance for unique situations. As stated on page 54 of the IS/MND, the project site is unique in that the complete prohibition of natural gas was determined to be infeasible for the proposed project because existing natural gas plumbing is present on-site. The natural gas plumbing would be integrated into use for the on-site restaurant.

In addition, SMAQMD submitted a comment letter for the proposed project, included as Letter 6 in Appendix A. As shown in Response to Comment 6-1 through 6-6 below, SMAQMD agreed with the approach included in the IS/MND, and the IS/MND was revised in compliance with their comments. As such, the proposed project is not anticipated to conflict with SMAQMD requirements.

#### Response to Comment 4-8

See Responses to Comments 4-5 and 4-9.

#### Response to Comment 4-9

The Event Transportation Management Plan (ETMP) prepared for the proposed project considered the anticipated trip generation for the proposed project. The trips were then split across various modes of transportation. As shown in Table 2 of the Final Transportation Impact Study prepared for the proposed project, the mode split was 75 percent private vehicles, 20 percent rideshare, three percent transit, and two percent walk/bike. The comment letter states that all shuttled attendees would use the light rail; however, remote parking spaces would be available for patrons attending events in private vehicles. The applicant has entered an agreement with Regional Transit to provide 75 remote parking spaces for private vehicles to serve the proposed project. The anticipated transit ridership for the project site is three percent, consistent with similar music venues in the Sacramento area.

#### Response to Comment 4-10

Additional VMT discussion can be found in the memo prepared by the City of Sacramento Public Works Department dated August 23, 2021. Based on the nature of the proposed project, the project is assumed to serve local patrons, drawing trips away from similar venues further from the local community (downtown, Folsom, Davis, etc.). Because a music venue similar to the proposed project does not currently exist within the East Sacramento community, it is anticipated that trips originating from the project area will be redistributed and shortened following development of the proposed project. Therefore, the City anticipates a reduction in VMT, and a less than significant impact.

#### Response to Comment 4-11

The comment is a conclusory statement.

#### **Letter 5: Peter Minkel, Central Valley Regional Water Quality Control Board, 11/18/2022**

#### Response to Comment 5-1

The comment provides background information regarding applicable regulations and required permits. The comment does not include any project specifics to address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decisionmakers as part of their consideration of the proposed project.

#### **Letter 6: Molly Wright, Sacramento Metropolitan Air Quality District, 11/18/22**

#### Response to Comment 6-1

The comment is an introductory statement and does not address the adequacy of the IS/MND.

#### Response to Comment 6-2

In response to the commenter's request, the calculations that were used to quantify the amount of greenhouse gas (GHG) emissions associated with the restaurant-related combustion of natural gas have been included as Attachment B to this document. Additionally, page 54 of the IS/MND is hereby revised as follows:

[...] For the proposed project, 58.22 MTCO<sub>2</sub>e/yr would occur from the use of natural gas in the restaurant kitchen. This figure was calculated by multiplying the estimated amount of natural gas usage associated with the restaurant use (1,084,500 kBTU) by the conversion factor used by CalEEMod to determine that amount of GHG emissions per unit of natural gas (0.00005368 MTCO<sub>2</sub>e/yr/kBTU). Natural gas usage in the restaurant was estimated based on the square footage of the restaurant and the average natural gas consumption for food service buildings, based on data from the U.S. Energy Information Administration.<sup>1</sup> Therefore, if project operational emissions are otherwise reduced by at least 58.22 MTCO<sub>2</sub>e/yr, then the project would not conflict with BMP 1. As noted previously, the project would include a solar panel installation that would generate 661 MWh per year. By using the CalEEMod conversion factor for the amount of GHG emissions per unit of electricity (0.00016329 MTCO<sub>2</sub>e/yr/kWh), a solar installation of this size would reduce GHG emissions associated with electricity generation by approximately 107.94 MTCO<sub>2</sub>e/yr.

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<sup>1</sup> U.S. Energy Information Administration. *Commercial Buildings Energy Consumption Survey, Table E7. Natural gas consumption and condition energy intensity (Btu) by end use, 2012.* Available at: <https://www.eia.gov/consumption/commercial/data/2012/c&e/cfm/e7.php>. Accessed November 2022.

Therefore, the solar installation included as part of the project would be sufficient to offset all GHG emissions associated with the use of natural gas in the proposed commercial kitchen. However, without the inclusion of the proposed solar installation, the project would not comply with BMP 1. Specifically, the proposed project would need to include a solar installation sufficient to reduce GHG emissions by at least 58.22 MTCO<sub>2</sub>e/yr, which could be achieved by a 356.5 MWh solar installation. Therefore, Mitigation Measure 7-1 is required to ensure that the proposed project would comply with BMP 1.

The foregoing revisions provide clarification related to the calculations, but do not change the conclusions of the IS/MND.

### Response to Comment 6-3

In response to the comment, Mitigation Measure 7-1 is hereby revised as follows:

7-1 *Prior to the issuance of building permits, the following requirements shall be noted on project improvement plans, subject to review and approval by the City of Sacramento Community Development Department:*

- The project shall be all-electric, except for the cooking appliances in the restaurant kitchen. The restaurant kitchen shall be pre-wired to allow for the future conversion of the natural gas cooking appliances to electric cooking appliances;
- *The project shall include a renewable energy system that generates at least 356.5 MWh/yr; and*
- *The project shall include at least 41 electric vehicle (EV) ready parking spaces.*

The additional clarification requested by the commenter does not change the conclusions of the IS/MND.

### Response to Comment 6-4

As noted on page 27 of the IS/MND, the project would be required to implement the SMAQMD's Basic Construction Emission Control Practices (BCECP). The City will require implementation of the BCECPs through a condition of project approval.

### Response to Comment 6-5

It is noted that SMAQMD Rule 902, which relates to asbestos, is summarized on pages 56 and 57 of the IS/MND.

### Response to Comment 6-6

The comment is a concluding statement and does not address the adequacy of the IS/MND.

## **Letter 7: Nathan Dietrich, University of California, Sacramento, 11/22/2022**

### Response to Comment 7-1

The comment is an introductory statement and does not address the adequacy of the IS/MND.



#### Response to Comment 7-2

As stated on page 87 of the IS/MND, the proposed project would not introduce incompatible uses to the project site, and impacts related to substantially increasing hazards due to a geometric design feature or incompatible uses, as well as impacts related to pedestrian, bicycle, and vehicle safety, were specifically addressed in the IS/MND. Based on the Final Transportation Impact Study prepared for the proposed project, such impacts were determined to be less than significant.

#### Response to Comment 7-3

See Response to Comment 4-2.

#### Response to Comment 7-4

The comment is a conclusory statement and does not address the adequacy of the IS/MND.

### **Letter 8: David Moore, Civic Thread, 11/29/2022**

#### Response to Comment 8-1

The comment is an introductory statement and does not address the adequacy of the IS/MND.

#### Response to Comment 8-2

The comment notes the proposed project's alignment with the SCI Specific Plan and SMAQMD policies. The comment notes the adequacy of the IS/MND and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 8-3

The comment discusses opportunities to reduce transportation and GHG emissions impacts. The comment is not related to the adequacy of the IS/MND, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 8-4

The comment discusses specific bicycle rack recommendations. The comment does not address the adequacy of the IS/MND, and will be forwarded to the decision-makers as part of their consideration of the proposed project.

#### Response to Comment 8-5

The comment is a concluding statement and does not address the adequacy of the IS/MND.

**ATTACHMENT A**  
**COMMENT LETTERS**

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**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

**Letter 1**

### SENT VIA ELECTRONIC MAIL

November 16, 2022

Mr. Ron Bess  
Associate Planner  
City of Sacramento  
Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
[RBess@cityofsacramento.org](mailto:RBess@cityofsacramento.org)

MITIGATED NEGATIVE DECLARATION FOR THE SAC MUSIC HALL AND  
PERFORMING ARTS CENTER (P20-041) – DATED OCTOBER 2022  
(STATE CLEARINGHOUSE NUMBER: 2022100406)

Dear Mr. Bess:

1-1

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the SAC Music Hall and Performing Arts Center (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1-2

1. The MND states that a Phase I Environmental Site Assessment (Phase I) was prepared for the Project and did not identify any Recognized Environmental Conditions. However, a State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that the Project site is safe for construction and the proposed use.

- 1-3 2. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
- 1-4 3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.
- 1-5 4. The MND states that samples will be collected to determine the presence of lead-based paint on existing site structures and an asbestos survey will be performed to determine if asbestos containing material is present. Additionally, if buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of mercury and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)
- 1-6 5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material.](#)
- 1-7 6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for

Mr. Ron Bess  
November 16, 2022  
Page 3

Letter 1  
Cont'd

1-7  
Cont'd

organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

1-8

DTSC appreciates the opportunity to comment on the MND. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,



Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)



November 16, 2022

Ron Bess  
City of Sacramento  
300 Richards Blvd, 3<sup>rd</sup> Flr  
Sacramento, CA 95811

Re: P20-041  
SAC Music Hall & Performing Arts Center

Dear Ron Bess,

Thank you for providing PG&E the opportunity to review the proposed plans for P20-041 dated 10/19/2022. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

2-1

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

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Public

Ron Bess, Associate Planner  
City of Sacramento  
Community Development Department  
300 Richards Blvd. Third Floor  
Sacramento, CA 95811

Sacramento Music Hall and Performing Arts Center (Application #P20-041)

November 17, 2022

Dear Mr. Bess:

Subject: Objection to SACRAMENTO MUSIC HALL ( Ramona Avenue)

- 3-1** Please accept my comments regarding the above referenced project. My name is Sandra Samaniego and I have lived in my home for almost 30 years. I have enjoyed my neighborhood but object to this proposed project. During a meeting, the applicants made it clear that they would be open and selling liquor even when no events are scheduled. Based on this descriptor, the project being proposed is a bar and/or nightclub.
- 3-2** 1: The proposed development is not conducive to the area. As previously, noted, the proposed Music Hall venue will be open and selling liquor even when no events are booked, i.e., it is a bar. Additionally, this venue is not just a bar, it would be a concert hall generating loud music in an area that has nearby residents. It is simply not conducive nor beneficial in any way to the area.
- 3-3** 2. Currently, the area is proposed to be a more educational and scholastic area in research and development for a mobility center (California Mobility Center). A bar/nightclub is inconsistent with this proposed vision. Proposing a venue that sells liquor and had amplified music is incongruent next to a research facility.
- 3-4** 3. The proposed bar/nightclub project is adjacent to the Tahoe Tallac Little League Field. Although it would be separated by railroad tracks, it is close and would be clearly visible from the field. Again, having a bar/nightclub next to a Little League Field is simply not advisable nor desirable.
- 3-5** 4. The proposed development would emit constant noise disrupting the tranquility of the neighborhood. Although, the 'noise study' released in May, 2022 stated noise would be less than significant, I would disagree. I live less than a mile from the proposed site and can hear baseball games from the Tahoe Tallac Little League Field. Certainly, amplified sound from a concert would be carried into my neighborhood and be highly disruptive. Based on the noise alone, other locations must be considered.
- 3-6** 5. The proposed development would bring in excessive traffic especially during the evening hours. In addition to the traffic, there was a proposal to have a shuttle to and from the 65<sup>th</sup> Light Rail Station. The traffic would continue well after 1:00 am or 2:00 am as people are leaving. This would cause traffic congestion on main roads on Power Inn and Folsom Boulevard limiting access to emergency vehicles to the area not to mention safety risks to drivers, vulnerable road users and pedestrians on all roads around the perimeter of the development, along with the arterial roads that feed into the area.
- 3-7** 6. Opening a bar/night club will bring all problems associated with bars, including crime, drugs, and violence. Criminal activity would be especially prevalent during the closing hour when patrons are exiting the proposed venue. With nearby homes, apartments, and a Little League Field, this proposed bar/nightclub is contrary to the character of the neighborhood and should not be allowed. Another, more suitable location must be considered.
- 3-8** 7. The proposed development will cause irreparable harm and destroy the character of the neighborhood. For all the reasons listed above, the Sacramento Music Hall Project is not conducive to the area and will generate more problems to the area.
- 3-9** Please accept my comments as an OBJECTION to the proposed Sacramento Music Hall and Performing Arts Center (Application #P20-041).

Thank you

S. Samaniego  
6925 Maita Circle  
Sacramento, CA 95820

cc: rbess@cityofsacramento.org

TAYLOR & WILEY

A PROFESSIONAL CORPORATION  
ATTORNEYS  
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November 17, 2022

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

Re: SAC Music Hall and Performing Arts (P20-041) Initial Study/Mitigated  
Negative Declaration

Dear Mr. Bess:

4-1

Taylor & Wiley represents the Power Inn Alliance (Alliance), a property-based business improvement district representing the area in which the SAC Music Hall and Performing Arts Center project (Project) is proposed, and Dimension Properties, LLC (Dimension), which owns property directly adjacent to and north of the proposed Project, within the Sacramento Center for Innovation Specific Plan (SCI). On their behalf, we have reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project and offer our comments below.

4-2

Land Use (IS/MND, pp. 13-14). CEQA Guidelines Appendix G provides the Initial Study checklist that outlines the issue areas that a lead agency should consider when determining whether to prepare an environmental impact report (EIR) or negative declaration for a particular project. With respect to land use and planning, the Appendix G checklist provides that a project has the potential to cause a significant environmental effect if it “conflict[s] with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact.”

The IS/MND provides only a brief analysis of the Project’s consistency with the General Plan, the Fruitridge-Broadway Community Plan, and the site’s MRD-SWR zoning. However, *the IS/MND does not address the Project’s consistency with the SCI.* In fact, the only mention of the SCI within the IS/MND is on the cover page. To us, particularly given the significant relevance of the SCI, this appears to be a glaring omission in the analysis. Consistency with the SCI is critically important to property owners proximate to the project site, including Dimension. Additionally, members of the Alliance worked collaboratively with City staff for many years to create the SCI, and millions of dollars of both public and private investment have been made in reliance on the SCI vision. It also warrants noting that most of the public comments that the City has received to date on the Project have raised the issue of incompatibility with the SCI. Given all of this, as a matter of good housekeeping if nothing else, the previously identified conflicts with the SCI should have been addressed head-on in the IS/MND. For these reasons, the complete lack of any SCI compatibility analysis is perplexing.



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4-3

The SCI area is “envisioned as a hub for innovative business and clean technology industries.” (SCI, p. 1.) One of the SCI’s stated goals is to “encourage the development of the area as a hub for research, technology and innovation.” (SCI Goal LU 3.1, p. 40.) Small commercial uses are permitted in the central area of the SCI, but larger retail uses require the grant of a use permit to determine if they are compatible with the specific plan. (SCI, p. 33.) To that end, SCI Policy LU 3.1.6 provides: “Encourage business-serving retail and commercial uses within walking distance of the University, businesses and transit stops.” (SCI, p. 40.) Because SCI Policy LU 3.1.6 encourages business-serving retail and commercial uses within walking distance, uses that are consistent with this policy would reduce the need for external vehicle trips, as employees could meet their dining and convenience-retail needs without having to drive outside of the SCI area. In short, the retail envisioned in the SCI would primarily support the needs of the employee base, would be ancillary to and supportive of the primary business uses, and would result in trip capture and minimization. As such, this policy was intended to reduce vehicle trips and associated noise, air quality, and climate change impacts all while furthering the primary goals of the specific plan.

Contrary to the goals of the SCI, the primary use of the Project would not provide retail and commercial uses that serve the existing and anticipated innovative business and clean technology industries within the SCI area. Rather, the proposed entertainment venue and bar/nightclub would primarily serve people from outside the SCI area who would attend music performances that would mainly occur during nighttime hours, after most of the anticipated employees of SCI businesses have already returned home.

4-4

For this reason, the IS/MND should have assessed the Project’s consistency with the SCI and analyzed whether any potential inconsistency could result in additional environmental effects. For example, by establishing a night club and bar instead of retail or commercial that would serve the research, technology, and innovation uses envisioned for the SCI area, the Project would result in additional vehicle trips and vehicle miles traveled (VMT) associated with people coming from and returning to areas outside of the SCI area, which could result in additional noise, air quality, and greenhouse gas (GHG) emissions that were not considered. These environmental issues are discussed in further detail below.

4-5

Air Quality Impacts (IS/MDN, pp. 23-29). As discussed below with respect to transportation and circulation, the Project’s trip generation has been underestimated. Thus, the mobile source emissions associated with those vehicle trips provided in this section of the IS/MND are also underestimated. Please revise the analysis to provide a more realistic assessment of the Project’s air quality emissions.

4-6

Greenhouse Gas Emissions (IS/MND, pp. 52-55). As discussed below with respect to transportation and circulation, the Project’s trip generation has been underestimated. For that reason, the GHG emissions provided in the IS/MND are also incorrect. Please revise the analysis to provide a more realistic assessment of the Project’s GHG emissions.

Ron Bess  
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4-7 Also, the IS/MND mitigation allows the Project to use solar power to offset its GHG emissions associated with the use of natural gas. This conflicts with the express language of the Sacramento Metropolitan Air Quality Management District's (SMAQMD) BMP 1, which requires that projects be designed and constructed without natural gas.

4-8 Noise (IS/MND, pp. 65-75). As discussed below, the Project's trip generation has been underestimated. For that reason, the offsite traffic noise analysis in the IS/MND should be revised to reflect the Project's actual trip generation.

Transportation and Circulation (IS/MND, pp. 82-88). The Project would result in additional vehicle trips and VMT associated with people coming from and returning to areas outside of the SCI area beyond what was contemplated in the SCI. Moreover, the IS/MND does not adequately account for the additional vehicle trips associated with the Project. In particular, the IS/MND assumes that relatively high percentage of visitors to the Project site would use shuttle buses provided by the Project applicant to travel between the Regional Transit's (RT) Sacramento State University transit center and the project site. These assumptions are erroneous and not supported by substantial evidence.

4-9 The project trip generation presented in Tables 10 through 12 show that a total of 11.0% of attendees would use shuttle buses during the pre-event peak hour and 27.9% of attendees would use shuttle buses during the post-event peak hour. These assumptions appear to be grossly inflated compared to actual RT usage in the community at large. (Final Transportation Impact Study for the Sacramento Music Hall, p. 18.)<sup>1</sup> The post-event shuttle usage of 27.9% seemingly ignores the fact that RT's light rail trains cease operations after midnight on weekdays and 10:30 p.m. on weekends, and RT's bus service ends at 11 p.m., before most attendees would be leaving the project site. Why would patrons take a shuttle to off-site transit stops if transit service will not be in operation when they arrive? Moreover, the traffic consultant conducted a survey of transit ridership at a similar music venue, Ace of Spades on R Street, and found that only 2% of patrons surveyed took transit despite the fact that Ace of Spades is adjacent to a light rail station. (Final Transportation Impact Study for the Sacramento Music Hall, p. 18.) Actual trip generation for the Project would be substantially higher if more realistic (i.e., much lower) assumptions were employed for shuttle bus and RT usage.<sup>2</sup> For this reason, the IS/MND should be revised to assume reduced shuttle/transit usage and an associated increase in vehicle trips from private vehicles and Transportation Network Company (TNC) services such as Uber, Lyft, and taxis.

<sup>1</sup> Footnote 6 of the Final Transportation Impact Study for the Sacramento Music Hall, p. 28, is particularly interesting in that it notes that no evidence has been provided supporting the assumptions attributed to the staggered departure times assumed for peak-hour analysis.

<sup>2</sup> It further warrants noting that the IS/MND indicates that the "project site is within a mile of the CSUS Transit Center" and that the "65<sup>th</sup> Street station is less than 0.5-mile from the proposed project site" to support its transit assumptions and yet, according to Google Maps, it is actually 1.8 miles to walk the most direct route to the CSUS transit center and 1.0 mile to the University/65<sup>th</sup> Street light rail station. (IS/MND, p. 83.) At this distance, well beyond the generally accepted half mile, it is unlikely that patrons will choose to take transit.

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4-10

Also, the IS/MND does not disclose the additional VMT associated with the Project. Rather, the IS/MND relies upon screening criteria to opt out of such analysis and further concludes that “VMT associated with the proposed project has been generally anticipated by the City.” (IS/MND, p. 87.) Of note, the IS/MND classifies the project as “local-serving retail” to avoid conducting true VMT impact analysis. However, the “local-serving retail” from OPR’s guidance is characterized as typical neighborhood “shopping” and not a 2,300-person capacity concert venue<sup>3</sup>; nor does the City’s Planning and Development Code define the project as “retail.” As such, analogizing the project to “local-serving retail” to escape VMT analysis was a clear error. Such an omission is particularly glaring given that VMT information was used to generate the air quality and GHG emissions for the Project that were discussed elsewhere in the IS/MND.<sup>4</sup>

4-11

For the reasons outlined above, the Power Inn Alliance and Dimension requests that the City revise the IS/MND to address the inconsistencies with the SCI and the additional traffic, air quality/GHG, and noise impacts associated with the Project. Thank you for the opportunity to provide our comments on the IS/MND.

Sincerely,



Jesse J. Yang

cc: Councilmember Eric Guerra  
Tom Pace, Community Development Director  
Greg Sandlund, Planning Director  
Rachel Brown, Power Inn Alliance, Executive Director  
Scott Lee, Dimension Properties, LLC  
Matt Keasling, Taylor & Wiley

<sup>3</sup> OPR’s Technical Advisory on Evaluating Transportation Impacts in CEQA, April 2018 (OPR guidance) provides a description that smaller “new retail development typically redistributes shopping trips rather than creating new trips” and thus can be assumed to reduce VMT. (OPR guidance, p. 13.) This description explaining OPR’s logic for screening-out certain retail uses evidences that it was discussing small retail stores and in no way describes a concert venue with a regional draw.

<sup>4</sup> Note also that parking is distributed at five different locations that are not proximate to one another and that inadequate parking exists at the project site. Nevertheless, circulating between parking areas was not assumed to occur; no rationale is provided for this clearly erroneous assumption. (Final Transportation Impact Study for the Sacramento Music Hall, p. 21.)



Central Valley Regional Water Quality Control Board

18 November 2022

Ron Bess
City of Sacramento
Community Development Department
300 Richards Boulevard
Sacramento, CA 95811
rbess@cityofsacramento.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, SAC MUSIC HALL AND PERFORMING ARTS CENTER PROJECT, SCH#2022100406, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 19 October 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the SAC Music Hall and Performing Arts Center Project, located in Sacramento County.

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

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

5-1

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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

SAC Music Hall and Performing  
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the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsir\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsir_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

5-1  
Cont'd

5-1  
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[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

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[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

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

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

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

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

5-1  
Cont'd

SAC Music Hall and Performing  
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**5-1  
Cont'd**

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

*Peter Minkel*

Peter Minkel  
Engineering Geologist

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





November 18, 2022

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

**Subject: Sac Music Hall and Performing Arts Center (State Clearinghouse #2022100406)**

Dear Ron Bess:

6-1

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the [Mitigated Negative Declaration \(MND\) for the Sac Music Hall and Performing Arts Center](#) under the California Environmental Quality Act (CEQA). The Sac Music Hall and Performing Arts Center is a night club including a bar, a restaurant with a commercial kitchen, and live indoor entertainment on a 6.36 acre site in the Manufacturing, Research and Development zone and Sacramento Center for Innovation Specific Plan area. Sac Metro Air District offers the following recommendations on air quality and climate considerations for project implementation and CEQA review, consistent with methods recommended in our [Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide), available on our website.

**Greenhouse Gas Analysis**

The project would incorporate [Tier 1 Best Management Practices \(BMPs\) under the Sac Metro Air District Greenhouse Gas \(GHG\) Thresholds](#), with one exception, according to the MND: "... the complete prohibition of natural gas was determined to be infeasible for the proposed project, and natural gas is anticipated to be used for cooking appliances in the restaurant component only." To mitigate cooking appliance emissions, the project would include a solar panel installation that would be sufficient to offset all GHG emissions from natural gas use in the proposed commercial kitchen.

6-2

According to the MND, 58.22 MTCO<sub>2</sub>e/yr would occur from the use of natural gas for cooking appliances in the restaurant kitchen. The MND GHG Mitigation Measure 7-1 requires that the project include a renewable energy system that generates at least 356.5 MWh/yr.

- For full clear public disclosure of project GHG impacts and mitigation, Sac Metro Air District recommends that the MND describe calculations used to determine these figures. It is not clear from the air quality modeling in Appendix A how the 58.22 MTCO<sub>2</sub>e/yr was determined. Specifically, we recommend that the MND describe the following:
  - How the 58.22 MTCO<sub>2</sub>e/yr figure was calculated
  - The MTCO<sub>2</sub>e/yr reductions that are projected from the 356.5 MWh/yr renewable energy generation
  - The method of conversion from 356.5 MWh/yr to the projected MTCO<sub>2</sub>e/yr reductions

## Letter 6 Cont'd

Sac Music Hall and Performing Arts Center MND

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- 6-3
- Sac Metro Air District recommends that MND Mitigation Measure 7-1 specify that the entire project will be all-electric except for the cooking appliances in the restaurant kitchen, consistent with Tier 1 BMPs. To be consistent with [California's 2045 carbon neutrality goal](#), we further recommend requiring the building be pre-wired to allow for the future conversion of the cooking appliances to electric technology.

6-4

**Construction**  
The MND uses Sac Metro Air District non-zero thresholds of significance for particulate matter emissions, and under our thresholds of significance, use of the non-zero thresholds requires implementation of our Basic Construction Emission Control Practices. Explicit inclusion of these practices as mitigation measures will ensure that they are implemented.

- Sac Metro Air District recommends the explicit inclusion of our [Basic Construction Emission Control Practices](#) as mitigation measures in the MND.

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 [find a list of the most common rules that apply at the construction phase of projects](#).

6-5

**Asbestos Rule 902**  
Due to the health risks posed by public exposure to asbestos, demolition and renovation of existing buildings is subject to Sac Metro Air District [Rule 902](#), to limit asbestos exposure during these activities. Sac Metro Air District staff is available to review notifications and answer asbestos related questions, either by emailing [asbestos@airquality.org](mailto:asbestos@airquality.org), or calling 279-207-1122.

6-6

**Conclusion**  
Thank you for your attention to our comments. If you have questions about them, please contact me at [mwright@airquality.org](mailto:mwright@airquality.org) or 279-207-1157.

Sincerely,



Molly Wright, AICP  
Air Quality Planner / Analyst

c: Paul Philley, AICP, Program Supervisor, Sac Metro Air District



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November 22, 2022

Mr. Angel Anguiano
Planning Division
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811-0218

RE: Project Routing P20-041: SAC Music Hall and Performing Arts Center

Dear Mr. Anguiano,

7-1

On behalf of California State University, Sacramento (Sacramento State), I write to provide the University's formal comments on the proposed "SAC Music Hall and Performing Arts Center" entertainment venue located at 2950 Ramona Avenue and 3250 Ramona Avenue.

7-2

Representatives from Sacramento State have continued to meet over the past few months with representatives of the project team and staff from the City's Planning Department. At each meeting, we shared concerns about bicyclist and pedestrian safety, parking, noise, street lighting, and student conduct issues. We appreciated the information the development team shared with us regarding the details of the venue's physical space and operations plan. We reiterated that we believe that the venue and the City should prioritize safety at the venue and in the neighborhood, especially concerning pedestrians, bicyclists, and patrons that will frequent the site in the evening.

7-3

On behalf of the University, we also again shared our belief that the project does not align with the principles of the Council-adopted Sacramento Center for Innovation (SCI) Specific Plan (most recently amended in 2018), which calls for the area to be a "prime destination for clean energy, green technology, bio-medical, biotechnology, and other innovative companies." However, our position on the project remains neutral at this time. The University is committed to the principles of the SCI, and earlier this year, we finalized a master plan for our 25-acre property, which is located across the street from the proposed venue. When completed, we are confident that Sacramento State's property, known as "The Hub, Sacramento State Research Park Project," will include academic, research, and office space and fully align with the SCI's principles.

7-4

We appreciate the developers and City for their consistent communication on this project and for their commitment to ensuring the safety of patrons and students, the overall safety of the area, and that traffic and noise concerns are mitigated. Please do not hesitate to contact me about the contents of this letter.

Sincerely,

Nathan Dietrich

Nathan Dietrich
Associated Vice President, Public Affairs and Advocacy

Cc: Councilmember Eric Guerra
President Robert S. Nelsen
Jonathan Bowman, Vice President, Administration, and Business Affairs
Dr. Yvonne Harris, Associate Vice President, Office of Research, Innovation, & Economic Development



November 29, 2022

VIA EMAIL

Ron Bess, Associate Planner  
City of Sacramento, Community Development Department  
300 Richards Blvd. 3rd Floor  
Sacramento, CA 95811

**RE: SAC Music Hall and Performing Arts (P20-041) Initial Study/Mitigated Negative Declaration**

Dear Mr. Bess

8-1

Thank you for providing Civic Thread with the opportunity to review the following IS/MND. The SAC Music Hall and Performing Arts project will cover 6.36 acres with the construction of a new entertainment and venue/music hall including an independent restaurant. The project is located in the Manufacturing, Research and Development and Solid Waste Restricted Overlay (MDR-SWR) zone and Sacramento Center for Innovation (SCI) Specific Plan. It is located south of and nearby to Sacramento State University and several high frequency transit stops including two light rail stations.

**Alignment with Relevant Plans**

- **SCI Policy LU 3.1.6**- SAC Music Hall's inclusion of an independent restaurant providing lunch and dinner. (IS/MND pp. 4)
- **(SMAQMD) BMP 1**- Allowance of solar power to offset GHG emissions associated with natural gas. (IS/MND pp. 52-55)

8-2

In addressing potential concern others may have with the conflicting guidance of the project and relevant planning documents such as the SCI or SMAQMD BMP we offer the following comments. With the stated goal of SCI Policy LU 3.1.6 to, "encourage the business-serving retail and commercial uses within walking distance of the University, businesses, and transit stops" the project is supportive. The restaurant, as part of the SAC Music Hall is stated within the IS/MND plans as operating independently and to that end, will be providing lunch and dinner both on show nights as well as nights without shows. The resulting effect of this is direct trip capture and minimization of future

8-2  
Cont'd

employee trips that may have otherwise prompted the use of private vehicles to obtain lunch outside of the SCI planning area.

Additionally, the project's use of natural gas within the restaurant remains in direct alignment with SMAQMD's BMP 1. As the IS/MND states, the elimination of natural gas was, "determined to be infeasible for the proposed project" and will be used in the restaurant only. Further compliance on this matter is realized in SCI's statement concerning the opportunity to further reduce the overall natural gas energy use with inclusions of integrated solar electric features which the SI/MND is stated as providing and is calculated as "enough to offset the GHG emissions associated with the use of natural gas."<sup>1</sup>

**Transportation and GHG Emission Reduction Strategies**

- *Charge for parking and reduce overall number of provided spaces.*
- *Coordinate with CSUS for use of "Flexible Parking" near Folsom Boulevard and Ramona Avenue.*
- *Increase bicycle parking and locate it along northeast elevation.*
- *To the greatest extent possible, coordinate show schedules with transit hours of operation.*
- *Coordinate with the City to include wayfinding and placemaking signage along Ramona Drive directing and highlighting the SAC Music Hall to those walking or biking.*

8-3

Private vehicle and rideshare trips are cited as the primary means of transportation to and from the venue. Implementing TDM policies that transfer the financial cost and social burden of parking onto the consumer and reduce overall vehicle parking provisions have been shown to be a highly effective means of shifting travel behavior.<sup>2</sup> Little data has been collected on the acceptable walking distances of patrons to special event venues, however studies have shown that willingness to walk longer distances, more than 1 mile, or for longer durations of time, 30 minutes, are more widely adopted than the standard ¼ or ½ mile pre-conceived notions, particularly in the case of recreational or social trips as these would be.<sup>3</sup>

<sup>1</sup> Source: SAC Music Hall and Performing Arts Center- Mitigated Negative Declaration.

<sup>2</sup> Source: <https://www.sciencedirect.com/science/article/pii/S0965856416301525>

<sup>3</sup> Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3377942/>

**8-3  
Cont'd**

By charging for parking and reducing the overall number of spaces provided, the financial burden is placed on those willing to pay. This price should be high enough that a desired percentage of drivers would be willing to shift to alternative modes. It is important not to bundle the price of parking into the ticket price. Unbundling prices ensures that those who choose not to drive and do not contribute to GHG emissions, congestion, or noise pollution would not subsidize the cost of those who do drive. The venue operator can then use the money generated from parking to support and enhance the shuttle services provided. Depending on the price charged for parking and resulting mode shift, the developer should consider reducing the parking provisions to the minimum required of 389.

Another opportunity that should be explored is a collaborative partnership to use the auxiliary parking facilities at the southern end of the CSUS campus nearest to the Folsom Boulevard and Ramona Road intersection (red shaded area in image below). This would help to utilize lots while demand from students is lower and fill it with the evening demand of venue patrons. Coordinated shuttle services should be considered in conjunction with this strategy. In addition, this reduces the total walking distance to .75 miles using Lot 9 as a starting point. Nearby transit light rail stations are 1 mile to the 65<sup>th</sup> station when traveling along Folsom Boulevard, from which a continuous sidewalk network exists (blue line in image below) or .7 miles from Power Inn light rail station.

8-3  
Cont'd



It remains a concern that the primary value of the shuttle service rests on its ability to connect patrons to and from transit and the venue. Should the run times of shows release patrons after SacRT transit has ceased operating, the value of the service will likely decrease, however if such was anticipated to be the case, a more robust park and ride system utilizing flexible parking as mentioned above could be pursued. There is great value in reducing the number of vehicle trips within the SCI planning area. By doing so and with future development, the surrounding area has the opportunity to be more pedestrian friendly and activated, encouraging walking and biking trips. Additionally, fewer cars means few opportunities for collisions to occur, particularly as most traffic will occur during evening hours with little light.

8-4

Finally, based on the renderings it appears that the “wavy” racks are still being used despite our recommendation to use racks that comply [Sacramento Bike Rack Design Standards](#). We reiterate our concern that wavy racks are unintuitive and not supportive of bicycles during use. We recommend the use of “staple” style racks. The placement of the racks behind the building on the southeast elevation, perhaps to hide them from potential theft or damage, may serve the opposite effect. Not only are they not intuitive to find without directional signage which would render their “hidden” location ineffective, but they force cyclists to either interact with pedestrians along the walkway or vehicles in the pick-up and drop-off area. We strongly recommend, in addition to increasing the

8-4  
Cont'd

number of provided bike parking spaces and utilizing “staple” style racks, to relocate the racks to the northeast elevation where they will be immediately located by users, protected by high pedestrian activity before shows and protected by “eyes on the street” due to their proximity to entrance and exit doors and windows where a constant sense of them being visible by someone inside is present.

8-5

Civic Thread is working to support increased physical activity such as walking and bicycling in local neighborhoods as well as helping to create community environments that support walking and bicycling. The benefits include improved public health and physical fitness, better air quality, a stronger sense of cohesion and safety in neighborhoods, and more sustainable communities and local economies.

Thank you for considering our comments providing Civic Thread with the routing information. We look forward to continued participation in the project moving forward.

Sincerely,

*David Moore*

David Moore  
Project Coordinator



**ATTACHMENT B**  
**NATURAL GAS EMISSIONS CALCULATIONS**

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For food service buildings, natural gas consumption for the cooking component only =  
 For public assembly land use, electricity energy intensity from space heating, cooling, ventilation,  
 and water heating

120.5 kBTU/sf

<https://www.eia.gov/consumption/commercial/data/2012/c&e/cfm/e7.php>

7.50 kWh/sf

<https://www.eia.gov/consumption/commercial/data/2012/c&e/cfm/e6.php>

CalEEMod Conversion Factors		
GHG - electricity	0.00016329	MTGHG/kWh
GHG - natural gas	0.00005368	MTGHG/kBTU
ROG - natural gas	0.00001079	lbs/kBTU
Nox - natural gas	0.00009804	lbs/kBTU

Additional emissions associated with electricity from removing natural gas		
square footage of arena/music hall	43,560.00	sf
electricity use from HVAC in proposed arena/music hall	326,700.00	kWh
GHG	53.35	MTCO2/yr

Emissions from combustion of natural gas for cooking		
square footage of proposed restaurant	9,000.0	sf
nat gas use from cooking in proposed restaurant	1,084,500.0	kBTU
GHG	58.22	MTCO2/yr
ROG	0.03	lbs/day
Nox	0.29	lbs/day
Source	MTCO2e/yr	
Area	0.01	
Energy	286.25	
Mobile	357.12	
Waste	53.91	
Water	5.97	
Total	703.25	

solar

661,023.00 kwh/yr

107.94

356,520.45