



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 12.1a

**Meeting Date:** May 18, 2023

**Subject:** Approve Resolution No. 3320: Chavez-Kemble Elementary School Rebuild Project Mitigated Negative Declaration (MND)

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Facilities Support Services

**Recommendation:** Receive for review the Initial Study/Mitigated Negative Declaration (MND), including the public comments received, and the Mitigation Monitoring and Reporting Program (MMRP) for the Chavez-Kemble Elementary School Rebuild Project. The California Environmental Quality Act (CEQA) requires the adoption of such a resolution for this project. Resolution No. 3320 is attached which approves the MND and mitigation measures included in the MMRP.

**Background/Rationale:** The Chavez-Kemble Elementary School Rebuild Project is one of the three initial large projects using Measure H bond funds. Proposed work will include interim housing on site while a new school site is constructed that will house both the Cesar Chavez and Edward Kemble schools. Those two schools currently share one impacted property that does not allow staff the adequate space needed for a proper level of educational opportunities and outdoor field access. Combining the two schools within one facility will allow for the development of a larger multipurpose room that can more easily house indoor recess in inclement weather, provide adequate play yard and outdoor physical activity space, and address all six of the petals outlined within the District's Educational Specifications as part of the Facilities Master Plan.

The proposed project is subject to review under CEQA. For every non-exempt public project, CEQA generally requires the Lead Agency to prepare an Initial Study in order to determine the level of environmental review that is required for CEQA compliance. If the Initial Study indicates that the project will not result in significant environmental impacts, the Lead Agency may adopt a "negative declaration" rather than preparing a full Environmental Impact Report (Pub. Res. Code Section 21080 (c)). If the Initial Study reveals substantial evidence that significant environmental

impacts might occur, but also identifies mitigation measures that reduce those impacts to a level of less than significant, the lead agency may satisfy CEQA obligations with a “Mitigated Negative Declaration” (Pub. Res. Code Section 21064.5 & Section 21080 (d)).

Consistent with this process, an Initial Study was prepared which determined that the proposed project may result in significant environmental impacts, but that the mitigation measures would reduce those impacts to a level of less than significant. Therefore, a Mitigated Negative Declaration (MND) was prepared. In compliance with CEQA Guidelines 15072 & 15073, the District provided notice of and circulated the MND for public review. The Notice of Availability was published in the Sacramento Bee and mailed to residents immediately adjacent to the Chavez-Kemble property.

The District received four (2) letters of comment which are included in the attached Summary of Comments for the Board’s review. Of these, one (1) letter was received from the Central Valley Regional Water Quality Control Board, and one (1) letter was received from the Sacramento Metropolitan Air Quality Management District. None of these letters raised an issue related to the adequacy of the MND under CEQA.

The MND, the Appendices, and the MMRP represents the proposed final environmental document for the Project. The approval of Resolution No. 3320 will approve the MND, and adopt the MMRP which will satisfy the District’s obligation under CEQA and is a prerequisite to final District approval of the Project.

**Financial Considerations:** None.

**LCAP Goal(s):** Operational Excellence

**Documents Attached:**

1. Resolution No. 3320
2. Initial Study/Mitigated Negative Declaration for the Chavez-Kemble Elementary School Rebuild Project and Technical Appendix for MND Link: <https://www.scusd.edu/mnd-chavez-kemble-rebuild-project>
3. Mitigation Monitoring and Reporting Program
4. Public Comments and Responses

**Estimated Time of Presentation:** N/A

**Submitted by:** Rose F. Ramos, Chief Business & Operations Officer

Nathaniel Browning, Director of Facilities

**Approved by:** Jorge A. Aguilar, Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION RESOLUTION NO. 3320**

**RESOLUTION OF THE SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE  
MITIGATION REPORTING PROGRAM FOR THE TRANSPORTATION FACILITY  
RELOCATION PROJECT**

**WHEREAS**, the Board of Education (“Board”) of the Sacramento City Unified School District (the "District") has received an initial Study/Mitigated Negative Declaration (“MND”) dated April 2023, prepared for the Chavez-Kemble Elementary School Rebuild Project (“Project”) in accordance with the California Environmental Quality Act (“CEQA”) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.);

**WHEREAS**, the Project consists of rebuilding the Cesar Chavez and Edward Kemble School (“Chavez-Kemble”) site;

**WHEREAS**, on the basis of the initial study (“IS”), the District has determined that there will not be significant environmental effects in this case because revisions in the proposed Project, in the form of mitigation measures, were made by the project proponent (the District) prior to the release of the document for public review, and will avoid the effects or mitigate the effects to a less than significant level making the preparation of a MND appropriate;

**WHEREAS**, on April 4, 2023, the District published the Notice of Availability and Intent to Adopt the MND in The Daily Recorder;

**WHEREAS**, on April 4, 2023, the District posted the Notice of Availability and Intent to Adopt the MND and the MND in its entirety on the District’s website;

**WHEREAS**, on April 4, 2023, the District also filed a Notice of Completion with the State Clearinghouse allowing the State to circulate copies of the MND to any affected State agencies for comment;

**WHEREAS**, the public comment period on the MND commenced on April 4, 2023, and ended on May 4, 2023, following said notice to the public and all public agencies;

**WHEREAS**, the District received two (2) written comments on the MND from the public and reviewing public agencies during the public review period and any comment that raised an issue related to the adequacy of the environmental document was responded to;

**WHEREAS**, such comments and responses thereto have been incorporated into the MND through a Summary of Comments;

**WHEREAS**, all actions required to be taken by applicable law relating to the preparation, circulation, and review of the MND have been taken;

**WHEREAS**, the Board has reviewed and considered the MND (including the Appendices, the Summary of Comments and Responses) and has evaluated and considered the comments received from persons who have reviewed the MND and any written responses thereto;

**WHEREAS**, the Board has reviewed and considered the mitigation measures identified in the MND and listed in the Mitigation Monitoring and Reporting Program (“MMRP”) set forth in Exhibit A; and

**WHEREAS**, the facts and findings regarding the Project set forth in this Resolution are supported by substantial evidence in the administrative record and by the MND; and

**WHEREAS**, the MND has identified all significant environmental effects of the Project and all significant and known potentially significant impacts; and

**WHEREAS**, the MND has described reasonable mitigation measures that will reduce potentially significant impacts to less than significant; and

**WHEREAS**, the MND reflects the Board’s independent judgment and analysis on the potential for environmental impacts from the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Sacramento City Unified School District Board of Education at the meeting held on May 18, 2023 the following:

SECTION 1: The foregoing recitals are true and correct and made part of this Resolution.

SECTION 2: For every non-exempt public project, the California Environmental Quality Act (“CEQA”) generally requires the lead agency to prepare an initial study in order to determine the level of environmental review required for CEQA compliance. If the initial study indicates that the project will not result in significant adverse environmental impacts, the lead agency may adopt a “negative declaration” (Pub. Res. Code § 21080(c)). If the initial study reveals substantial evidence that significant environmental impacts might occur, but also identifies mitigation measures that reduce those impacts to a level of less than significant, the lead agency may satisfy CEQA obligations with a “Mitigated Negative Declaration” (Pub. Res. Code §§ 21064.5 & 21080(d)).

SECTION 3: As set forth in the Recitals, in compliance with CEQA, the District prepared the MND and circulated it for public review.

SECTION 4: The Board hereby certifies that all comments received in response to the MND and responses thereto have been considered by the Board, which comments and responses are included in the Summary of Public Comment. Further, for the purposes of CEQA and the findings set forth herein, the record of proceedings for the District decision on the Project includes, but is not limited to all information in the administrative record including but not limited to the MND, all public notices related to the Project; all comments submitted by any agencies and members of the public; all reports, studies memoranda (excluding confidential memoranda) and other documents relevant to the Project prepared by the District; the District’s consultants, or responsible or trustee agencies with respect to the District compliance with the

requirements of CEQA and with respect to the District's action on the Project; any documentary or other evidence submitted to the District at public meetings or hearings related to the Project; and matters of common knowledge to the District. The materials in the record are located at and available upon request at the District office.

SECTION 5: The MND for the Project has been completed and is in compliance with the provisions of CEQA, with State and local Guidelines implementing CEQA, and all other applicable laws and regulations.

SECTION 6: In accordance with CEQA, the Board determines that the findings made in the MND with respect to the potential environmental impacts of the Project and the proposed mitigation measures are complete and accurate and hereby incorporates such findings of the MND by reference.

SECTION 7: The Board finds and declares that the MND for the Project was presented to the Board and the Board independently reviewed and considered the information contained in the MND prior to approving the Project, as the Project is defined in the MND.

SECTION 8: Based on its review of the MND, the Board finds that the MND for the Project is an adequate assessment of the potentially significant environmental impacts of the Project, as described in the MND.

SECTION 9: The Board has reviewed the findings of the Project, comments regarding the Project, and other relevant Project records. Based on the evidence contained therein, the Board finds and determines that, following implementation of the mitigation measures set forth in the MND, there is no substantial evidence of a significant, unmitigated environmental impact caused by the Project.

SECTION 10: The Board hereby adopts the Mitigated Negative Declaration as complete and adequate under CEQA, and certifies that the MND represents the independent judgment of the Board.

SECTION 11: The MMRP has been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with Project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the MND. The Board hereby adopts the Mitigation Reporting Program and incorporates the Mitigation Reporting Program into the Project.

SECTION 12: The MND and the MMRP are on file and available at the administrative office of the Sacramento City Unified School District. The custodian of the documents and records referred to herein shall be the Director of Capital Projects, Facilities, and Resource Management, Facility Support Services and shall be located at 425 1<sup>st</sup> Avenue, Sacramento, CA.

SECTION 13. The Board approves the Project as specifically described in the Final MND.

SECTION 14. The Board directs the Superintendent and/or his/her designee to take any and all required or appropriate actions necessary to proceed with the Project.

SECTION 15. This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on this date May 18, 2023, by the following vote:

AYES: \_\_\_\_

NOES: \_\_\_\_

ABSTAIN: \_\_\_\_

ABSENT: \_\_\_\_

ATTESTED TO:

\_\_\_\_\_  
Chinua Rhodes  
President of the Board of Education

\_\_\_\_\_  
Jorge A. Aguilar  
Superintendent

May 2023 | Mitigation Monitoring and Reporting Program  
State Clearinghouse No. 2023040030

# CHAVEZ-KEMBLE ELEMENTARY SCHOOL REBUILD PROJECT

Sacramento City Unified School District

*Prepared for:*

**Sacramento City Unified School District**

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# MITIGATION MONITORING AND REPORTING PROGRAM

## Chavez-Kemble Elementary School Rebuild Project

**CEQA ACTION.** Mitigated Negative Declaration (MND)

**PROJECT LOCATION:** The 8.71-acre site encompasses two schools, Kemble Elementary School on 7495 29th Street and Chavez Elementary School at 7500 32nd Street, both in the City of Sacramento. The Assessor's Parcel Number (APN) for Kemble Elementary School is 049-0183-002 and the APN for Chavez Elementary School is 049-0176-002.

**PROJECT DESCRIPTION:** The Sacramento City Unified School District plans to fully redesign and reconstruct the project site and combine Chavez Elementary School and Kemble Elementary School into one school building—the new school is yet to be formally renamed. The capacity of the proposed school would decrease from 1,338 students to 850 students; buildings would be limited to two stories; and access to the site would be via driveways on 32nd Street, 29th Street, and Torrance Avenue.

The construction would be phased to accommodate students remaining onsite during construction. The District submitted plans to California Division of the State Architect (DSA) in November 2022 for interim housing and plans to submit to DSA in May 2023 for the site work and July 2023 for the buildings/final site plan. Construction is estimated to start approximately June 2023 and construction activities would end approximately August 2025. School opening would be planned for Fall 2025.

### Terms and Definitions

- 1. Property Owner:** Sacramento City Unified School District
- 2. Timing:** This is the point where a mitigation measure must be monitored for compliance. When multiple action items are indicated, it is the first point where compliance associated with the mitigation measure must be monitored.
- 3. Responsibility for Monitoring:** Shall mean that compliance with the mitigation measures shall be reviewed and determined adequate by all parties listed in the table for each mitigation measure. Outside public agency review is limited to those public agencies specified in the Mitigation Monitoring and Reporting Program which have permit authority in conjunction with the mitigation measure.
- 4. Ongoing Mitigation Measures:** The mitigation measures that are designated to occur on an "ongoing basis" as part of this Mitigation Monitoring and Reporting Program will be monitored in the form of an annual letter from the District or contractor in January of each year demonstrating how compliance with the measures has been achieved. When compliance with a measure has been demonstrated for a period of one year, monitoring of the measure will be deemed to be satisfied and no further monitoring will occur. For measures that are to be monitored "Ongoing During Construction," the annual letter will review those measures only while construction is occurring; monitoring will be discontinued after construction is complete. A final letter will be provided at the close of construction.

**Table 1. Mitigation Monitoring and Reporting Program**

Mitigation Measures		Responsibility for Implementation	Implementation Phase	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<b>BIOLOGICAL RESOURCES</b>					
BIO-1	<p>The project shall implement the following development standards for the four remaining trees (tag numbers 8, 12, 13, and 14) during construction activities:</p> <ul style="list-style-type: none"> <li>• Avoid grade cuts greater than 1 foot within the driplines of preserved trees and within 5 feet of their trunks.</li> <li>• Avoid fill greater than 1 foot within the driplines of preserved trees and any placement of fill within 5 feet of their trunks.</li> <li>• Avoid trenching within the driplines of preserved trees. If it is absolutely necessary to install underground utilities within the driplines of a preserved tree, then the trench shall either be bored or drilled.</li> <li>• Avoid installing irrigation systems within the driplines of preserved tree(s) as it may be detrimental to the long-term survival of the preserved tree(s).</li> <li>• Limit landscaping beneath preserved trees be limited to nonplant materials such as boulders, cobbles, wood chips, etc., or plant species tolerant of the natural semi-arid environs of the trees. Drip irrigation shall be limited to approximately twice per summer for the understory plants.</li> </ul>	Sacramento City Unified School District	During Construction Activities	District Staff, Construction Contractor	
BIO-2	<p>The project shall implement the following development standards for the four remaining trees (tag numbers 8, 12, 13, and 14) during grading activities:</p> <ul style="list-style-type: none"> <li>• Major roots 2 inches or greater in diameter or encountered within the tree's dripline in the course of excavation from beneath trees that are not to be removed shall be kept moist and covered with earth as soon as feasible. Roots 1 inch to 2 inches in diameter that are severed shall be trimmed, treated with pruning compound, and covered with earth as soon as possible.</li> <li>• Support roots that are inside the dripline of the tree should be protected to the extent feasible. Hand-digging is recommended in the vicinity of major trees to prevent root cutting and mangling by heavy equipment.</li> </ul>	Sacramento City Unified School District	During Grading Activities	District Staff, Construction Contractor	
<b>CULTURAL RESOURCES</b>					
CUL-1	<p>Prior to grading activities, a qualified archaeological monitor shall be identified to be on call during ground-disturbing activities. If archeological resources are discovered during excavation and/or construction activities, construction shall stop within 100 feet of the find, and the qualified archaeologist shall be consulted to</p>	Sacramento City Unified School District	Prior to Grading Activities	District Staff with Qualified Archaeologist, Wilton Rancheria	

**Table 1. Mitigation Monitoring and Reporting Program**

Mitigation Measures	Responsibility for Implementation	Implementation Phase	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>determine whether the resource requires further study. The archaeologist shall make recommendations to the District to protect the discovered resources.</p> <p>If the resources are deemed to be non-tribal, the archaeological resources recovered shall be provided to the North Central Information Center and California State University, Sacramento Natural History Museums, or any other local museum or repository willing and able to accept and house the resource to preserve for future scientific study.</p> <p>If the resources are deemed to be tribal-related, the Wilton Rancheria will be contacted to assess the significance of any find as well, in order to obtain recommendations on how best to proceed. Tribal-related archaeological resources discovered will be left in place in order to minimize handling until consultation with the qualified archaeological monitor and the Wilton Rancheria can be arranged in order to determine the appropriate next steps. Continued work in the area of the archaeological find will only proceed after authorization from the District in coordination with the Wilton Rancheria and the qualified archaeological monitor. The Wilton Rancheria contact information is as follows:</p> <p style="padding-left: 40px;">Wilton Rancheria – Cultural Preservation Department Tel: 916.683.6000 cpd@wiltonrancheria-nsn.gov</p>			Tribal Monitor, if Warranted	
<b>GEOLOGY AND SOILS</b>				
<p>GEO-1 Prior to construction, the District shall identify a qualified paleontologist to be on-call. If unique paleontological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find, and the qualified paleontologist shall be consulted to determine whether the resource requires further study. The paleontologist shall make recommendations to the District to protect the discovered resources. Any paleontological resources recovered shall be provided to the North Central Information Center and California State University, Sacramento Natural History Museums, or repository willing and able to accept and house the resource to preserve for future scientific study.</p>	Sacramento City Unified School District	During Construction Activities	District Staff with Qualified Paleontologist, if Warranted	

**Table 1. Mitigation Monitoring and Reporting Program**

Mitigation Measures	Responsibility for Implementation	Implementation Phase	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<b>GREENHOUSE GAS EMISSIONS</b>				
GHG-1 The project shall comply with the 2019 California Green Building Standards Code (CALGreen) Tier 2 standards which are a requirement under the Sacramento Metropolitan Air Quality Management District (SMAQMD) Greenhouse Gas (GHG) Best Management Practices (BMPs). Plans shall identify the number of EV parking spaces with chargers that meet the 2019 CALGreen Tier 2 standards.	Sacramento City Unified School District	During Design Phase	District Staff, Construction Contractor	
<b>Noise</b>				
N-1 The Sacramento City Unified School District shall adopt a Construction Noise Control Plan, including, but not be limited to the following: <ul style="list-style-type: none"> <li>• Limit construction to the hours allowed by the City of Sacramento (7:00 AM to 6:00 PM, Monday through Saturday and between the hours of 9:00 AM to 6:00 PM on Sundays) and prohibit construction on federal holidays.</li> <li>• At least 30 days prior to the start of construction activities, all off-site businesses and residents within 300 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the Sacramento City Unified School District's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.</li> <li>• At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the Sacramento City Unified School District Facility Department's project hotline number and contractor's authorized representatives contact information that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the Sacramento City Unified School District.</li> <li>• During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).</li> </ul>	Sacramento City Unified School District	Prior to Construction Activities	District Staff, Construction Contractor	

**Table 1. Mitigation Monitoring and Reporting Program**

Mitigation Measures	Responsibility for Implementation	Implementation Phase	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> <li>Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.</li> <li>During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled.</li> <li>During the entire active construction period, noisy operations shall be combined so that they occur in the same time period as the total noise level produced would not be significantly greater than the level produced if the operations were performed separately (and the noise would be of shorter duration).</li> <li>Select haul routes that avoid the greatest amount of sensitive use areas.</li> <li>Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.</li> <li>During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.</li> </ul>				
<b>TRIBAL CULTURAL RESOURCES</b>				
<p>TCR-1 Prior to any ground disturbing construction activities, a Wilton Rancheria Native American monitor shall be identified to be on call.</p> <p>Upon discovery of any tribal cultural resources, construction activities shall cease within 100 feet of the find until the tribal monitor can assess the find and provide recommendations. The evaluation of all tribal cultural resources unearthed by project construction activities shall be evaluated by the tribal monitor. If the resources are Native American in origin, the tribal monitor shall coordinate with the District regarding treatment of these resources as well as notifying local tribes of the find. Typically, the tribe(s) will request reburial, preservation in place within the landscape, the minimization of handling of the objects, construction monitoring</p>	Sacramento City Unified School District	Prior to Ground-Disturbing Activities	District staff with a Wilton Rancheria Tribal Monitor	

**Table 1. Mitigation Monitoring and Reporting Program**

Mitigation Measures	Responsibility for Implementation	Implementation Phase	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>of any further activities, or returning objects to a location within the project area where they will not be subject to future impacts. The District may continue work on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Work in the area(s) of the cultural find may only proceed after all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 52, have been satisfied, as well as with authorization from the District in coordination with the Tribe. If the tribal monitor determines a resource to constitute a “historical resource” or “unique archaeological resource,” time and funding sufficient to allow for implementation of avoidance measures or appropriate mitigation must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources.</p> <p>The project contractor shall implement any measures deemed by the District to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.</p> <p>If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis for curation, only if specifically requested by the Tribe. The District shall be responsible for ensuring that a public, nonprofit institution with a research interest in the materials, such as the North Central Information Center and California State University, Sacramento Natural History Museums, curate any historic archaeological material that is not Native American in origin if such an institution agrees to accept the material. If no institution accepts the archaeological material, the District shall offer it to a local historical society for educational purposes or retain the material and use it for educational purposes. The Wilton Rancheria contact information is as follows: Wilton Rancheria – Cultural Preservation Department Tel: 916.683.6000 cpd@wiltonrancheria-nsn.gov</p>				

May 2023 | Response to Comments  
State Clearinghouse No. 2023040030

# CHAVEZ-KEMBLE ELEMENTARY SCHOOL REBUILD PROJECT

Sacramento City Unified School District

*Prepared for:*

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# 1. Introduction

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## 1.1 BACKGROUND

This document includes a compilation of the public comments received on the Chavez-Kemble Elementary School Rebuild Project Initial Study and Mitigated Negative Declaration (collectively, IS/MND; State Clearinghouse No. 2023040030) and the Sacramento City Unified School District's (District's) responses to those comments.

Under the California Environmental Quality Act (CEQA), a lead agency is not required to prepare formal responses to comments on an IS/MND. However, CEQA requires the District to have adequate information on the record explaining why the comments do not affect the conclusion of the IS/MND that there are no potentially significant environmental effects. In the spirit of public disclosure and engagement, the District, as the lead agency, has responded to all written comments submitted on the IS/MND during the 30-day public review period, which began April 4, 2023, and ended May 4, 2023.

## 1.2 DOCUMENT FORMAT

**Section 1, *Introduction.*** This section describes CEQA requirements and the content of this document.

**Section 2, *Response to Comments.*** This section provides a list of agencies and persons commenting on the IS/MND, copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a letter. Individual comments within each letter have been numbered, and the letter is followed by responses with references to the corresponding comment number.

## 1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines, Section 15204(b), outlines parameters for submitting comments on negative declarations, and reminds persons and public agencies that the focus of review and comment of IS/MNDs should be on the proposed findings that the project will not have a significant effect on the environment. If the commenter believes that the project may have a significant effect, they should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant.

CEQA Guidelines, Section 15204(c), further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence."

Section 15204(d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This

## 1. Introduction

section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

Finally, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to potentially significant environmental issues and do not need to provide all information requested by reviewers, as long as a good-faith effort at full disclosure is made in the environmental document.

## 2. Response to Comments

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This section provides all written comments received on the circulated IS/MND and the District's response to each comment.

Comment letters and specific comments within those letters are assigned an alphanumeric designation for reference purposes. Where sections of the IS/MND are excerpted in this document, they are indented. The following is a list of all comment letters received on the circulated IS/MND during the 30-day public review period, which began April 4, 2023, and ended May 4, 2023.

Letter Reference	Commenting Person/Agency	Date of Comment	Page No.
<b>Agencies</b>			
A	Central Valley Regional Water Quality Control Board, Peter Minkel, Engineering Geologist	May 4, 2023	4
B	Sacramento Metropolitan Air Quality Management District, Molly Wright, AICP, Air Quality Planner/Analyst	May 4, 2023	12

## 2. Response to Comments

LETTER A – Central Valley Regional Water Quality Control Board, Peter Minkel, Engineering Geologist (5 pages)



### Central Valley Regional Water Quality Control Board

4 May 2023

Nathaniel Browning  
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**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, CHAVEZ-KEMBLE ELEMENTARY SCHOOL REBUILD PROJECT, SCH#2023040030, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 3 April 2023 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 Chavez-Kemble Elementary School Rebuild 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 the State Water Resources Control Board (State Water Board), Office of

A-1

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

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

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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/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_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:

A-1

CONT'D

A-2

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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)

A-2

CONT'D

### **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.

A-3

### **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:

A-4

[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/)

A-5

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/wgo/wgo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wgo/wgo2004-0004.pdf)

A-5

CONT'D

### **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.

A-6

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/wgo/wgo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wgo2003-0003.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:

A-7

[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/>

A-8

## 2. Response to Comments

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

A-8

CONT-D

*Peter Minkel*

Peter Minkel  
Engineering Geologist

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

## 2. Response to Comments

### A. **Response to Comments from Central Valley Regional Water Quality Control Board, Peter Minkel, Engineering Geologist, dated May 4, 2023.**

A-1 The commenter provides background information on the Basin Plan and the Antidegradation policy contained in the Basin Plan.

As indicated in the IS/MND, all construction activities would be required to comply with the National Pollutant Discharge Elimination System (NPDES) program, which regulates pollutant discharges. The proposed project would also implement best management practices (BMPs) to control erosion and prevent any discharge of sediments from the site. As the antidegradation analysis is a mandatory element in the NPDES, the proposed project would conduct such analysis at the time the NPDES is prepared. As indicated in Section 3.10(a), of the IS/MND, the proposed project would result in a less than significant impact in regard to surface and ground water quality.

A-2 The commenter states that dischargers whose project disturb one or more acres of soil are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). The commenter states that the Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

As the proposed project would disturb more than one acre of land, the proposed project would be required to be constructed in accordance with the SWPPP which includes BMPs to reduce or eliminate pollutants in stormwater discharges, as indicated in Section 3.9(b) of the IS/MND.

A-3 The commenter states that if the project involves 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 required.

As indicated in Section 3.4(c) of the IS/MND, there are no wetlands onsite. The project site is currently developed with the existing Kemble Elementary School and Chavez Elementary School and is located in an urbanized portion of the City. The proposed project would consist of rebuilding and consolidating the two schools into one elementary school. As the proposed project would not involve the discharge of fill material in navigable waters or wetlands, the proposed project is not subject to the requirements of the 404 Permit.

A-4 The commenter states that if a United States Army Corps of Engineers (USACE) permit, or any other federal permit, is required for the proposed project due to disturbance of waters of the United States, then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities.

## 2. Response to Comments

The proposed project would not discharge surface waters to a stream or creek or other waters of the State. All surface water not collected and retained onsite in accordance with State and local regulations will be collected and discharged into a Municipal drainage system operated by the City of Sacramento. Therefore, the proposed project is not subject to a federal 401 Permit.

- A-5 The commenter states that if USACE determined that only non-jurisdictional waters of the State are present onsite, the proposed project may require a Waste Discharge Requirement permit to be issued by the Central Valley Water Board. The commenter states for 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 may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ.

The proposed project would not discharge surface waters to non-jurisdictional waters. All surface waters not collected and retained onsite in accordance with State and local regulations, will be collected and discharged into a Municipal drainage system operated by the City of Sacramento. Therefore, the proposed project is not subject to the waste discharge requirements and permit.

- A-6 The commenter states that 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 Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085.

Dewatering is not anticipated for the proposed project as the seasonal high groundwater elevation is estimated to be at least 20 feet below grade and no excavations are planned anywhere near that depth by the proposed project. The project site is currently developed with the existing Kemble Elementary School and Chavez Elementary School and is located in an urbanized portion of the City. The proposed project would consist of rebuilding and consolidating the two schools into one elementary school. However, if dewatering activities are needed to construct the proposed project, the District will apply for all applicable permits.

- A-7 The commenter states that 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 NPDES permit, and a Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

See response to comment A-6.

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A-8        The commenter states that if the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, then a NPDES permit is required, and a Report of Waste Discharge must be submitted to the Central Valley Water Board to obtain a NPDES permit.

The proposed project does not discharge waste that could affect the quality of surface waters. All waste is discharged into a community (Municipal) sewage system operated by the City of Sacramento. Therefore, coverage under the NPDES permit would not apply.

## 2. Response to Comments

LETTER B – Sacramento Metropolitan Air Quality Management District, Molly Wright, AICP, Air Quality Planner/Analyst (3 pages)



May 4, 2023

Nathaniel Browning, Facilities Director  
Sacramento City Unified School District Facilities  
425 1st Avenue Sacramento, CA 95818  
Nathaniel-Browning@scusd.edu

**Subject: Chavez-Kemble Elementary School Rebuild Project (State Clearinghouse # 2023040030)**

Dear Nathaniel Browning:

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 Chavez-Kemble Elementary School Rebuild Project](#) under the California Environmental Quality Act (CEQA). The Project is a full redesign and reconstruction of the project site to combine Chavez Elementary School and Kemble Elementary School into one school, limited to two stories. The capacity of the proposed school would decrease from 1,338 students to 850 students. 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.

B-1

### Construction

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

B-2

- 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](#).

Please note that Sac Metro Air District thresholds of significance pertain to maximum daily emissions rather than average emissions. MND Table 3, "Average Daily Regional Construction Emissions," appears to be an average of phase summary [CalEEMod](#) outputs for average daily emissions in Appendix A. Instead, to determine the significance of construction emissions, the MND should use maximum daily emissions from the CalEEMod runs. Further, if construction phases overlap in time, ensure that the MND uses, to determine significance, the combined maximum emissions from all phases running at one time.

B-3

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AirQuality.org

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- Sac Metro Air District recommends that, to determine the significance of project construction emissions, the MND evaluate maximum daily emissions from the CalEEMod runs against our thresholds. Should phases overlap, please remember that an accurate calculation of maximum daily emissions for each day must include the combined maximum daily emissions from all phases running on that day.

B-3  
CONT'D

### Operations

The MND does not include a quantification of projected emissions from project operations. We understand that the project will reduce capacity and is not expected to generate significant polluting emissions.

- Nevertheless, to ensure a thorough operational emissions analysis, Sac Metro Air District recommends that the MND air quality chapter clearly display project operational emissions quantification and include a [CalEEMod](#) run in the MND appendices to document the quantification.

B-4

Further, we commend the MND's use of Sac Metro Air District's [Guidance to Address the Friant Ranch Ruling for CEQA Projects](#).

### 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.

B-5

### Greenhouse Gases

Since the 2020 adoption of our Greenhouse Gas Thresholds, Sac Metro Air District has stopped asking for amortization of the construction greenhouse gas emissions and instead we simply use the 1,100 metric tons/year threshold. Please revise Table 5 to remove the amortization.

B-6

Sac Metro Air District commends the MND's inclusion of Tier 1 best management practice (BMP) from [Sac Metro Air District's greenhouse gas thresholds](#) as mitigation for greenhouse gas emissions impacts. In accordance with our CEQA Guide, implementation of our Tier 1 BMPs is requisite to determine that environmental impacts from project greenhouse gas emissions are less than significant. Explicit inclusion of these BMPs as mitigation measures will ensure that they are implemented.

- To help ensure a technically adequate finding of less than significant project operational greenhouse gas emission impacts, Sac Metro Air District recommends that mitigation measure GHG-1 in the MND include both of our Tier 1 BMPs and specify that the BMP pertaining to electric vehicle (EV) spaces stipulates "EV Ready" spaces instead of "EV Capable" spaces. For convenient reference, following are our Tier 1 BMPs:
  - BMP 1: No natural gas: Projects shall be designed and constructed without natural gas infrastructure.
  - BMP 2: Electric vehicle ready: Projects shall meet the current [CalGreen](#) Tier 2 standards, except all EV Capable spaces shall instead be EV Ready.

B-7

## 2. Response to Comments

Chavez-Kemble Elementary School Rebuild Project  
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Further, the MND text does not include a quantification of projected greenhouse gas emissions from project operations. We understand that the project will reduce capacity and is not expected to generate significant emissions.

- Nevertheless, to help ensure a thorough analysis, Sac Metro Air District recommends that the MND greenhouse gas emissions chapter clearly display project operational greenhouse gas emissions quantification, both mitigated and unmitigated, and include a [CalEEMod](#) run in the MND appendices to document the quantification.

B-8

### 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



## 2. Response to Comments

### **B. Response to Comments from Sacramento Metropolitan Air Quality Management District, Molly Wright, AICP, Air Quality Planner/Analyst, dated May 4, 2023.**

B-1 The commenter provides a summary of the project description and offers the following recommendations on air quality and climate considerations for project implementation.

See responses to comments B-2 through B-8.

B-2 The commenter states that the IS/MND uses Sacramento Metropolitan Air Quality Management District's (Sac Metro Air District) non-zero thresholds of significance for particulate matter emissions, and use of the non-zero thresholds requires implementation of Sac Metro Air District's Basic Construction Emission Control Practices. The commenter recommends the explicit inclusion of the Basic Construction Emission Control Practices as mitigation measures in the IS/MND. The commenter states that all projects are subject to Sac Metro Air District's rules and regulations.

As the commenter states, the proposed project would be subject to Sac Metro Air District rules and regulations, including Rule 403, Fugitive Dust, that would require the project to water the site to reduce the generation of non-combustion fugitive dust. The proposed project would also be subject to applicable rules and regulations contained in the California Code of Regulations, including Title 13, Sections 2449 and 2485, that would require the project to limit vehicle idling to no greater than 5 minutes to reduce the generation of combustion fugitive dust. As such, the air quality analysis utilized the Sac Metro Air District's non-zero particulate matter significance threshold because the proposed project would be subject to rules and regulations that would require the incorporation of best management practices contained in the Sac Metro Air District's Basic Construction Emission Control Practices. This comment is noted.

B-3 The commenter states that the Sac Metro Air District thresholds of significance pertain to maximum daily emissions, not average emissions, as shown in Table 3, *Average Daily Regional Construction Emissions*, of the IS/MND. The commenter states that the IS/MND should use maximum daily emissions from the CalEEMod runs, and if construction phases overlap, the IS/MND should use the combined maximum emissions. The commenter recommends that the IS/MND evaluate maximum daily emissions from the CalEEMod runs against the Sac Metro Air District's thresholds.

As shown in Appendix A of the IS/MND, no phases of the project would overlap and the maximum daily emissions generated during each phase of project construction would not exceed the Sac Metro Air District's significance thresholds of 85 pounds per day of NO<sub>x</sub>, 80 pounds per day of PM<sub>10</sub>, and 82 pounds per day of PM<sub>2.5</sub>. This comment is noted.

## 2. Response to Comments

- B-4 The commenter states that the IS/MND does not quantify the proposed emissions from project operations, and recommends operational emissions be included in the IS/MND and appendices.

As stated in Section 1.5, Project Description, of the IS/MND, the proposed project would result in the decrease of both student enrollment—and subsequent vehicle activity—and building square footage from existing conditions. As a result, the proposed project would fall below the Sac Metro Air District’s applicable screening threshold of 365,000 new square feet or 4,350 new students for ozone precursors emissions and 760,000 new square feet or 9,100 new students for particulate matter emissions. As such, the proposed project would result in less than significant criteria air pollutant and ozone precursor emissions, and the reduction in student enrollment and building square footage would result in a net reduction in emissions from existing conditions. This comment is noted.

- B-5 The commenter states that demolition and renovation of existing buildings is subject to Sac Metro Air District Rule 902 to limit asbestos exposure during these activities.

This comment is noted.

- B-6 The commenter states that Sac Metro Air District has stopped asking for amortization of construction greenhouse gas emissions since 2020, and uses a threshold of 1,100 metric tons/year. The commenter states that Table 5, *Project-Related Construction Emissions*, of the IS/MND, should be revised to remove amortization.

As displayed in Table 5 of the IS/MND, the proposed project would result in an estimated 232 MT CO<sub>2e</sub> in 2023, 364 MT CO<sub>2e</sub> in 2024, and 247 MT CO<sub>2e</sub> in 2025. Therefore, construction emissions would be below the Sac Metro Air District’s construction GHG emissions significance threshold of 1,100 MT CO<sub>2e</sub> per year. This comment is noted.

- B-7 The commenter commends the IS/MND’s inclusion of Tier 1 BMPs from Sac Metro Air District’s greenhouse gas thresholds as mitigation measures. The commenter recommends that Mitigation Measure GHG-1 in the IS/MND be revised to include both Tier 1 BMPs, and specify that the BMP pertaining to electric vehicle (EV) spaces stipulates “EV Ready” spaces instead of “EV Capable” spaces.

As stated in Section 3.8.a of the IS/MND, the proposed project would satisfy BMP 1 (No Natural Gas: Project shall be designed and constructed without natural gas) by design. As such, BMP 1 does not need to be included in Mitigation Measure GHG-1. Moreover, the proposed project would implement Mitigation Measure GHG-1 to ensure that EV charging infrastructure would comply with Tier 2 CALGreen standards. According to Chapter 2 of Part 11 of Title 24, an EV capable space is defined as “A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.” Chapter 2 of Part 11 of Title 24 also defines an EV ready space as “a vehicle space which is provided with

## 2. Response to Comments

a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.” Because neither EV ready spaces nor EV capable spaces explicitly require the installation of a charging station, the Sacramento City Unified School District as the lead agency has determined that meeting CALGreen Tier 2 standards for EV charging infrastructure is sufficient to support the long-term adoption of EVs that is the underlying goal of Sac Metro Air District’s EV-related Tier 1 BMP and the impact determination of less than significant for greenhouse gas emissions. This comment is noted.

- B-8 The commenter states that the IS/MND should include quantification of the proposed project’s operational greenhouse gas emissions and include the CalEEMod run in the appendices.

As stated in Section 1.5, Project Description, of the IS/MND, the proposed project would result in the decrease of both student enrollment—and subsequent vehicle activity—and building square footage from existing conditions. As a result, the proposed project would fall below the Sac Metro Air District’s applicable screening threshold of 57,000 new square feet or 676 new students for greenhouse gas emissions. As such, the proposed project would result in less than significant greenhouse gas emissions, combined with all-electric building designs and compliance with CALGreen Tier 2 EV charging, and the reduction in student enrollment and building square footage would result in a net reduction in emissions from existing conditions. This comment is noted.