

MEMORANDUM

To: Tom Buford and Scott Johnson, City of Sacramento Environmental Planning Services
From: Christine Kronenberg, AICP
Subject: Responses to Comments – We Grow California Cannabis Campus Project (P17-020)
Date: September 4, 2018
Attachments: Comment Letters

The City of Sacramento circulated the Initial Study and Mitigated Negative Declaration (MND) for the We Grow California Cannabis Campus project (P17-020) for public comment. The comment period closed August 16, 2018.

Six comment letters were received, and are attached to this Memorandum. Responses to each letter are provided below. The written comments do not require changes in the analysis or conclusions of the MND and recirculation of the document is not required (CEQA Guidelines section 15088.5).

Sacramento Regional County Sanitation District (Regional San), July 24, 2018

The letter from Regional San confirmed that sewer service for the project would be provided by the Sacramento Area Sewer District local sewer collection system and would be treated at the Sacramento Regional Wastewater Treatment Plant, as described on page 111 of the MND. The letter provides information and an overview of the treatment process and the NPDES Discharge permit requirements. The comment is acknowledged and no further response is required.

Central Valley Regional Water Quality Control Board, August 8, 2018

The Central Valley Regional Water Quality Control Board letter provides information regarding the regulations under the jurisdiction of the agency that may apply to the project. The comments are acknowledged and no further response is required.

Sacramento Air Quality Management District, August 14, 2018

The SMAQMD letter notes that all construction projects are required to comply with Air District rules. The MND notes compliance with Air District rules are required as stated on page 52. The letter notes the City's Green City Initiative and recommends the project include infrastructure to accommodate electric vehicle infrastructure. The project applicant has agreed to include infrastructure to support electric vehicles. The letter also notes a correction is required to page 50 of the MND under the Standards of Significance. To address this request the following correction is made to items d. and e. on page 50 of the MND under the Standards of Significance. New text is shown in underline and text to be deleted is shown in strike through. No further response is required.

- d. Zero (0). If Any increase in PM₁₀ concentrations, unless all feasible Best Available Control Technology (BACT)/Best Management Practices (BMPs) are applied, then above 80 lbs/day and 14.6 tons/year.
- e. Zero (0). If Any increase in PM_{2.5} concentrations, unless all feasible Best Available Control Technology (BACT)/ Best Management Practices (BMPs) are applied, then above 82 lbs/day and 15 tons/year.

The text on page 34 under the header **Infrastructure and Energy Conservation Features** is also revised to reflect the project applicant's support of installing electric vehicle infrastructure.

- Electric vehicle infrastructure would be installed within the parking area to support electric vehicle charging.

Sacramento Municipal Services District, August 15, 2018

The letter from SMUD requests that the project comply with conditions set forth in letters dated July 21, 2017, March 6, 2018 and June 28, 2018. The project applicant has acknowledged SMUD's conditions and has agreed to all of the requested conditions. The letter confirms that SMUD maintains facilities in the project area, and requests the MND be updated to include information pertaining to relocation of existing 69kV and 12kV lines. The following language is added to page 37 of the MND under the heading **Energy**. No further response is required.

The existing 69kV overhead electrical lines and accompanying poles that run along the western portion of the property towards Elder Creek Road and east along Elder Creek Road would be relocated, as shown on Figure 4. The existing 12kV overhead electrical lines along Elder Creek Road would be relocated underground.

Department of Transportation (Caltrans), August 21, 2018

The letter from Caltrans requests the transportation evaluation include a trip distribution based on a select-zone analysis to determine the amount of project-related traffic that would use the State Route 99/Florin Road interchange. To address this comment the City has prepared an analysis using SACOG's SACSIM travel model (2012 dataset) to estimate the travel patterns of project generated traffic and the results are attached to this Memorandum. Based on the analysis about 4.4 percent of project traffic (44 vehicles) would use the interchange. All but one of these vehicles would be through traffic on Florin Road. One vehicle is estimated to use the ramp from northbound SR 99 to eastbound Florin Road.

During the a.m. peak hour, about 5.0 percent of the project traffic (8 vehicles) would use the interchange. All but one of these vehicles would be through traffic on Florin Road. One vehicle is estimated to use the ramp from northbound SR 99 to eastbound Florin Road. During the p.m. peak hour, about 2.3 percent of the project traffic (4 vehicles) would use the interchange. All these vehicles would be through traffic on Florin Road. No vehicles would use any of the ramps at the interchange. As demonstrated by the model results the amount of traffic the project would contribute to this intersection during the a.m. and p.m. peak hour would be negligible and would not result in a project impact. Therefore, the project would not result in any impacts to the State Route 99/Florin Road interchange and the project is not required to mitigate for impacts to the State Highway system.

The letter also notes a reference to the I-5 Subregional Corridor Mitigation Program (SCMP), a voluntary fee program for new development within a specified area to offset project impacts. The project site is not located within the boundaries of the SCMP, as confirmed via email by Alexander Fong, Associate Transportation Planner, Caltrans, District 3. No further response is required.

Lozeau Drury, LLP, August 2, 2018

The letter asserts that the MND prepared and circulated for review and comment is not adequate and does not comply with the California Environmental Quality Act (CEQA). The letter does not identify any specific area or issue as inadequate; therefore, a detailed response is not possible. The commenter requests the City provide notification of any hearings or actions related to the project and reserves the right to submit additional information during public hearings concerning the project. The City acknowledges the comment, but believes the MND prepared for the project is adequate and complies with CEQA requirements. No further response is required.

Attachment A

Comment Letters/Estimated Volumes at SR 99/Florin Road Interchange Memorandum



July 24, 2018

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

Subject: Notice of Availability/Intent to Approve the Draft Mitigated Negative Declaration for the We Grow California Cannabis Campus Project (P17-020)

Dear Mr. Johnson,

Sacramento Regional County Sanitation District (Regional San) has the following comments regarding the draft Mitigated Negative Declaration for the We Grow California Cannabis Campus Project.

The proposed project consists of the construction and operation of a 266,394 square-foot facility that would provide cannabis cultivation, manufacturing and distribution on an 11.46 acre industrial site located at 8280 Elder Creek Road in the southeast portion of the City of Sacramento (City).

Regional San is not a land-use authority. Projects identified within Regional San planning documents are based on growth projections provided by land-use authorities. Sewer studies may need to be completed to assess the impacts of any proposed project that has the potential to increase flow demands. Onsite and offsite impacts associated with constructing sanitary sewer facilities to provide service to the subject project site should be included in this environmental impact report.

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

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

Main Office

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

Treatment Plant

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

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Nicole Coleman

Public Affairs Manager

www.regionalsan.com

Mr. Scott Johnson

July 24, 2018

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

A NPDES Discharge Permit was issued to Regional San by the Central Valley Regional Water Quality Control Board (Water Board) in December 2010. In adopting the new Discharge Permit, the Water Board required Regional San to meet significantly more restrictive treatment levels over its current levels. Regional San believed that many of these new conditions go beyond what is reasonable and necessary to protect the environment, and appealed the permit decision to the State Water Resources Control Board (State Board). In December 2012, the State Board issued an Order that effectively upheld the Permit. As a result, Regional San filed litigation in California Superior Court. Regional San and the Water Board agreed to a partial settlement in October 2013 to address several issues and a final settlement on the remaining issues were heard by the Water Board in August 2014. Regional San began the necessary activities, studies and projects to meet the permit conditions. The new treatment facilities to achieve the permit and settlement requirements must be completed by May 2021 for ammonia and nitrate and May 2023 for the pathogen requirements

Regional San currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. A portion of the recycled water is used by Regional San at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA).

SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove. It should be noted that Regional San currently does not have any planned facilities that could provide recycled water to the proposed project or its vicinity. Additionally, Regional San is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

Mr. Scott Johnson

July 24, 2018

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

Sincerely,

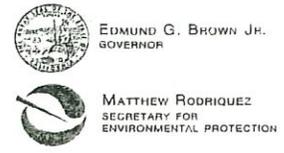
Robb Armstrong

Robb Armstrong

Regional San Development Services & Plan Check



clear 8/15/2018
E



Central Valley Regional Water Quality Control Board

8 August 2018

Governor's Office of Planning & Research

AUG 10 2018

CERTIFIED MAIL

Scott Johnson
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

STATE CLEARINGHOUSE 91 7199 9991 7039 6992 6267

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, WE GROW CALIFORNIA CANNABIS CAMPUS (P17-020) PROJECT, SCH# 2018072041, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 17 July 2018 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 We Grow California Cannabis Campus (P17-020) 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 Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER



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/.

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 Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.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

Cannabis General Order

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for **both** Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed.

Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at:

www.waterboards.ca.gov/cannabis

For questions about the **Cannabis General Order**, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: centralvalleyredding@waterboards.ca.gov or (530) 224-4845.

For questions about **Water Rights** (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: CannabisReg@waterboards.ca.gov or (916) 319-9427.

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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.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 (USACOE). If a Section 404 permit is required by the USACOE, 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 USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE 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.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE 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 Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

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 Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. 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 Risk 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

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

- 2. Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or 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 *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.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:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Senior Environmental Scientist

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

August 14, 2018

SENT VIA E-MAIL ONLY

Scott Johnson
City of Sacramento
Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

RE: We Grow California Cannabis Campus IS/MND (P17-020) (SAC201802027)

Dear Mr. Johnson:

Thank you for providing the Notice of Availability of the We Grow California Cannabis Campus Initial Study / Mitigated Negative Declaration to the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District). The proposed project consists of the construction and operation of a 266,394-square foot facility at 8280 Elder Creek Road that would provide cannabis cultivation, manufacturing/extraction of cannabis products, a distribution center and a delivery-only dispensary on a former industrial site in the City of Sacramento. Sac Metro Air District staff comments on the project follow.

Air Quality Standards of Significance

On page 50, items d. and e. appear to refer to PM₁₀ and PM_{2.5}, respectively. The references to the specific pollutants appear to be missing and should be added in to the text.

Non-CEQA Comment

In 2017, the City of Sacramento Mayor Darrell Steinberg announced a Green City Initiative that includes the installation of electric vehicle charging infrastructure to promote the electrification of the transportation system in the City. In addition, Sacramento City's General Plan Policy ER 6.1.13¹ encourages the use of infrastructure in commercial development to accommodate electric vehicles. The Sac Metro Air District recommends including electric vehicle charging infrastructure in the parking area of this project.

Construction

All projects are subject to Sac Metro Air District rules at the time of construction. Specific rules that may relate to construction activities are attached. A complete listing of current rules is available at www.airquality.org or by calling 916-874-4800.

Thank you for your consideration of these comments. If you have any questions, please contact me at 916-874-4816 or tduarte@airquality.org.

Sincerely,

¹ General Plan Policy ER 6.1.14 – Zero-Emission and Low-Emission Vehicle Use: The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles, and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities in residential developments and employment centers to accommodate these vehicles.

Mr. Scott Johnson
August 14, 2018
We Grow CA Cannabis Campus
Page 2



Teri Duarte, MPH
Planner/Analyst

Attachment

Cc: Paul Philley, Sac Metro Air District

Attachment #1

Sac Metro Air District Rules & Regulations Statement (revised 6/2018)

*The following statement is recommended as standard condition of approval or construction document language for **all** development projects within the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District):*

All projects are subject to Sac Metro Air District rules in effect at the time of construction. A complete listing of current rules is available at www.airquality.org or by calling 916-874-4800. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Rule 201: General Permit Requirements. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from Sac Metro Air District prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the Sac Metro Air District early to determine if a permit is required, and to begin the permit application process. Other general types of uses that require a permit include, but are not limited to, dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower is required to have a Sac Metro Air District permit or a California Air Resources Board portable equipment registration (PERP) (see Other Regulations below).

Rule 402: Nuisance. The developer or contractor is required to prevent dust or any emissions from onsite activities from causing injury, nuisance, or annoyance to the public.

Rule 403: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

Rule 414: Water Heaters, Boilers and Process Heaters Rated Less Than 1,000,000 BTU PER Hour. The developer or contractor is required to install water heaters (including residence water heaters), boilers or process heaters that comply with the emission limits specified in the rule.

Rule 417: Wood Burning Appliances. This rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

Rule 442: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 453: Cutback and Emulsified Asphalt Paving Materials. This rule prohibits the use of certain types of cut back or emulsified asphalt for paving, road construction or road maintenance activities.

Rule 460: Adhesives and Sealants. The developer or contractor is required to use adhesives and sealants that comply with the volatile organic compound content limits specified in the rule.

Rule 902: Asbestos. The developer or contractor is required to notify the Sac Metro Air District of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.

Other Regulations (California Code of Regulations (CCR))

17 CCR, Division 3, Chapter 1, Subchapter 7.5, §93105 Naturally Occurring Asbestos: The developer or contractor is required to notify the Sac Metro Air District of earth moving projects, greater than 1 acre in size in areas “Moderately Likely to Contain Asbestos” within eastern Sacramento County. The developer or contractor is required to comply with specific requirements for surveying, notification, and handling soil that contains naturally occurring asbestos.

13 CCR, Division 3, Chapter 9, Article 5, Portable Equipment Registration Program: The developer or contractor is required to comply with all registration and operational requirements of the portable equipment registration program such as recordkeeping and notification.

13 CCR, Division 3, Chapter 9, Article 4.8, §2449(d)(2) and 13 CCR, Division 3, Chapter 10, Article 1, §2485 regarding Anti-Idling: Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes. These apply to diesel powered off-road equipment and on-road vehicles, respectively.



Sent Via E-Mail

August 15, 2018

Scott Johnson
City of Sacramento
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
SRJohnson@cityofsacramento.org

Subject: We Grow CA-Cannabis Campus (8280 Elder Creek Road) /Notice of Availability/Intent to Approve the Draft Mitigated Negative Declaration / P17-020

Dear Mr. Johnson:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft Mitigated Negative Declaration (Draft MND) for the We Grow CA Cannabis Campus Project (Project, P17-020). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the Project Draft MND will acknowledge any Project impacts related to the following (see below), as well as adhere to the conditions addressed in the letters sent to the City of Sacramento, dated July 21, 2017, March 6, 2018 , and June 28, 2018:

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

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

Please include a discussion regarding the need to relocate the 69kV lines and accompanying poles through the project site as depicted in Figure 4. The line currently runs along the western portion of the property towards Elder Creek Road and then moves east along Elder Creek Road. The existing 12kV lines along Elder Creek Road will be moved underground and the existing 69kV lines along the north side of Elder Creek Road will be removed and relocated to the proposed location within the project footprint as depicted in Figure 4.

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

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

Sincerely,



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

Cc: Rob Ferrera
Jose Bodipo-Memba
Emily Bacchini

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4286
FAX (530) 741-5346
TTY 711



*Serious drought.
Help save water!*

August 21, 2018

GTS# 03-SAC-2018-00281
SCH# 2018072041

Mr. Scott Johnson
Associate Planner
City of Sacramento
300 Richards Blvd, 3rd floor
Sacramento, CA 95816

Mitigated Negative Declaration – We Grow Cannabis Campus Project (P17-020)

Dear Mr. Johnson,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The project includes construction and operation of a 266,394 square foot facility and three Mixed Light Cultivation Facilities that would provide cannabis cultivation, manufacturing/extraction of cannabis products, distribution center, and delivery-only (non-storefront) dispensary.

The project site is located at 8280 Elder Creek Road in the southwest portion of the city of Sacramento, just to the east of the intersection of Power Inn Road and Elder Creek Road. Caltrans provides the following comments based on the Mitigated Negative Declaration (MND) received:

Forecasting/Traffic Operations

According to Table 2 of the Transportation Analysis, the recommended trip generation for this project is approximately 165 trips for the AM and 178 for the PM peak hour. The trip distribution diagram in Figure 3 indicates an even 50% split between eastbound and westbound traffic. Because of this, Caltrans requests the transportation analysis to include a trip distribution based on a select-zone analysis that includes the State Route 99 (SR 99) and Florin Road interchange. Currently, this interchange is

operating at a LOS F during the PM commute hour. To mitigate congestion at the interchange, Caltrans plans to rebuild the interchange to a partial cloverleaf (Type L-9).

I-5 Subregional Corridor Mitigation Program (SCMP)

The SCMP is a voluntary impact fee program for new development within the I-5, SR 99, SR 51, and US-50 corridors between the cities of Elk Grove, Sacramento, and West Sacramento. The SCMP was developed with each city in collaboration with Caltrans for promoting smart growth, reducing daily congested vehicle miles traveled (VMT) and delay on the SHS, and reduce daily VMT on the regional transportation system through funding an array of projects that includes all modes.

Through the I-5 SCMP, impact fee contributions can be made in lieu of conducting a detailed traffic impact study for freeway mainline impacts, including freeway mainline analysis, “merge and diverge” analysis and weaving analysis on the mainline under either existing and cumulative conditions. If the applicant chooses to contribute towards the SCMP, the applicant would still be required to analyze intersection impacts, off-ramp traffic back-up onto the freeway mainline, and any significant safety issues near the intersection.

If the applicant elects not to contribute towards the SCMP, then a detailed traffic impact study may be required, along with mitigation measures, to lessen impacts to acceptable levels that are consistent with local and regional plans.

Impact fee contributions to the I-5 SCMP would go towards funding local and regional projects. Some potential projects that would benefit the project includes the Kammerer Road extension from I-5 to SR 99, transit improvements through the Elk Grove Intercity Rail Station, Hi Bus from Cosumnes River College to Elk Grove, and SR 99 auxiliary/transition lanes along the SR 99 corridor in the cities of Sacramento and Elk Grove.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Alex Fong, Intergovernmental Review Coordinator at (530) 634-7616 or by email at: Alexander.Fong@dot.ca.gov.

Sincerely,



KEVIN YOUNT, Branch Chief (Acting)
Office of Transportation Planning
Regional Planning Branch – South

Cc: State Clearinghouse

From: [Theresa Rettinghouse](#)
To: [Scott Johnson](#); [Ryan DeVore](#); [clerk](#)
Cc: [Richard Drury](#)
Subject: MND Comments for We Grow California Cannabis Campus Project (P17-020)
Date: Thursday, August 2, 2018 4:43:29 PM
Attachments: [2018.08.02 MND Comment Ltr We Grow Cannabis Campus.pdf](#)

Dear Mr. Johnson, Mr. Devore, and Ms. Cuppy:

Attached please find the comments from Laborers International Union of North America, Local Union 185 and its members living in Sacramento County and/or the City of Sacramento ("LiUNA"), regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Project known as We Grow California Cannabis Campus (City File No. P17-020) for Applicant We Grow California, including all actions related or referring to the proposed development of a 266,394 square foot facility that would provide cannabis cultivation, manufacturing/extraction of cannabis products, a distribution center and a delivery-only dispensary, located at 8280 Elder Creek Road ("Project") in the City of Sacramento, in Sacramento County, California. APNs: 064-0010-028 and 064-0010-053.

Please include these comments in the administrative record for this matter.

Thank you,
Theresa

--

Theresa Rettinghouse
Paralegal
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410 12th Street, Suite 250
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Via Email and U.S. Mail

August 2, 2018

Scott Johnson, Associate Planner
Community Development Department
City of Sacramento
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Ryan Devore, Director of
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Mindy Cuppy, MMC
City Clerk, City of Sacramento
915 I Street
New City Hall
Sacramento, CA 95814
clerk@cityofsacramento.org

**Re: Comment on We Grow California Cannabis Campus Project (P17-020)
Initial Study | Mitigated Negative Declaration**

Dear Mr. Johnson, Mr. Devore, and Ms. Cuppy:

I am writing on behalf of the Laborers International Union of North America, Local Union 185 and its members living in Sacramento County and/or the City of Sacramento (“LiUNA”), regarding the Initial Study and Mitigated Negative Declaration (“IS/MND”) prepared for the Project known as We Grow California Cannabis Campus (City File No. P17-020) for Applicant We Grow California, including all actions related or referring to the proposed development of a 266,394 square foot facility that would provide cannabis cultivation, manufacturing/extraction of cannabis products, a distribution center and a delivery-only dispensary, located at 8280 Elder Creek Road (“Project”) in the City of Sacramento, in Sacramento County, California. APNs: 064-0010-028 and 064-0010-053.

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental

impacts. Therefore, we request that the City of Sacramento (“City”) prepare an environmental impact report (“EIR”) for the Project pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq. We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

We hereby request that the City of Sacramento (“City”) send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report (“EIR”) is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
 - Notice of any Final EIR prepared pursuant to CEQA.
 - Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092,** which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

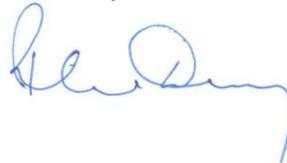
In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Planning Commission and City Council meetings and/or hearing agendas.

Please send notice by electronic mail, if possible or U.S. Mail to:

Richard Drury
Theresa Rettinghouse
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
510 836-4200
richard@lozeaudrury.com
theresa@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Richard T. Drury
Lozeau Drury LLP
Attorneys for LIUNA Local Union No.185



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916.368.2000
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MEMORANDUM

DATE: August 30, 2018

TO: Pelle Clarke

FROM: Vic Maslanka, David Tokarski

SUBJECT: We Grow Cannabis Campus Project
Estimated Volumes at SR 99 – Florin Road Interchange

In a comment letter dated August 21, 2018, Caltrans requested a “select-zone analysis” to ascertain the volume of project traffic that is estimated to travel through the SR 99 – Florin Road interchange. This memorandum summarizes the methodology and results of analysis in response to the Caltrans request

METHODOLOGY

SACOG’s SACSIM travel model (2012 dataset) was used to estimate the travel patterns of traffic generated by the project. The project site was isolated as a separate traffic analysis zone (TAZ), and the land use in the new TAZ was modified to reflect the trip generation land use assumptions as summarized in the traffic analysis report referenced in the Mitigated Negative Declaration (265,526 square feet manufacturing). Traffic was assigned for all time periods of a typical weekday. Traffic volumes entering and exiting the project site were recorded throughout the roadway network, including the SR 99 – Florin Road interchange. These volumes were utilized to calculate the percentage of traffic entering and exiting the project that would travel through the interchange for am peak period, pm peak period, and daily time periods. The percentages were applied to the vehicular trip generation estimates of the project (documented in the traffic analysis report) to calculate the number of vehicle trips estimated to travel through the interchange.

RESULTS

Table 1 summarizes the estimated volumes of project traffic that would travel through the SR 99 – Florin Road interchange.



Table 1: Estimated Project Traffic Volumes

SR 99 – Florin Road Interchange

	Estimated Vehicle Volumes					
	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Entering	Exiting	Entering	Exiting	Entering	Exiting
Total Project Traffic	500	500	127	38	55	123
Percentage of Project Traffic Through Interchange	4.6%	4.2%	4.5%	6.4%	2.2%	2.5%
Project Through Traffic on Florin Road	22	21	5	2	1	3
Project Traffic on Ramp from Northbound SR 99 to Eastbound Florin Road	1	0	1	0	0	0
Total Project Traffic Volume Through Interchange	23	21	6	2	1	3

Daily, about 4.4 percent of the project traffic (44 vehicles) would use the interchange. All but one of these vehicles would be through traffic on Florin Road. One vehicle is estimated to use the ramp from northbound SR 99 to eastbound Florin Road.

During the a.m. peak hour, about 5.0 percent of the project traffic (8 vehicles) would use the interchange. All but one of these vehicles would be through traffic on Florin Road. One vehicle is estimated to use the ramp from northbound SR 99 to eastbound Florin Road.

During the p.m. peak hour, about 2.3 percent of the project traffic (4 vehicles) would use the interchange. All these vehicles would be through traffic on Florin Road. No vehicles would use any of the ramps at the interchange.