

APPENDIX R – RESPONSE TO COMMENTS

1143 Blumenfeld Cannabis Complex Project (Z21-0278)

Response to Comments

December 12, 2022

The Mitigated Negative Declaration for the Bell Avenue Warehouses Project (P19-015) was circulated for public comment from July 13, 2022, to August 12, 2022. Written comments were received as follows:

Date	Commenter
8/12/2022	Satwinder Dhatt, Caltrans
8/11/2022	Lindsay Rains, Cannabis Control
8/12/2022	Joseph Hurley, Sacramento Metropolitan Air Quality Mgmt District
7/14/2022	Jody Wright, interested party

All of the written comments are attached. Each of the comments addressed the project site and conditions as they relate to the particular areas of concern of the respective commenting agency, company, or organization. The comments are acknowledged by the City and have been considered as part of the project planning and its implementation.

Four comments in response to the City's notice of the initial study and draft mitigated negative declaration (IS/MND) were received. The letters were from California Department of Transportation (Caltrans), The Department of Cannabis Control (Department), the Sacramento Metropolitan Air Quality Management District (SMAQMD), and Jodi Wright. The letter from Caltrans stated they had no comments or conditions on the project. The letter from the SMAQMD provided recommendations of standard project advisories for cannabis projects, recommendations for tree shading and cool paving materials, and recommendations for EV charging infrastructure. They also provided information on urban heat island effect and a statement of compliance with District rules. No comments were included on the content of the IS/MND. The letter and the recommendations are included and provided for consideration. The letter from Jodi Wright commented on the link and process of the noticing of the IS/MND but did not provide any comments on the content of the IS/MND. The Department of Cannabis Control (Department) submitted a letter dated August 11, 2022, commenting on the Initial Study and Draft Mitigated Negative Declaration. Information in response to the Department's letter is included below.

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APPENDIX R – COMMENTS ON IS/MND AND RESPONSES TO COMMENTS

Introduction:

The Department of Cannabis Control (Department) submitted a letter dated August 11, 2022, commenting on the Initial Study and Draft Mitigated Negative Declaration. Information in response to the Department's letter is included below.

The Department states that it will be a Responsible Agency for the project. The relationship between a Lead Agency (here the City of Sacramento) and a Responsible Agency is set forth in CEQA Guidelines section 15096. This section is included in Article 7, EIR Process, but applies to mitigated negative declarations as well. The City was not required to circulate a Notice of Preparation, and was unaware the Department would identify as a Responsible Agency. The City welcomes the submitted comments.

Section 15096(d) sets forth guidelines for comments from a Responsible Agency:

A responsible agency should review and comment on draft EIRs and negative declarations for projects which the responsible agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a negative declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to those project activities which are within the agency's area of expertise, or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency. Comments shall be as specific as possible and supported by either oral or written documentation.

Comments have been addressed either by editing the text of the IS/MND with the use of ~~striketrough~~ or underline text to denote subtractions and additions to the document, respectively. See below for responses to general and specific comments that were provided by DCC.

Response to General Comment 1 (Reliance on General Plan MEIR):

The initial study, as referenced by the Department, relies on the Master EIR, certified in connection with adoption of the 2035 General Plan, for its discussion of cumulative effects, growth-inducing effects, and irreversible significant effects on the environment. The Department correctly points out that cannabis activities were not approved at the time the general plan was approved, and requests inclusion of a discussion confirming cannabis activities as a subsequent project, and confirmation of the continued viability of the Master EIR. These are valid comments.

Cannabis activities, including manufacturing, indoor growing, delivery, and operation of dispensaries, were not legal under California law at the time the 2035 General Plan was adopted, and the Master EIR certified. While the City could not have anticipated the exact nature of the various cannabis activities that have occurred in the meantime, the City has viewed cannabis activities as a legitimate business enterprise that results in the same type of physical changes in the environment that occur with other business engaged in similar pursuits. Dispensaries operate in the same manner as other retail stores; delivery services abide by the same rules of the road; and manufacturing and growing are subject to the same regulations regarding water use and water quality as other agricultural pursuits.

The City regulates cannabis businesses by regulations in Chapter 5.150 of the City Code (Business Licenses and Regulations) and Chapter 17.228, Article IX (Planning Development Code). In compliance with City Code, all cannabis businesses are required to prevent all odors generated from the cultivation and storage of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings (Sacramento City Code 5.150.120). In general, a conditional use permit is required. Because a conditional use permit is a discretionary permit the City is required to consider the California Environmental Quality Act (CEQA) prior to approval of the permit. The City has reviewed a substantial number of requests for permits related to cannabis activities, and has determined, in almost each case, that the proposed operations would not result in a significant effect on the environment. The City has determined, in each such case, that the proposed activities and approvals are exempt from CEQA either as satisfying the requirements of a

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categorical exemption (e.g., CEQA Guidelines section 15322, infill development) or the common-sense exemption provided in CEQA Guidelines section 15061(b)(3).

The project under consideration here does not qualify for a categorical exemption because it falls within the exception set forth in CEQA Guidelines section 15300.2(e): A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Because the Master EIR was certified more than five years previous, the City is required to confirm that the document remains viable. The City is proceeding pursuant to CEQA Guidelines section 15179(b), which provides, in relevant part:

(b) A Master EIR that was certified more than five years prior to the filing of an application for a subsequent project described in the Master EIR may be used in accordance with this article to review such a subsequent project if the lead agency reviews the adequacy of the Master EIR and takes either of the following steps:

(1) Finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or that there is no new available information which was not known and could not have been known at the time the Master EIR was certified...

The physical setting in the City of Sacramento is substantially the same as when the 2035 General Plan was adopted, and the Master EIR was certified. The City has not annexed any substantial new territory and has not substantially changed regulations that would result in any new significant effects on the environment. The finding required in section 15179(b) will be included in the project approval.

Response to General Comment 2 (Thresholds of Significance):

In several cases, the City elected to use alternative thresholds of significance when compared to Appendix G of the CEQA Guidelines. For some cases, this is because the MEIR already identified a significant and unavoidable impact for a particular resource. In others, jurisdictionally relevant or geography-specific thresholds were more appropriate than those found in Appendix G. As an example, the Air Quality checklist was modified to refer to the Sacramento Metropolitan Air Quality Management District (SMAQMD) requirements, rather than “the applicable air quality plan,” which is non-specific to the Sacramento region. As another example, the Geology section includes only a single checklist question; however, the environmental setting explains why other checklist questions found in Appendix G are not appropriate for or applicable to the Sacramento region.

Response to General Comment 3 (Significant and Unavoidable Impacts from the General Plan MEIR):

The physical setting in the City of Sacramento is substantially the same as when the 2035 General Plan was adopted, and the Master EIR was certified. The City has not annexed any substantial new territory and has not substantially changed regulations that would result in any new significant effects on the environment. Although recreational cannabis cultivation was not specifically considered as part of the MEIR, the proposed project still represents a legitimate business enterprise, with similar resource uses to surrounding properties. The industrial uses of the City of Sacramento were considered in the MEIR, and the proposed project falls within those existing uses. Therefore, the proposed project would not result in any new significant impacts, nor would it affect the impact various determinations provided in the MEIR.

Response to General Comment 4 (Proposed Project Description):

The project description has been updated to include information regarding solvent usage and cannabis extraction methods, as well as hazardous materials handling. Volatile solvents will not be used for any extraction methods as part of the proposed project, and a full non-volatile extraction plan will be included in the microbusiness application submitted to DCC.

Response to General Comment 5 (Acknowledgement of DCC Regulations):

In multiple areas of the document (such as the project description and in the Energy and Aesthetics sections), references to Cal. Code Regs. tit. 4 § 15000, Cal. Code Regs., tit. 4 § 16304(a)(7), and Cal. Code Regs., tit. 4 §

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16305 were added. These regulations have been discussed in the impact discussions as additional reasoning to why the project would not result in a significant impact. The project applicant will show compliance with any applicable regulations during the permitting process.

Response to General Comment 6 (Evaluation of Cumulative Impacts):

The City understands that multiple projects of the same nature may individually contribute less-than-significant impacts, that when considered as a whole, result in a significant cumulative impact. The IS/MND describes the proposed project resulting in No Impact regarding Noise, Transportation, and Hydrology and Water Quality, therefore the project could not contribute to a significant cumulative impact related to those resources. Further, the only Less-than-Significant impact discussed in General Comment 6 would be related to Air Quality, which already incorporates mitigation to minimize impacts. Considering the large geography within the City’s jurisdiction, the Sacramento Valley’s existing Air Quality conditions, mitigation already planned as part of the project, the proposed project would not result in an impact that would be considered cumulatively considerable.

Table 1. Responses to Specific Comments

Comment No.	Resource Topic(s)	Response to DCC
1	Operations Methodology: Cultivation	A new section was added to the project description, “Operations Methodology – Processing and Extraction” which describes additional project activities, including non-volatile manufacturing methods.
2	Aesthetics	This typographical error has been corrected.
3	Aesthetics	The document now references Cal. Code Regs., tit. 4 § 16304(a)(7), and described that lights will be fully shielded.
4	Air Quality	Refer to the response to General Comment 2, above.
5	Air Quality	Refer to the response to General Comment 1, above.
6	Air Quality	The text was updated to reflect the table that correctly described the nature of the impact (Less-than-significant with mitigation incorporated).
7	Air Quality	Refer to the response to General Comment 6, above.
8	Biological Resources	Refer to the response to General Comment 2, above.
9	Cultural Resources	Refer to the response to General Comment 2, above.
10	Energy	Analyses were based on previous projects, which have included projects in the State of Nevada. Utility costs are either identical or extremely similar, and do not affect the document’s analyses. SMUD’s website currently displays energy rates at \$0.15/kW, which was the figure used in this analysis. (https://www.smud.org/-/media/Documents/Electric-Rates/Residential-and-Business-Rate-information/PDFs/Commercial-Rate-Guide.ashx). No updates to Appendix P were made.
11	Energy	The text under the answer to Checklist Question A has been updated to include current and surrounding property land uses. The result remains “No Impact.”
12	Energy	The project’s proposed energy sources, as well as the amounts of energy expected to be produced by each

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		source is described in the discussion of Checklist Question B.
13	Energy	A paragraph was added to the Environmental and Regulatory Setting of the Energy chapter that explained Cal. Code Regs., tit. 4 § 16305. The Energy section also states electricity would be supplied by SMUD and gas by PG&E.
14	Geology and Soils	Refer to the response to General Comment 2, above.
15	Greenhouse Gas Emissions	Information has been added to the discussion of Checklist Question A describing current uses on and adjacent to the proposed project site.
16	Hazards	Refer to the response to General Comment 2, above.
17	Hazards	The proposed project does not involve the use of volatile solvents for manufacturing purposes. The proposed extraction methods and handling of hazardous materials are described in the Project Description, under the new "Operations Methodology – Processing and Extraction" section.
18	Hazards	The handling of hazardous materials is described in the Project Description, including the new "Operations Methodology – Processing and Extraction" section.
19	Hydrology and Water Quality	Refer to the response to General Comment 1, above. Further, the proposed project would not use groundwater supplies and it not expected to have an effect on the City's future groundwater usage.
20	Hydrology and Water Quality	Refer to the response to General Comment 2, above.
21	Noise	Refer to the response to General Comment 2, above.
22	Noise	Refer to the response to General Comment 3, above. Further, a review of Table 4.8-4 of the MEIR shows that the project site would not be in an area susceptible to exceeding incremental noise increase standards.
23	Noise	Vehicle usage associated with the proposed project would be similar to those of nearby properties, including deliveries and shipments. The proposed project will not result in any new potential to adversely affect historic buildings or archeological sites, nor residential or commercial businesses due to highway traffic. The proposed project will not contribute to a noise impact.
24	Transportation and Circulation	Although the MEIR did not use VMT as part of the Transportation and Circulation analysis, according to CA Office and Planning and Research (OPR), A CEQA analysis prepared after July 1 (2020) may be able to rely on a previously certified EIR that analyzed traffic impacts using the LOS metric (https://opr.ca.gov/ceqa/sb-743/faq.html#lead-agencies-begin). Because the proposed project is not

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		expected to result in additional or worsened environmental impacts, and there are no feasible mitigation measures that could be used to reduce any potential transportation impact that could be caused by the proposed project, no further analysis was necessary.
25	Tribal Cultural Resources	The City of Sacramento contacted the 4 tribes that have requested consultation as part of AB52 notifications.
26	Utilities and Service Systems	Refer to the response to General Comment 2, above.
27	Utilities and Service Systems	The Environmental Setting now refers the reader to Appendix P. Water and energy consumption can also be found in the Hydrology and Water Quality, Energy, and the Project Description sections of the document.
28	Utilities and Service Systems	Refer to the response to General Comment 1, above.
29	Utilities and Service Systems	The proposed project is in an existing industrial park and will not have dissimilar utility usage to current condition nor surrounding properties. A brief description of the property's current use (and nearby uses) has been added to the discussion of Checklist Question B.
30	Utilities and Service Systems	The proposed project would not use considerably more resources than the current land use or surrounding land uses. The project will not affect the Significant and Unavoidable Impact described in the MEIR.
31	Mandatory Findings of Significance	Refer to the response to General Comment 3, above.
32	Mandatory Findings of Significance	Refer to the response to General Comment 6, above.
33	Mandatory Findings of Significance	Refer to the response to General Comment 1, above.

From: [Dhatt, Satwinder K@DOT](mailto:Dhatt.Satwinder.K@DOT)
To: [Ron Bess](mailto:Ron.Bess)
Cc: [Arnold, Gary S@DOT](mailto:Arnold.Gary.S@DOT)
Subject: Notice of Availability for the 1143 Blumenfeld Cannabis Complex Project (Z21-027)
Date: Friday, August 12, 2022 1:37:28 PM

Hi Ron,

Thank you for including California Department of Transportation in the review process for 1143 Blumenfeld Cannabis Complex Project. This project will not cause any operational issues and will not effect our State Highway System. Therefore, our office has no comments/conditions for this project.

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

Should you have questions please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 821-8261 or via email at D3.local.development@dot.ca.gov.

Thank you!

Satwinder Dhatt
Local Development Review, Equity and System Planning
California Department of Transportation, District 3
(530) 821-8261



August 11, 2022

Ron Bess, Associate Planner
Community Development Department
City of Sacramento
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Sacramento, CA 95811
Direct Line: (916) 808-8272
Rbess@cityofsacramento.org

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for Blumenfeld Cannabis Complex
(Z21-027) (SCH No. 2022070195)

Dear Mr. Bess:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Sacramento for the proposed Blumenfeld Cannabis Complex (Z21-027) project (Proposed Project).

DCC has jurisdiction over the issuance of licenses of all commercial cannabis businesses in California. DCC issues licenses to cannabis cultivation, retail, laboratory testing, and distribution businesses, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation, manufacturing, and distribution licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Sacramento.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Reliance on General Plan MEIR

The IS/MND tiers from the City of Sacramento’s General Plan Master Environmental Impact Report (MEIR), certified in 2015. The IS/MND would be improved if it clearly described how the Proposed Project is a subsequent project within the scope of the MEIR.

If applicable, the IS/MND should also include the findings required by CEQA Guidelines 15179(b), that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified, or that there is no new available information which was not known and could not have been known at the time the MEIR was certified.

In addition, because the MEIR was adopted before 2017, when commercial cannabis businesses became legal in California, the General Plan MEIR does not analyze the specific impacts that could result from cannabis cultivation and manufacturing. The specific comments table below contains several examples where the IS/MND should include analysis of potential impacts that are specific to cannabis business activities.

GC 2: Thresholds of Significance

In many instances throughout the document, the IS/MND specifies “Standards of Significance” that vary substantially from the thresholds of significance used in the MEIR and in the CEQA Appendix G checklist. As a result, it is difficult for reviewers of the document to understand how potential impacts from the Proposed Project would compare to the analysis of impacts in the MEIR. In addition, the exclusion of certain thresholds of significance that could have relevance to cannabis cultivation activities (e.g., air quality, utilities) means that DCC does not have enough information to determine potential impacts of cultivation activities. Several examples are included in the table of specific comments, below.

GC3: Significant and Unavoidable Impacts from General Plan MEIR

The General Plan MEIR found several impacts to be significant and unavoidable, including impacts to Air Quality, Biological Resources, Cultural Resources, Noise and Vibration, Public Utilities, and Transportation and Circulation. For each of these topics, the IS/MND should contain an analysis, supported by data, of whether the Proposed Project would make a considerable contribution to these significant and unavoidable impacts.

GC 4: Proposed Project Description

Certain comments provided in the comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project description would be helpful to DCC. The following information would make the IS/MND more informative:

- Equipment that would be used for general facility operations, including forklifts, trucks, etc.;
- Type of manufacturing activities that would take place at the facility;
- Equipment that would be used for cannabis manufacturing operations;
- Amounts of water that would be used for cultivation activities and a description of any water efficiency equipment that would be used;

- Types of lighting that would be used;
- Daily vehicle trips generated by the project, including employee commute trips, deliveries of materials and supplies, and trips for distribution of products;
- Environmental protection measures that would be incorporated into the Proposed Project; and
- Total amounts of energy expected to be used in operating the project, as well as energy management and efficiency features incorporated into the Proposed Project.

If the Proposed Project would include manufacturing with volatile solvents, the IS/MND should provide a description of the volatile substances that would be used in product manufacture and should include an analysis of the potential environmental impacts that may result from the use of these substances. In addition, the analyses should describe and consider any measures the Proposed Project would implement that may lessen or reduce potential impacts. In particular, the document should include detailed analyses of impacts related to air quality (toxic air contaminants), hazards and hazardous substances, and greenhouse gas emissions.

GC 5: Acknowledgement of DCC Regulations

The IS/MND acknowledges that the Proposed Project would require one or more manufacturing, distribution, and cultivation licenses from DCC. The IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's regulations. The impact analysis for each resource topic could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic.

GC 6: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in the City of Sacramento. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may contribute to a significant cumulative impact. These topics include:

- Impacts of groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- Impacts related to noise;
- Impacts related to transportation; and
- Impacts related to air quality and objectionable odors.

The IS/MND should acknowledge and analyze the cumulative impacts of other cannabis cultivation projects being processed by the City, and any other reasonably foreseeable projects in Sacramento that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Introduction: Project Description	4	Operations Methodology: Cultivation	N/A (General Comment)	The IS/MND contains a substantial description of the proposed cultivation activities that would take place at the facility, but does not contain a description of the manufacturing or distribution activities that would occur. The document would be improved if it described all activities that would occur as part of the Proposed Project.
2	1.	9	Aesthetics	N/A (General Comment)	The checkboxes on page 9 contain the same significance threshold three times. This appears to be a typographical error. The document would be improved if it listed each threshold of significance that was analyzed in the IS/MND and the appropriate checkbox was checked for each threshold.
3	1.	10	Aesthetics	The building roofs will be transparent but spill light from this source would be minimal.	The IS/MND would be improved if it referenced DCC’s requirement that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. (Cal. Code Regs., tit. 4 § 16304(a)(7)). Then, the document should describe how the Proposed Project would comply with this requirement.
4	2.	11-17	Air Quality	For purposes of this Initial Study, air quality impacts may be considered significant if construction and/or implementation of the proposed	The document would be improved if it explained why it used the “Standards of Significance” listed on page 13, rather than the Thresholds of Significance from CEQA Guidelines

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				project would result in the following impacts that remain significant after implementation of 2035 General Plan policies: [...]	Appendix G, which were used in the MEIR. (See GC 2.)
5	2.	11-17	Air Quality	N/A (General Comment)	The General Plan EIR was adopted prior to the legalization of cannabis in California. Cannabis cultivation, processing, and/or manufacturing can create strong odors, which may impact sensitive receptors. The document would be improved if it contained a description of anticipated odor impacts that may result from Proposed Project operations, and an analysis of whether the subsequent project was described in the Master EIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the Master EIR. (CEQA Guidelines, § 15177(b)(2).) (See GCs 1 and 2.)
6	2.d.	15	Air Quality	N/A (General Comment)	The impact statement for section 2.d states that there would be “No Impact;” however, the text of the section indicates that impacts would be less than significant with mitigation included. The document would be improved if the text and impact statement were consistent, and if it provided an analysis of how the mitigation measure would ensure impacts would be less than significant.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
7	2.d.	11-17	Air Quality	N/A (General Comment)	In addition, the document should include an analysis of whether the Proposed Project would make a considerable contribution to <i>MEIR Impact 4.2-3 Potential to result in long-term operational emissions of ozone precursors and particulate matter that could contribute to a violation of air quality standards</i> , which was found to be significant and unavoidable.
8	3.	17-21	Biological Resources	N/A (General Comment)	The document would be improved if it explained why it used the “Standards of Significance” listed on page 19, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)
9	4	22-23	Cultural Resources	N/A (General Comment)	The document would be improved if it explained why it used the “Standards of Significance” listed on page 22, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)
10	5.a	28	Energy	Cultivation will prove to be the highest energy consuming operational activity for the proposed project using an estimated 268 mWh per month (Appendix P).	It is not apparent whether Appendix P lists the correct energy usage for the Blumenfeld Cannabis Complex Project, as it lists costs for licensing in Nevada, rather than California. The document would be improved if it provided the correct data and based its analyses on such data.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
11	5.a	28	Energy	The subject property has been historically used for similar light-industrial uses. Therefore, no impact would occur, and no mitigation is necessary.	The IS/MND does not describe previous uses of the project site or specify the resources that were used at the site. If the document intends to compare Proposed Project operations to a defined environmental baseline, it should provide a detailed description of the baseline, including a description of previous operations and resource use.
12	5.b	28	Energy	The proposed project will also implement cogeneration systems including solar photovoltaic panel arrays and a cogeneration microturbine with an electrical capacity of 530 kW.	The IS/MND would be more informative if it described all energy sources for the Proposed Project, and described how much energy would be supplied by each source.
13	5.b	28	Energy	N/A (General Comment)	The document would be strengthened if it described how the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 § 16305.)
14	6.	30-31	Geology and Soils	N/A (General Comment)	The document would be improved if it explained why it used the “Standards of Significance” listed on page 30, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
15	7.a	34	Greenhouse Gas Emissions	The proposed project will be making use of the subject property with similar operations of projects that preceded it.	The IS/MND does not describe previous uses of the project site or specify the resources that were used at the site. If the document intends to compare Proposed Project operations to an environmental baseline, it should provide a detailed description of the baseline, including a description of previous operations and resource use.
16	8	35-36	Hazards	N/A (General Comment)	The document would be improved if it explained why it used the “Standards of Significance” listed on page 35-36, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)
17	8	35-36	Hazards	N/A (General Comment)	If the project will include manufacturing using volatile solvents, the IS/MND should provide a description of the volatile substances that will be used in product manufacture, and should include analyses of the potential environmental impacts that may result from the use of these substances. In addition, the analyses should describe and consider any measures the Proposed Project will implement that may lessen or reduce potential impacts. (See GC 4.)
18	8	35-36	Hazards	N/A (General Comment)	The IS/MND would be improved if it provided a list or summary of

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					hazardous materials that would be used in the Proposed Project, including fuels, fertilizers, pesticides, etc. Additionally, the document should include a summary of the practices and procedures that would ensure there would be no significant impacts to human health or the environment due to the use of hazardous materials.
19	9	37-38	Hydrology and Water Quality	N/A (General Comment)	The General Plan EIR was adopted prior to the legalization of cannabis in California. Cannabis cultivation activities could use different amounts of water than what the MEIR may have analyzed for industrial uses. If the Proposed Project would rely on groundwater resources, the IS/MND should provide an analysis of whether the Proposed Project would substantially decrease groundwater supplies. The document would be improved if it contained a description of anticipated groundwater use for Proposed Project operations, an analysis of whether the subsequent project was described in the MEIR, and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the MEIR. (CEQA Guidelines, § 15177(b)(2).) (See GCs 1 and 2.)

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
20	9.	37-38	Hydrology and Water Quality	N/A (General Comment)	The document would be improved if it explained why it used the “Standards of Significance” listed on page 37, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)
21	10.	39-40	Noise	N/A (General Comment)	The document would be improved if it explained why it used the “Standards of Significance” listed on page 39, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)
22	10.	40	Noise	Standard operations of the proposed project, including cultivation will consist of indoor activities comparable to existing activities by neighboring properties.	<p>The IS/MND would be more informative if it provided data to support its conclusion, including a description of the equipment at the Proposed Project, the levels of noise that may be emitted from the Proposed Project operations, and a description of the noise-generating activities at neighboring properties.</p> <p>In addition, the document should include an analysis of whether the Proposed Project would make a considerable contribution to <i>MEIR Impact 4.8-1 Increase in exterior noise levels above the upper value of the normally acceptable category for various land uses</i>, which was found to be significant and unavoidable.</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
23	10.f	41	Noise	Additionally, the proposed project does not involve highway traffic. Therefore, no impact would occur, and no mitigation is necessary.	The IS/MND would be strengthened if it included support for this statement, including a consideration of highway use by employee vehicles, delivery vehicles, and materials shipments.
24	13.b	47	Transportation and Circulation	The proposed project area is approximately 0.13 miles long and 0.05 miles wide and all construction activities will be conducted on-site.	The IS/MND would be improved if it described the total number of vehicle trips or vehicle miles traveled (VMT) as a result of the Proposed Project, including employee commutes, deliveries of supplies and materials, and shipments of products from the site. Then the document should compare the trips or VMT to an appropriate threshold of significance.
25	14.	50	Tribal Cultural Resources	On March 22, 2022 notifications were sent to the four tribes who've previously requested to receive notifications pursuant to Public Resources Code Section 21080.3.1 (AB 52).	The document would be more informative if it listed the tribes that received AB52 notifications.
26	15.	55-56	Utilities and Service Systems	N/A (General Comment)	The document would be improved if it explained why it used the "Standards of Significance" listed on page 55, rather than the Thresholds of Significance from CEQA Guidelines Appendix G, which were used in the MEIR. (See GC 2.)
27	15.	55-56	Utilities and Service Systems	N/A (General Comment)	The document would be improved if it included an estimate of water use for the Proposed Project, and provided an analysis of whether there would be sufficient water supplies to serve the

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					<p>project. Please note also that it is not apparent whether Appendix P lists the correct water usage for the Blumenfeld Cannabis Complex Project, as it lists costs for licensing in Nevada, rather than California. The document would be improved if it provided the correct data and based its analysis on such data.</p>
28	15.	56	Utilities and Service Systems	<p>The proposed project will also make use of water for cultivation processes. The subject property has historically been used for similar light-industrial operations and is equipped with municipal water and electricity supplies.</p>	<p>The General Plan EIR was adopted prior to the legalization of cannabis in California. Cannabis cultivation activities could use different amounts of water than what the MEIR may have analyzed for industrial uses. The document would be improved if it contained a description of anticipated water use for Proposed Project operations, and an analysis of whether the subsequent project was described in the MEIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the MEIR. (CEQA Guidelines, § 15177(b)(2).) (See GCs 1 and 2.)</p>
29	15.	56	Utilities and Service Systems	<p>The subject property has historically been used for similar light-industrial operations and is equipped with municipal water and electricity supplies.</p>	<p>The IS/MND does not describe previous uses of the project site or specify the resources that were used at the site. If the document intends to compare Proposed Project operations to a defined environmental baseline, it</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					should provide a detailed description of the baseline, including a description of previous operations and resource use.
30	15.	56	Utilities and Service Systems	N/A (General Comment)	The document should include an analysis of whether the Proposed Project would make a considerable contribution to <i>MEIR Impact 4.11-1 Potential to increase demand for potable water beyond available supply</i> and <i>4.11-2 Potential to result in an increase in demand for potable water in excess of the City’s existing diversion and treatment capacity, which could require the construction of new water supply facilities.</i>
31	16.	57	Mandatory Findings of Significance	N/A (General Comment)	the IS/MND should contain an analysis, supported by data, of whether the Proposed Project would make a considerable contribution to the significant and unavoidable impacts identified in the MEIR. (See GC 3.)
32	16.	57	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND would be more informative if it identified whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project site, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 6.)

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
33	16.	57	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND relies on the General Plan MEIR for its analysis of the Proposed Project's cumulative impacts. However, the EIR was adopted in 2015, before commercial cannabis business activities were legal in California. The IS/MND would be strengthened if it described how the assumptions in the EIR would apply to the Proposed Project.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager



August 12, 2022

Ron Bess, Associate Planner
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811
Email: Rbess@cityofsacramento.org

Subject: **Initial Study/Draft Mitigated Negative Declaration (IS/MND) for the 1143 Blumenfeld Cannabis Complex Project (Z21-027); (Sac Metro Air District Project # SAC202102708)**

Dear Ron Bess,

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the Initial Study/Draft Mitigated Negative Declaration (IS/MND) for the 1143 Blumenfeld Cannabis Complex Project. The project consists of a Conditional Use Permit to establish Cannabis Production (including cultivation, distribution, and manufacturing) in both existing and proposed buildings totaling approximately 49,000 square feet on approximately 2.56 acres in the Light Industrial Zone (M-1) and Site Plan and Design Review for two new commercial buildings totaling approximately 18,000 square feet and for the associated site development. We offer the following comments to benefit air quality and public health and reduce greenhouse gas emissions.

CEQA Comments:

Standard Sac Metro Air District project advisories for cannabis cultivation, manufacturing, and distribution apply to this project (see attached).

Tree Shading:

If the project cannot meet 50% tree shading in the parking lot because of design requirements that require clear site lines and security measures, all new pavements, including pedestrian paths and parking lots, should have an albedo of at least 0.25. The comments below include more detailed design recommendations for reducing Urban Heat Island Effects.

Design Comments:

Electric Vehicle Charging Infrastructure:

The Sacramento Mayors' Commission on Climate Change recommended in its [June 2020 Final Report](#) that 70% of new vehicle registrations in the City are for zero-emission vehicles by 2030. The 2019 California Green Building Standards Code (CalGreen) requires electric vehicle charging spaces for new

construction to facilitate future installation and use of electric vehicle charging equipment. [CalGreen Chapter 5, Nonresidential Mandatory Measures](#) Section 5.106.5.3 provides guidance on electric vehicle charging space quantity and other requirements for nonresidential uses. To support state air quality and climate goals and the Mayors' Commission, the Sac Metro Air District recommends that this project exceed CalGreen standards by providing at least one EV charging space served by an electric vehicle charger.

Urban Heat Island (UHI) Effects:

According to the Capital Region Transportation Sector Urban Heat Island Mitigation Project ([UHI Project](#)), the urban heat island effect already presents a severe challenge to our region, with urbanized areas in Sacramento some 3 to 9 degrees Fahrenheit warmer than their surrounding areas. Higher ambient temperatures increase the formation of ozone, a respiratory system irritant. These higher temperatures can lead to heat stress, heat stroke, and even heat mortality during extreme heat and extended heat waves, especially for the elderly, the young, and those with pre-existing health conditions. The urban heat island results from converting undeveloped land to urbanized land.

For construction, we recommend (1) all new pavements, including pedestrian paths and parking lots, having an albedo of at least 0.25, and (2) all new structures utilize certified cool roofs. [The California Energy Commission's Title 24, Part 6](#), suggests an aged solar reflectance of at least 0.63 for low-sloped roofs and at least 0.20 for steep-sloped roofs, with a minimum thermal emittance of 0.75. The Cool Roof Rating Council provides [a product directory of roofs](#).

The landscaping description on page 5 of the IS/MND does not explicitly state the project will provide 50 percent parking lot shade coverage in 15 years. We recommend that the landscaping plan incorporate new trees to shade new pavements and structures to the extent feasible. The Sacramento Tree Foundation's [Shady Eighty guide](#) is a directory of air-quality supportive trees, a more extensive tree list is available on page 153 of the [UHI Technical Analysis Report](#).

Rules Statement:

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 during the construction phase of projects](#).

We thank the City of Sacramento for the opportunity to comment on this document. You may contact me at jhurley@airquality.org or (279) 207-1130 if you have questions regarding these comments.

Sincerely,

-JJ Hurley

Joseph J. Hurley
Associate Air Quality Planner/Analyst
CEQA and Land Use Section

Attachment

cc: Paul Philley, AICP, Program Supervisor, CEQA and Land Use Section

Sacramento Metropolitan Air Quality Management District (Sac Metro Air District)

Standard Advisories for Cannabis Projects

1. The following MAY require a permit or registration with the Sac Metro Air District:
 - **Power generation engines**
 - **Odor control systems**
 - **Solvent usage in manufacturing, operations and cleaning**
 - **Equipment for mechanical processes such as sifting, squeezing, screening or grinding**
 - **Natural gas-fired equipment**
 - **Other diesel equipment**

Contact the Sac Metro Air District at 279-207-1122 regarding the need for a permit or registration.

2. Distribution and delivery: The Sac Metro Air District recommends the use of low- or zero-emission vehicles for all distribution and delivery activities associated with cannabis projects.

3. Construction: All projects are subject to Sac Metro Air District rules at the time of construction. A complete list of current rules is available at www.airquality.org or by calling 279-207-1122

4. Rules & regulations - 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 279-207-1122. 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.

August 2019

From: [Jody Wright](#)
To: [Ron Bess](#)
Subject: Re: Notice of Availability/Intent to Approve the 1143 Blumenfeld Cannabis Complex Project (Z21-027)
Date: Thursday, July 14, 2022 8:12:00 AM

Hi—

I received this notice and would like to read about this project, but I have tried twice to find it in the long list of projects in the provided link. Why is a direct link to the project itself not provided? There is clearly a link to each project within the link provided in the email. I have noticed this in past emails from the city, and I would like to propose that the more direct link to projects be provided in the future.

Thank you.

Jody Wright