

Dutch Bros. on Corporate Way Project (P22-040) Responses to Comments Received on the Initial Study/Mitigated Negative Declaration

The Initial Study/Mitigated Negative Declaration (IS/MND) for the Dutch Bros. on Corporate Way Project (proposed project) was circulated for public comment from December 7, 2023 to January 8, 2023. Written comments were received as follows:

Date	Commenter
12/11/2023	Satwinder Dhatt, California Department of Transportation
12/15/2023	Joseph J. Hurley, Sacramento Metropolitan Air Quality Management District
1/8/2024	Peter Minkel, Central Valley Regional Water Quality Control Board

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

The responses below include responses to each comment letter submitted regarding the proposed project.

Response to Satwinder Dhatt, California Department of Transportation, 12/11/2023: Thank you for participating in the public review process of the IS/MND. The letter states that the California Department of Transportation does not have any comments on the proposed project. In addition, the comment contains a request for the project applicant to provide the Department of Transportation with copies of any further actions regarding the proposed project. The comment does not address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Joseph J. Hurley, Sacramento Metropolitan Air Quality, 12/15/2023: Thank you for participating in the public review process of the IS/MND. The letter includes recommendations for the proposed project to include at least one electric vehicle (EV) charger on-site, and to incorporate design principles to help mitigate the proposed project's contribution to the urban heat island effect. The site plan for the proposed project identifies one future EV space. In addition, the project applicant has agreed to incorporate pavement treatment strategies, including cool roof coverings and cool pavement treatments within the parking lot and impervious walkways.

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

Response to Peter Minkel, Central Valley Regional Water Quality Control Board, 1/8/2024: Thank you for participating in the public review process of the IS/MND. The comment provides background information regarding applicable regulations and required permits. The comment does not address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decisionmakers as part of their consideration of the proposed project.

ATTACHMENT A
COMMENT LETTERS

From: [Dhatt, Satwinder K@DOT](mailto:Dhatt.Satwinder.K@DOT) on behalf of [D3 Local Development@DOT](mailto:D3.Local.Development@DOT)
To: [Ron Bess](mailto:Ron.Bess); [Zachary Dahla](mailto:Zachary.Dahla); [Marcus Adams](mailto:Marcus.Adams)
Cc: [Scott Johnson](mailto:Scott.Johnson); [Arnold, Gary S@DOT](mailto:Arnold.Gary.S@DOT)
Subject: RE: Notice of Availability/Intent for the Dutch Brothers Corporate Way (P22-040)
Date: Monday, December 11, 2023 2:49:12 PM

Hi Ron,

Thank you for including California Department of Transportation in the review process for Dutch Brothers Corporate Way Project. We wanted to reach out and let you know we have no comments at this time.

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) 565-3994 or via email at D3.local.development@dot.ca.gov.

Thank you!

Satwinder Dhatt
Local Development Review, Equity and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3
703 B Street, Marysville, CA 95901
(530) 821-8261

From: Ron Bess <RBess@cityofsacramento.org>
Sent: Thursday, December 7, 2023 12:42 PM
To: Zachary Dahla <ZDahla@cityofsacramento.org>; Marcus Adams <MAdams@cityofsacramento.org>
Cc: Scott Johnson <SRJohnson@cityofsacramento.org>; Ron Bess <RBess@cityofsacramento.org>
Subject: Notice of Availability/Intent for the Dutch Brothers Corporate Way (P22-040)

EXTERNAL EMAIL. Links/attachments may not be safe.

Good Morning,

This email is to inform you that the City of Sacramento, Community Development Department, as Lead Agency, has issued a **Notice of Availability/Intent to Approve the Dutch Brothers Corporate Way Project (P22-040)**.

The Comment Period is from December 7, 2023, to January 8, 2023.

The document is now available for public review and comment. The NOA/NOI is available, along with the Mitigated Negative Declaration and Appendices at the City's Community Development Department webpage at:

<http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>

Comments are invited from all interested parties. Written comments on the Mitigated Negative Declaration should be submitted to the following address **NO LATER THAN 4:00 pm on Monday, January 8, 2023**. All comments should be submitted via email or mailed to:

Ron Bess, Associate Planner
City of Sacramento
Community Development Department
Environmental Planning Services
300 Richards Blvd. 3rd Floor
Sacramento, CA 95811
(916) 808-8272
Rbess@cityofsacramento.org

Thank You.



12/15/2023

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

Submitted Via Email

Subject: Draft Mitigated Negative Declaration the Dutch Brothers Corporate Way Project [P22-040] Sac Metro Air District # SAC202102786

Dear Nicholas Sosa,

Thank you for providing an opportunity for the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) to review the Draft Mitigated Negative Declaration for the Dutch Brothers Corporate Way. The proposed Project consists of a request to construct a request to construct a 3,135 square foot building consisting of two commercial suites for a Dutch Bros. drive-through coffee shop and quick service restaurant within the Greenhaven Executive Park PUD. Sac Metro Air District staff comments on routing follow.

Electric Vehicle Charging Infrastructure:

Electric vehicles are rapidly replacing gasoline combustion engines in California, and electric propulsion provides many air quality benefits compared to combustion engines. We recommend that this Project exceed minimum CalGreen requirements by providing at least one Electric Vehicle charger onsite.

Policies to Reduce the Sacramento Region Urban Heat Island:

According to the [Capital Region Transportation Sector Urban Heat Island Mitigation Project](#) (UHI Project), the urban heat island effect already presents a serious challenge for 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. During extreme heat and extended heat waves, these higher temperatures can lead to heat stress, heatstroke, and even heat mortality, especially for the elderly, the young, and those with pre-existing health conditions. The urban heat island results from the conversion of undeveloped land to urbanized land.

Please consider incorporating the following design principles as requirements in the final design, as informed by UHI Project findings, to help mitigate this Project's contribution to the urban heat island effect.

1. New paved areas are required to incorporate tree canopy and/or cool paving materials and other means to ensure shading and heat island reduction.

2. All new pavements, including sidewalks, roads, bike lanes, pedestrian paths, parking lots, and plazas, have an albedo of at least 0.25-0.5.
3. 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, at least 0.20 for steep-sloped roofs, and a minimum thermal emittance of 0.75. The Cool Roof Rating Council provides a product directory of roofs.
4. For parking lots where cool pavements or tree shading are not feasible, we recommend considering solar photovoltaic shade structures to reduce the urban heat island effect, generate renewable energy, and provide shading to parked vehicles. Shading parked vehicles can reduce evaporative emissions of volatile organic compounds from conventional, gasoline-powered cars and protect battery health and vehicle charging speeds for electric vehicles.
5. To the extent feasible, we recommend that the specific plan reduce pavements and paved surfaces - which absorb and amplify heat - for green infrastructure, bioswales, and rain gardens, utilizing native and drought-tolerant vegetation.

Construction:

All projects are subject to Sac Metro Air District rules in effect during construction. A complete listing of rules is available at www.airquality.org or by calling 279-207-1156.

Communication:

To allow for sufficient time for coordination, please send all future environmental documents and notices to ProjectReview@AirQuality.org.

Thank you for considering these comments. If you have any questions, please contact me at (279) 207-1130 or jhurley@airquality.org.

Regards,

-JJ Hurley

Joseph J. Hurley
Associate Air Quality Planner/Analyst

cc: Paul Philley, AICP, CEQA & Land Use Program Supervisor



Central Valley Regional Water Quality Control Board

8 January 2024

Ron Bess
City of Sacramento
Community Development Department
300 Richards Boulevards, 3rd Floor
Sacramento, CA 95811
Rbess@cityofsacramento.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, DUTCH BROS. ON CORPORATE WAY PROJECT (P22-040), SCH#2023120183, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 7 December 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Dutch Bros. on Corporate Way Project (P22-040), 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, 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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

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

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

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

II. Permitting Requirements

Clean Water Act Section 404 Permit

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

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

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

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

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

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

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

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

Peter Minkel

Peter Minkel
Engineering Geologist

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