

NATIVE AMERICAN HERITAGE COMMISSION

October 5, 2020

Todd Taylor
Sacramento County
827 7th Street, Room 225
Sacramento, CA 95814

Re: 2020100069, Upper Westside Specific Plan Project, Sacramento County

Dear Mr. Taylor:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



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COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

Taylor. Todd

Subject: Notice of Preparation (NOP) of an Environmental Impact Report for the Upper Westside Specific Plan project

From: Stan Stewart <n664v@hotmail.com>

Sent: Monday, October 5, 2020 7:02 PM

To: PER-CEQA <CEQA@saccounty.net>

Subject: Notice of Preparation (NOP) of an Environmental Impact Report for the Upper Westside Specific Plan project

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.

TO: Todd Smith, Acting Environmental Coordinator

I just received the email regarding the Notice of Preparation (NOP) of an Environmental Impact Report for the Upper Westside Specific Plan project.

I have two concerns about the project, which will greatly affect those of us who live on the Garden Hwy opposite the project, as well as everyone in the west Natomas area.

1. The plans continue to show street access from the project to the Garden Hwy around one mile south of San Juan Road. This is a very bad idea inasmuch as the Garden Hwy is a substandard width road with no shoulders, on top of a levy. I live a little south of San Juan Road on the Garden Hwy and cars have run off the road into my front yard fence twice, and have once run off the road down the levy opposite my home, taking out a quite substantial mailbox! All three times the cars had to be removed with tow trucks. The ingress and egress from the project must only be to a widened San Juan Road and a widened El Central Road, and not to the Garden Hwy anywhere. Not anywhere on the Garden Hwy!
2. Southbound El Central Road backs up around 7/8 of a mile almost to San Juan Road in morning rush hours (pre-Covid-19) as the existing road and street structure, including on and off ramps to I-80, are inadequate for the existing level of traffic. This project must not be approved without including extensive, massive improvements to the transportation infrastructure in the adjacent areas. For example, at a minimum widening the overpass of West El Camino Avenue over I-80 and widening all of West El Camino to a minimum of two through lanes in each direction, as well as the same for El Central Road and San Juan Road. Nice text about public transportation or other attempts to minimize this problem, if taken seriously and allow the project to go forward absent adequate accompanying transportation infrastructure (for vehicles) improvements, will very significantly affect the quality of life of everyone in the west Natomas area for the foreseeable future as ingress and egress to the entire area during rush hours will be a nightmare! Actually a much worse nightmare than it already is!

Thanks for your consideration. I am looking forward to reading about realistic, significant improvements to the streets and freeway intersections to accompany the project, in the Environmental Impact Report.

Stanley Stewart
3077 Garden Hwy
Sacramento, CA 95833



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

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



Gavin Newsom
Governor

October 8, 2020

Mr. Todd Taylor
Sacramento County
827 7th Street
Sacramento, CA 95814
TaylorTO@saccounty.net

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR
UPPER WESTSIDE SPECIFIC PLAN – DATED OCTOBER 5, 2020 (STATE
CLEARINGHOUSE NUMBER: 2020100069)

Mr. Taylor:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the Upper Westside Specific Plan (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR. Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

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[content/uploads/sites/31/2018/09/VCP_App-1460.doc](#). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

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

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is written in a cursive style and is positioned above a thin horizontal line.

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

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



October 19, 2020

Mr. Todd Smith
County of Sacramento - Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

**Subject: Notice of Preparation of a Draft Environmental Impact Report
for the Upper Westside Project Specific Plan – Control No.
PLNP2018-00284**

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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www.regionalsan.com

Dear Mr. Smith,

The Sacramento Regional County Sanitation District (Regional San) and the Sacramento Area Sewer District (SASD) have the following comments regarding the Notice of Preparation of a Draft Environmental Impact Report for the Upper Westside Specific Plan.

Large areas of the Upper Westside Specific Plan (Project) are located outside of the Urban Services Boundary (USB) and the SASD and Regional San service areas. Regional San does not plan for areas located outside of the USB or SASD or Regional San service areas. To receive sewer service, the Project area must annex into both SASD and Regional San service areas. The Project applicant should work closely with the Sacramento Local Agency Formation Commission (<https://saclaefco.saccounty.net>) to begin the annexation process.

Upon annexation, SASD will provide local sewer service for the Project area. Regional San provides conveyance from local trunk sewers to the Sacramento Regional Wastewater Treatment Plant (SRWTP) through large-diameter pipelines called interceptors.

In February 2013, the Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS). The ISS updated the Regional San Master Plan 2000. The ISS is located on the Regional San website at www.regionalsan.com/ISS.

In January 2012, the SASD Board of Directors approved the most current SASD planning document, the 2010 System Capacity Plan Update (SCP). The SCP is located on the SASD website at www.sacsewer.com/devres-standards.html.

Regional San and SASD are not land-use authorities. Regional San and SASD plans and designs its sewer systems using information from land use authorities. Regional San and SASD base the projects identified within its planning documents on growth projections provided by these land-use authorities.

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Onsite and offsite environmental impacts associated with extending sewer services to this development should be contemplated within this Environmental Impact Report.

The project proponents propose connecting the Project wastewater conveyance facilities to the Regional San New Natomas Pump Station (NNPS) through proposed and existing SASD facilities. The Upper Westside Specific Plan area was never intended to be provided service by SASD facilities, the NNPS, Lower Northwest Interceptor (LNWI) or the South River Pump Station (SRPS) during design of these facilities. Allowing connection of the Upper Westside Specific Plan area may result in significant capacity constraints within the existing SASD and Regional San system. These capacity constraints must be thoroughly addressed by the project proponent before receiving service from SASD and Regional San. Project proponents should work closely with both SASD and Regional San Development Services to ensure proper connection to any existing SASD or Regional San facilities.

The project proponent must complete a Sewer Master Plan that includes connection points and phasing information to assess the capacity of the existing sewer system to accommodate the additional flows generated by this project.

Customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances. Fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serves new customers. The SASD ordinance is located on the SASD website at www.sacsewer.com/ordinances.html, and the Regional San ordinance is located on their website at www.regionalsan.com/ordinance.

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

cc: SASD Development Services



TODD HARMS
Fire Chief

Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 · Mather, CA 95655 · Phone (916) 859-4300 · Fax (916) 859-3702

October 28, 2020

SENT VIA EMAIL

Todd Smith, Acting Environmental Coordinator
Office of Planning and Environmental Review
County of Sacramento
827 7th Street, Room 225, Sacramento, CA 95814

Subject: Comment Letter for the Notice of Preparation of a Draft Environmental Impact Report for Upper Westside Specific Plan

Dear Mr. Smith:

Thank you for the opportunity to comment on the Upper Westside Specific Plan's (Project) Notice of Preparation (NOP) of a Draft Environmental Impact Report. The Sacramento Metropolitan Fire District (District) has reviewed the document and has the following comments.

Natomas Fire Protection District

The Project is located within the boundaries of the Natomas Fire Protection District (NFPD) which is a dependent special district with no employees. Currently, the NFPD contracts with the City of Sacramento's Fire Department for fire protection and prevention services. Planning for fire protection and prevention services can be labor and capital intensive and often extends beyond project and jurisdictional boundaries. As such, the District has a vested interest in service delivery within Sacramento County and offers the following.

Response Standards and Initial Deployment Study

The District adopted a neighborhood-based fire company deployment plan, with response times, meeting national best practice recommendations. These response standards are in place to deliver good outcomes to keep serious, but still emerging, fires small and to rescue and treat the emergency's victims. For areas that have over 1,000 people per square mile (Suburban/Urban Areas), the District's standard 1st due travel time is four minutes with an overall reflex time of seven minutes. Given the Project's acreage and proposed land uses, the proposed development fits the District's Suburban/Urban Area response model. Additionally, multiple units are needed to quickly control building fires. The District's performance standard for an Effective Response Force to a building fire incident is to deliver 3 engines, 1 ladder truck and 1 battalion chief and have all the units arrive at the incident within 8 minutes travel time.

The District uses deployment studies and a gap analysis to anticipate the number and location of new fire stations that will be required to serve the Project given the 1st Due and 1st Alarm response requirements. The initial deployment study indicates a new station will be needed to meet the 1st Due response requirements for the southern portion of the Project. The northern portion of the Project area will also be served by the City of Sacramento's existing station #43.

- The NOP depicts a potential fire station location on a 1.2 acre CMU site southwest of the town center. At the earliest convenience please forward the proposed street network shapefiles to the District to ensure adequate response coverage.

Fire Service

Based on the proposed land use, the District estimates the Project could generate approximately 1,250 emergency calls per year at full buildout. Additionally, given the large amount of wetland preserve and urban farm land uses, the District anticipates the need for wildland fire protection. Based on this information, 1st Due Response for the Project would include:

- 1 Structural Engine Company (full time assignment)
- 1 Wildland Fire Engine (cross-staffed by structural engine company)
- 1 Medic Company (full time assignment)

Station Criteria, Lot Size and Timing

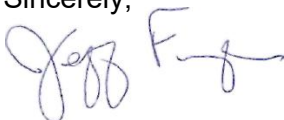
To meet the District's 1st Due and Effective Response Force standards, the District requires the new station to meet the following criteria:

- 3 Bay:8 Bed Station
- 2 acre site

District policy requires new stations to be operational by the time the Project's population density exceeds 1,000 people per square mile outside of the 4 minute response time from an in-service station. In future documents, please describe/depict Project phasing.

If you have any questions, please feel free to contact me at (916) 859-4517 or via email at frye.jeff@metrofire.ca.gov.

Sincerely,



Jeff Frye
Chief Development Officer

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
PLANNING DIVISION
703 B Street, MS-4130
Marysville CA 95901
Phone (530) 634-7616
www.dot.ca.gov
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

October 29, 2020

GTS# 03-SAC-2020-00765
SCH# 2020100069

Mr. Todd Smith
Principal Planner and Interim Environmental Coordinator
Planning and Environmental Review
Sacramento County
827 7th Street Sacramento, CA 95814

Upper Westside Project – Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)

Dear Mr. Smith,

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 reviewed 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 Upper Westside Project (Project) proposes general plan amendments, rezoning, and development of 2,066 acres in unincorporated Sacramento County. The Project will rezone most of the current agricultural land to a variety of uses including residential, commercial mixed-use, open space/public park, and agricultural. The Project is bounded by Interstate 80 (I-80) to the south, the West Drainage Canal to the east, Fisherman's Lake Slough to the north, and Garden Highway to the west. The center of the Project is located approximately 3.5 miles from downtown Sacramento and is outside of the Urban Policy Area (UPA) and Urban Services Boundary (USB) in the Natomas New Growth Area. Based on the information received, Caltrans provides the following comments.

Traffic Operations / Forecasting

On June 10, 2020 and October 21, 2020, Caltrans provided advance feedback to the Sacramento County Department of Transportation on the Transportation Analysis Scope of Work for the Project. Caltrans has no additional comments at this time on the Transportation Analysis Scope of Work. We would like to thank Sacramento County for the advance coordination. We look forward to continuing that effort.

Hydraulics

The Project will increase impervious surface runoff due to the proposed construction. Increases in peak runoff discharge for the 10-year and 100-year storm events to the State Right of Way and to Caltrans highway drainage facilities must be reduced to at or below the pre-construction levels. Any cumulative impacts to Caltrans drainage facilities arising from effects of development on surface water runoff discharge from the 10-year and 100-year storm events should be minimized through project drainage mitigation measures.

All grading and/or drainage improvements must maintain or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State Right of Way or to Caltrans drainage facilities. The developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.

Runoff from the Project that will enter the State Right of Way and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards prior to entering the State Right of Way or Caltrans drainage facilities. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.

All work proposed and performed within the State Right of Way must be in accordance with Caltrans standards and require a Caltrans Encroachment Permit prior to commencing construction. For the encroachment permit application, provide drainage plans and calculations for the pre and post 10- and 100-year peak run-off

Todd Smith
Sacramento County
October 29, 2020
Page 3

(quantities and velocities) and water quality treatment for all discharge to the State Right of Way and to Caltrans highway drainage facilities.

Encroachment Permit / Right of Way Engineering

As the Project moves forward, please note that an encroachment permit will be required from Caltrans for any work performed on the State Right of Way if not previously obtained. Specifically, an encroachment permit will be required if the Project will affect the areas of traffic operations, hydraulics, or environmental. All mitigations required by Caltrans must be addressed before issuance of an encroachment permit. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State Right of Way must be submitted to:

Hikmat Bsaibess
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901
(530) 755-6357

Please contact d3rwmaprequest@dot.ca.gov for any right of way map request/information needs.

Please provide our office with copies of any further actions regarding the 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 Douglas Adams, Intergovernmental Review Coordinator, at (530) 741-4543 or by email at: douglas.adams@dot.ca.gov.

Sincerely,



Alex Fong
Acting Branch Chief, Transportation Planning – South
Planning, Local Assistance, and Sustainability

Central Valley Regional Water Quality Control Board

30 October 2020

Todd Smith
Office of Planning and Environmental Review
Sacramento County
827 7th Street
Sacramento, CA 95814

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR), UPPER WESTSIDE PROJECT, SCH#2020100069, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 5 October 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Preparation of a Draft Environmental Impact Report* for the Upper Westside 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, the United States Environmental

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

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

Pesticide Discharge Permits

If the proposed project involves the application of pesticides at, near, or over waters of the United States that could result in the discharge of pollutants, the proposed project will require coverage under one or more of the State Water Resources Control Board (State Water Board) National Pollutant Discharge Elimination System (NPDES) Pesticide Permits. For more information regarding the Pesticides Permits, visit the State Water Board website at:

https://www.waterboards.ca.gov/water_issues/programs/npdes/pesticides/

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or

excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

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 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 (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

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.

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

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: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ 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. 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. To find information on Agricultural and Irrigated land Fees, visit the State Water Resources Control Board website at https://www.waterboards.ca.gov/resources/fees/water_quality/#agwaiver and click the California Code of Regulations (Fee Schedule) linked text.

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) 464-0335 or Angela.Nguyen-Tan@waterboards.ca.gov.



Angela Nguyen-Tan
Environmental Scientist

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



November 2, 2020

VIA EMAIL: TAYLORTO@SACCOUNTY.NET

Todd Taylor, Associate Planner
Sacramento County
345 N. El Dorado Street
Stockton, CA 95202

Dear Ms. Moore:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE UPPER WESTSIDE SPECIFIC PLAN PROJECT (PLNP2018-00284), SCH# 2020100069

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study and Notice of Preparation of an Environmental Impact Report for the Upper Westside Specific Plan Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The project is a Specific Plan that encompasses approximately 2,066 acres in the unincorporated Natomas community of Sacramento County, approximately 3.5 miles from downtown Sacramento. The Project is located outside of the County's Urban Policy Area (UPA) and Urban Services Boundary (USB), but is bounded on three sides by the City of Sacramento, bordering the communities of North and South Natomas. The Preliminary Land Use Plan envisions a community with a 1,532± acre development area and a 534± acre ag buffer area located west of the development area. The development area includes 9,356± dwelling units and 3,096,245± square feet of commercial uses, with three K-8 school sites, one high school site, and several parks.

The project site contains Prime Farmland as defined by the Department of Conservation's Farmland Mapping and Monitoring Program¹, and a portion of the site is enrolled in a Williamson Act contract.

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, <https://maps.conservation.ca.gov/DLRP/CIFF/>

Department Comments

Although conversion of agricultural land is often an unavoidable impact under CEQA analysis, feasible alternatives and/or feasible mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts. As stated in CEQA statute, mitigation may also include, "Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."²

The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the loss of agricultural land. Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State. The Department highlights conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

² Public Resources Code Section 15370, Association of Environmental Professionals, 2020 CEQA, California Environmental Quality Act, Statute & Guidelines, page 284, https://www.califaep.org/docs/2020_ceqa_book.pdf

Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Upper Westside Specific Plan Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor

November 2, 2020

Todd Smith, Acting Environmental Coordinator
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

Dear Mr. Smith:

Thank you very much for providing notice of the forthcoming Environmental Impact Report (EIR) for the Upper Westside Specific Plan.

As you know, the Natomas Unified School District would serve the proposed Specific Plan Area. We greatly appreciate the proactive outreach to the District, and the changes to the preliminary land use plan and Specific Plan application to set aside land for schools, factor in the specific types of schools that will serve the Specific Plan Area, and ensure that schools are appropriately spaced from one another and integrated into residential areas with parks and greenways. We need to insist that the land set aside for schools remains consistent with the California Department of Education's (CDE) requirements and evaluation of safety factors for a school site <https://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp>. Factors the CDE evaluates include but are not limited to the school site's proximity to airports, high-voltage power transmission lines, hazardous air emissions within a quarter mile and proximity to pressurized gas or sewer lines. The District understands the complexities in planning for such a large area and diverse mix of land uses, and we would like to remain an active partner through development of the Specific Plan, preparation of the EIR, and implementation of the County's vision for Upper Westside.

We appreciate that schools are within biking and walking distance of future residences, which is the most important factor in ensuring that future students can access schools without the use of automobiles. There are also programmatic elements that can help promote walking and bicycling to school, including programs that could be adaptively managed over time to help reduce vehicle miles travelled (VMT) impacts of the Specific Plan, while also promoting safe and convenient pedestrian and bicycle travel to and from school.

As noted, we support integration of school sites in areas with parks and greenways. If school sites are to rely on adjacent parks for school recreational use, it will be important to address access, security, design, and maintenance related to shared-use parkland so that it may meet the needs of the adjacent schools, while also meeting the needs of the community.

Relative to the scope of analysis, the EIR should study impacts of residential development on school services and facilities, as well as impacts that can be caused when there are insufficient school sites in close proximity to students' homes. Such impacts may include greenhouse gas emissions, air quality effects, transportation noise impacts, and other impacts related to students not being able to safely and conveniently walk or bike to school, as well as parents driving relatively longer distances to get students to school. As noted above, we acknowledge and appreciate the efforts in preliminary planning to place school sites within close proximity of the homes they would likely serve – carrying these concepts through to the Specific Plan land use and transportation diagrams will help reduce these impacts.



The District is interested in using the County's EIR for analysis and mitigation of impacts related to future school sites within the Specific Plan Area. As such, we would encourage appropriate survey work to establish the environmental baseline in appropriate detail, along with comprehensive analysis and mitigation of all impacts associated with constructing and operating schools. While it is possible that the District will need to prepare site-specific studies in the future, we would like to start with the goal of using this environmental documentation to support District actions, appropriate school sites as well as issuance of any required permits for future schools, including encroachment permits and grading permits from the County.

As a part of the Specific Plan's implementation section or EIR mitigation, please include language requiring, as a condition of approval for projects developed under the Specific Plan, for the subject developer to enter into an agreement with the Natomas Unified District to fully mitigate and address the costs associated with housing students generated by the proposed development.

The District looks forward to coordinating with the County throughout this important planning process.

Sincerely,

Lalanya Rothenberger

Lalanya Rothenberger
Executive Director
Facilities and Strategic Planning





November 4, 2020

1415 L Street,
Suite 300
Sacramento, CA
95814

916.321.9000
sacog.org

Todd Smith, Acting Environmental Coordinator
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814
CEQA@saccounty.net

Re: Notice of Preparation of DEIR for Upper West Side Specific Plan (PLNP2018-00284)

Dear Mr. Smith:

Thank you for the invitation to comment on the Upper West Side project proposal. SACOG's primary responsibility as the Metropolitan Planning Organization for the six county Sacramento region is the development and implementation of the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), a document that establishes transportation spending priorities throughout the region. The MTP/SCS must be based on an estimated land use pattern to be built over a 20+ year planning period, and it must conform with federal and state air quality regulations.

The focus of the MTP/SCS is on the intersection of land use and transportation: it identifies the region's strategies for meeting the regional greenhouse gas (GHG) emissions reduction target; establishes conformity with state and federal clean air act requirements; provides the foundation for the regional housing needs allocation and establishes a plan for housing the population of the region; considers the impact of the plan on regional resources, including financial, biological, agricultural and farming, etc.; and identifies a transportation network to serve the transportation needs of the region, and to reduce vehicle miles traveled (VMT) to, among other things, support achievement of the region's GHG emissions reduction target. For these reasons, the MTP/SCS provides a benchmark for considering the impacts of a project.

The foundation for the MTP/SCS land use forecast includes local government general plans, community plans, specific plans, and other local policies and regulations, and the Sacramento Region Blueprint. The Blueprint vision, based on the principles of smart growth, contributes to the development of the MTP/SCS by giving general direction on how the region should develop over time to curb sprawl, cut down on vehicle emission and congestion, and improve the quality of life for residents. Implementation of the Blueprint vision depends greatly on the efforts of cities and counties through local plans and projects. In support of city

Auburn
Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

and county efforts, SACOG regularly monitors and comments on projects in the region as they relate to implementation of the MTP/SCS and Sacramento Region Blueprint.

The Upper West Side project and the project area itself are not anticipated for development in either the MTP/SCS or the Blueprint. However, the Blueprint is not just a map, it is based on a set of smart growth principles. We're encouraged to see that the early goals and initial plans for the Upper Westside project include alignment with many of the principles contained in the Blueprint and the county's smart growth policy LU-120. We also understand that the project applicants are striving to design the Upper West Side project to exemplify excellent planning principles and be a model for new development. We appreciate and applaud that goal and hope these comments are useful in making the proposed project achieve that standard of excellence. We believe projects like this represent unique opportunities to examine how new growth can be planned in the region while also contributing to regional goals to reduce reliance on single-occupant automobiles, build in walking, bicycling and transit options from the ground up, and offer both housing and transportation choice to residents.

Throughout much of the Sacramento region, the capacity for growth in existing entitled lands far exceeds expected demand for new growth over the next twenty years. Because of this overabundance of entitled lands, it is critical that any new lands entitled for urban development be well thought out and fully implement Blueprint smart growth principles. Planning and development that fully implements the Blueprint principles is critical to allowing the Sacramento region to reducing vehicle miles traveled and greenhouse gas emissions. These principles are described in more detail below along with our initial comments on the proposed project.

Transportation Choice: There is a strong connection between land use patterns, travel behavior and air quality. Higher density housing and employment, locating jobs near housing, and providing strong connectivity in the design of the street and bicycle and pedestrian networks, all lead to increased walking, biking, and transit use, and shorten the length of auto trips. How a new growth area contributes to the region's vehicle miles traveled and greenhouse gas reduction goals is an important consideration in determining whether or not a project is consistent with the Blueprint.

The Upper West Side proposal discusses a commitment to travel options beyond single occupancy vehicles (SOV), including car share, micro-mobility, and walking/biking. The proposed bike network is comprehensive and includes both class 1 and 2 facilities throughout the project area. However, while the mixed use town center area is gridded with short block lengths, the area outside this grid, which will include over 3,675 units, appears to have longer block lengths and low intersection density, as identified in the project materials. This street and block design across the majority of the project area may promote auto-centric travel patterns and presents a challenge for alternative modes of transportation. The project should examine ways in which higher intersection density, traffic calming, or other design elements, could

encourage improved integration of non-auto modes across a greater proportion of the project area. Incorporating an internal circulation system that provides more separation of cars from bicycle and pedestrian traffic, such as shifting priority for vehicles to outer ring roads and prioritizing bicycles and pedestrians on the internal roadways by expanding the number of Class 1 facilities and converting Class 2 facilities to Class 4 cycle tracks, can encourage high use of walking and biking for local trips. Additionally, ensuring the proposed network of bike paths offer direct and front door access to destinations in the mixed use town center and other destinations throughout the project will increase the likelihood that walking, biking and other non-SOV modes are the most convenient choice for local trips.

While the project demonstrates strong proximity to existing jobs, with over 200,000 jobs within five miles of the project area, access to downtown is still challenging and largely auto-centric. The primary gateway to the project area will be El Camino Ave, with over half the trips coming into or out of the project, according to the conceptual traffic feasibility analysis. The I-80 interchange at El Camino and the 6-lane El Camino overpass are, as stated in the Project Description, “already experiencing congestion during peak hours” and will accommodate an additional 53,000 daily trips from the project. As such, while ensuring the proposed circulation plan creates fast and direct bicycle and pedestrian connections to amenities throughout the project area such as the town center, urban farm, parks, educational node, school sites, and the Westside Canal can facilitate good transportation choice for internal trips, the project may struggle to promote non-auto modes for trips in and out of the project area. Additionally, the high volume of traffic on El Camino will be funneled from six lanes immediately onto the “smart growth street” in the mixed use town center, which may present challenges to fostering a truly pedestrian and bike-friendly corridor. To better ensure traffic into and out of the project area is compatible with the goal of promoting travel choice, the county and project applicant could coordinate with the City of Sacramento and SACOG to identify measures that would provide safe and comfortable integration of non-auto modes, and potentially, local auto trips, into the surrounding transportation system. Some examples, though by no means an exhaustive list, could include ways to diffuse or calm traffic entering the town center, street design elements to provide additional comfort and protection for non-auto modes, strategic local street connections from the project to the street network of the surrounding communities. Further, to better demonstrate a commitment to encouraging transportation choice, the project could offer incentives and design elements that support micro-mobility options like bike and scooter share such as mobility hubs, memberships discounts, and integration of sufficient, secure, and attractive bike parking in convenient locations in front of priority destinations and throughout neighborhoods surrounding the town center.

The location also offers opportunity for transit access to employment centers. Existing and planned bus transit service provides connections from South Natomas, immediately across I-80 from the project location, to Downtown Sacramento, the regional’s largest employment center, as well as connection via bus to the planned Green Line LRT extension from Downtown, Railyards and the River District into South and North Natomas. Extensions of existing or planned transit to the project, plus opportunities for new local transit within the project itself, should be explored.

In short, the project location has significant characteristics that would allow for the project to be a truly low-VMT and high alternative mode community. The standards applied to the project in terms of lowering vehicle miles traveled within Sacramento County and the region should be very high, and the target performance on VMT per capita for future project residents should be ambitious and well below the standard applied to other projects.

Housing Choice and Diversity: Offering a variety of housing options is critical to supporting residents of all ages and incomes. SACOG recently adopted cycle six of the Regional Housing Needs Assessment, which significantly increased the number of affordable, higher density, housing units the region needs to plan for. The MTP/SCS assumes that almost 74 percent of the new homes in the region are small-lot or attached homes. The region has a history and established pattern of constructing single-family homes on large lots, making it critical to plan for small-lot detached and attached housing at higher densities. The Upper Westside Preliminary Land Use Plan targets 2,560 large-lot single-family homes, 1,118 homes that could be small- or large-lot single-family homes, 2,418 attached homes, and 3,135 homes in the commercial mixed use district. If all the targeted homes are built as planned, the proposal will be at least 60 percent small-lot or attached homes. The concept of higher densities and mixed use in and around the town center is Blueprint supportive, but the extent to which this project will promote housing choice will depend upon whether the homes targeted in the mixed use district come to fruition. Vertical mixed use is a particularly challenging product to bring to market in a developing community and there is a potential risk that the mixed use district will develop as employment-only uses. Developing communities that seek to promote housing choice can look to increase the amount of land that allows for higher density multifamily housing and pursue policies and safeguards to prevent mixed use areas from developing exclusively as commercial or office.

While the specific plan for the Upper West Side includes a variety of housing types, most of this diversity is contingent upon the mixed use town center developing as planned. Outside of the town center, approximately 600 of the 941 residentially designated acres and over 2,500 units will be large-lot single-family neighborhoods, which lend themselves to being homogenous, expensive, and segregated. One way to provide more housing choice within neighborhoods of the plan would be to allow for more “missing middle” housing products, like fourplexes, garden apartments, and bungalow courts, wherever housing is allowed in the plan area. These types of housing products are more likely to facilitate economic integration and a diversity of households.

Mixed Use Development: Districts that have a mix of uses are efficient in their use of land and resources, but also function as local activity centers where people tend to walk or bike to destinations, use transit more frequently, and take shorter auto trips. The project’s mixed use town center is of central importance for encouraging non-auto modes as an attractive and convenient option for internal circulation and providing a diversity of housing products, particularly higher density housing, within the project area. The mixed use town center estimates 3,135 new units, making up approximately 34-percent of the planned housing units and the majority of the plan’s higher density housing. Maintaining a housing product mix in the

proposed Upper West Side Project that is in alignment with the Blueprint Vision and the MTP/SCS hinges on fully realizing the higher density homes proposed in mixed use town center.

While mixed use development that blends housing and commercial uses is crucial for many reasons, this type of development is particularly challenging to bring to market in new communities and risks being developed as solely commercial products. Further, the uncertain future of retail, made even more uncertain by the global COVID-19 pandemic, necessitates creating flexibility in our commercial products to make them more resilient in the face of an evolving economy.

The town center proposed in the project is ambitious and warrants measures that can help ensure it is developed as planned and remains successful into the future. Building communities in greenfield areas that seek to promote mixed use development may benefit from measures that ensure mixed use sites do not develop as auto-oriented, lower density, commercial-only uses. These measures may include, but are certainly not limited to, exploring parking maximums that are compatible with pedestrian scale design, triggers that limit commercial only buildings within the mixed use areas, and flexibility to allow for telework space, childcare, community space, or other revenue generating uses that complement adjacent housing, but do not rely on traditional retail.

Compact Development and Natural Resources Conservation: These two principles work together at both the neighborhood and the larger citywide scale. At a neighborhood level, environments that are more compactly built at pedestrian scale can encourage more walking, biking, and public transit use and shorter auto trips. Incorporating public-use open space (such as parks, town squares, trails, greenbelts) is an important contribution to the aesthetics and sense of community and also helps lead to these outcomes. The Upper Westside specific plan includes a variety of these features, including parks, trails, an agricultural greenbelt, and an urban canal. At a larger scale, these two principles call for urban growth expansion that is adjacent to existing developed lands, well planned, and conserves natural resources. Growing in a way that utilizes existing urbanized lands ensures more open space, including wildlife and plant habitat preservation, agricultural preservation, and open recreation areas. The compact footprint and growth pattern of the MTP/SCS assumes that only 34 percent of the new housing growth in the region happens in greenfield areas. The Upper Westside proposal would increase the percentage of development in greenfields, should it move forward. Additionally, because the project area is not anticipated for growth in the Blueprint or the MTP/SCS, it would convert more agricultural land to urban uses beyond what was analyzed as part of the Blueprint or MTP/SCS.

Design for Quality is the Blueprint Principle that relates not only to the attractiveness of buildings but also to street pattern and urban design of a development. A walkable street pattern is one of the most significant factors in reducing VMT for an area. A pedestrian-friendly street pattern and quality urban design encourages not only walking but also transit use. Other factors affecting walkability include the presence or absence of sidewalks, pedestrian amenities on the street, traffic volumes, presence or absence of crosswalks, treatment of pedestrians at signalized intersections, public spaces, and the orientation and proximity of buildings to the

street. The proposed Upper Westside project includes many smart growth principles in its design of the mixed use town center, where there is a tight street grid and buildings are oriented towards the street. These types of design principles can be further strengthened through strong policies in the specific plan itself and through objective design guidelines that ensure a pedestrian-oriented streetscape.

Using Existing Assets: It is important for urbanized areas to take advantage of existing public infrastructure and services and for local jurisdictions to ensure they can meet the needs of existing assets they plan for new growth and development that will create additional maintenance and operational costs. Most of the new growth projected in the MTP/SCS is in existing communities and aims to utilize and invest in existing infrastructure. The proposed Upper Westside project makes use of some existing infrastructure, but as a developing community in an area that is largely undeveloped, it will also require new roadways, utilities, and other infrastructure. The county should consider how phasing in of new development and the needs of newly added infrastructure fit within long term costs of upkeep. Further, to the extent feasible, new infrastructure is best planned with consideration of future reuse or adaptation in response to changing economic and environmental conditions.

The Upper West Side project is striving to follow many of the Blueprint design principles, but the project raises important policy questions for the region's implementation of the Blueprint. For example, the capacity for growth in existing entitled lands far exceeds expected demand over the next twenty years: collectively, the region's jurisdictions have entitled, or are in the process of entitling 2.5 times the region's projected need for the next 20 years. More than half of that capacity—387,000 units—is in greenfield areas that are on the edge of existing development.

Unincorporated Sacramento county has 100,000 of those new units of capacity in a dozen planned new growth areas (greenfields) that are either under construction, approved, or going through entitlement. How and when this regional capacity is phased and built out over time is critically important to the future economic and environmental health of the region. Dispersing growth incrementally over a larger number of developments and geographies without a phasing strategy creates challenges in meeting our shared goals of improving air quality, reducing greenhouse gas emissions, revitalizing our existing communities, and of funding the construction and maintenance of the public infrastructure needed to serve both existing and new communities.

Thank you for consideration of these comments. We look forward to working with the county on these issues as the Upper Westside Project moves forward.

Thank you,



James Corless
Executive Director



Sent Via E-Mail

November 4, 2020

Todd Smith
Interim Environmental Coordinator
Sacramento County
827 7th Street, Room 225
Sacramento, CA 95814
ceqa@saccounty.net

Subject: **Upper Westside Specific Plan / NOP / 2020100069**

Dear Mr. Smith:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) for the Upper Westside Specific Plan (Project, SCH 2020100069). 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 will acknowledge any impacts related to the following:

- 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
- The potential need to relocate and or remove any SMUD infrastructure that may be affected in or around the project area

The information provided in the NOP states the Project will be analyzed for its compatibility with public utilities and to determine what may be required to extend service to the Project. It is SMUD's expectation the environmental impacts of any new onsite and offsite electric facilities needed to meet the electricity demands of the Upper Westside Specific Plan will be analyzed in the EIR.

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 NOP. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.5063, or by email at Kim.Crawford@smud.org.

Sincerely,



Kim Crawford
Environmental Services Specialist
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

cc: Entitlements



Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 6, 2020

Todd Smith
Sacramento County Planning
827 7th Street, Suite 225
Sacramento, CA 95814
ceqa@saccounty.net

Subject: Upper Westside Specific Plan - Notice of Preparation
SCH# 2020100069

Dear Mr. Smith:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) from Sacramento County for the Upper Westside Specific Plan (Project) in Sacramento County (the County) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the County's request for comments on the Project's application to the County dated March 6, 2020.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project is a Specific Plan that encompass approximately 2,066 acres in the unincorporated Natomas community of Sacramento County, approximately 3.5 miles from downtown Sacramento. The Project area is bounded by Interstate 80 to the south, the West Drainage Canal to the east, Fisherman's Lake Slough to the north, and Garden Highway to the west. The Project is located outside of the County's Urban Policy Area (UPA) and Urban Services Boundary (USB), but is bounded on three sides by the City of Sacramento, bordering the communities of North and South Natomas.

The Project's Preliminary Land Use Plan envisions a community with a 1,532± acre Development Area and a 534± acre Ag Buffer Area that is located west of the Development Area. Within the Development Area, the applicant has proposed an urban, commercial mixed-use town center district near the intersection of El Centro Road and West El Camino Avenue surrounded by neighborhoods. The Development Area includes 9,356± dwelling units and 3,096,245± square feet of commercial uses, with three K-8 school sites, one high school site, and several parks.

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the EIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

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Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the EIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends that the EIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey (USGS) 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data). Please review the website for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship (CWHR) System, California Native Plant Society (CNPS) Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

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3. A complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The EIR should include the results of focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be impacted directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the lead agency rely on survey and monitoring protocols and guidelines available at: www.wildlife.ca.gov/Conservation/Survey-Protocols. Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodically updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.
4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see www.wildlife.ca.gov/Conservation/Plants).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The EIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the EIR:

1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context.

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2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The EIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project outcome of runoff from the Project site. The EIR should address sources of wildlife mortality such as human introduction of domestic cats (as it relates to bird mortality), bird strikes with Project buildings, increased wildlife control, and vehicle strikes.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

Mitigation Measures for Project Impacts to Biological Resources

The EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

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1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*). Fully protected species may not be taken or possessed at any time. Project activities described in the EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the EIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
3. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the EIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Any mitigation proposed outside the Natomas Basin and within the jurisdiction of a different local government, should be supported by robust scientific reasoning and such a strategy should contemplate local degradation of Natomas Basin fish, wildlife, or plant resources and potential land use authority.

The EIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a

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minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-.

5. *Nesting Birds*: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory nongame native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project area. The Project should disclose all potential activities that may incur a direct or

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indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the EIR.

CDFW recommends that the EIR include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The EIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. In addition to larger, protocol level survey efforts (e.g. Swainson's hawk surveys) and scientific assessments, CDFW recommends a final preconstruction survey be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

6. *Moving out of Harm's Way*: The Project is anticipated to result in the clearing of habitats that support native species. To avoid direct mortality, the Lead Agency may condition the EIR to require that a qualified biologist with the proper permits be retained to be onsite prior to and during all ground- and habitat-disturbing activities. The qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
7. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful.

The EIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the EIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. To avoid deferring mitigation in this way, the EIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal

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species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of state-listed CESA species, either through construction or over the life of the Project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Project area has the following State-listed species that are known to be present:

- Swainson’s hawk (*Buteo swainsoni*)
- Giant garter snake (*Thamnophis gigas*)

The Project area as shown in the NOP also may include habitat for these State and/or federally listed species: bank swallow (*Riparia riparia*), California tiger salamander (*Ambystoma californiense*), tricolored blackbird (*Agelaius tricolor*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphous*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Bogg’s Lake hedge-hyssop (*Gratiola heterosepala*), Sacramento Orcutt grass (*Orcuttia viscida*), and slender orcutt grass (*Orcuttia tenuis*).

The EIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code §2081 (b)). To facilitate the issuance of an ITP, if applicable, CDFW recommends the EIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of State-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of State-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

Lake and Streambed Alteration (LSA) Program

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features (such as ditches), and any associated biological resources/habitats present within the entire Project footprint (including utilities, access and staging areas). The EIR should analyze all potential temporary, permanent,

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direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined that the Project will result in significant impacts to these resources, the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water or some agricultural drainages.

If CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, an LSA Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. To obtain an LSA notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Section 1602 of the Fish and Game Code. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. Addressing CDFW's comments to appropriately address Project impacts facilitates the issuance of an LSA Agreement and CDFW's associated CEQA compliance as a responsible agency.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

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1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

Based on review of Project materials, aerial photography and observation of the site from public roadways, the Project site contains tributaries to lakes and streams within the Natomas Basin. CDFW recommends that the EIR fully identify the Project's potential impacts to lakes, streams, and/or its associated vegetation and wetlands.

Regional Habitat Conservation Plans

CEQA Guidelines section 15125(d) states that EIRs must discuss any inconsistencies between projects and applicable plans (including habitat conservation plans/natural community conservation plans). If the Project is contemplating the viability of offsite mitigation, the EIR should include a discussion of each Project alternative's consistency with any approved habitat conservation plan that overlaps with the Project's mitigation area or the Project itself. Such plans would include the Natomas Basin Habitat Conservation Plan (NBHCP), Metro Air Park Habitat Conservation Plan (MAP HCP), Yolo Habitat Conservation Plan/Natural Community Conservation Plan, South Sacramento Habitat Conservation Plan (SSHCP), and the Placer County Conservation Program.

Local Habitat Conservation Plans

The Project area is within the NBHCP and is in close proximity to the MAP HCP. Both the NBHCP and MAP HCP are approaching their twentieth year of implementation, conserving to date more than 4000 acres of land in the Natomas Basin. These conserved lands provide tremendous benefit to wildlife in Sacramento and Sutter Counties, and the larger surrounding region. Additional development is authorized under both plans, conditioned on in-perpetuity conservation obligations, such as land acquisition and commitments to agriculture, not yet completed within the Natomas Basin. Therefore a robust analysis of whether, in what way, and to what extent the Project may affect future implementation and the continued viability of the NBHCP and MAP HCP in the Natomas Basin is essential to the County's informed review of the Project.

CDFW appreciates the Project proponent and the County's previous commitment to prepare a related effects analysis as part of the County's review of the Project. The analysis will provide critical information essential to a meaningful understanding of the Project's regional setting. That, in turn, will also help ensure the EIR's environmental analysis is robust and includes all the potentially significant effects on fish and wildlife that may be caused by the Project.

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Section 15125 of the CEQA guidelines states that special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project, while also discussing any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. To identify any identify any potential inconsistencies with the Natomas Basin plans and provide special emphasis on rare or unique resources in compliance with CEQA, CDFW recommends that the EIR address, specific to the effects analysis, the following:

- Persistence of NBHCP and MAP HCP Covered Species in the Natomas Basin
- Impacts to established reserve land managed by the Natomas Basin Conservancy (TNBC)
- Reduction of available reserve land in the Natomas Basin under the NBHCP and MAP HCP (with appropriate buffers and setbacks as detailed in the NBHCP)
- Reduction of ability for TNBC to establish or enhance Covered Species range and habitats in the southern Natomas Basin.
- Continued viability of the land uses in the Natomas Basin as detailed in the NBHCP and MAP HCP
- Financial impacts to TNBC and fee payers under the NBHCP and MAP HCP, including the recent action by TNBC Board of Directors and the Sacramento City Council to address related ongoing financial challenges of continuing to implement the required conservation strategy in the Natomas Basin, and
- Cumulative impact of the Project, in combination with other development in the Natomas Basin approved since 2003 that is outside of the City of Sacramento and Sutter County's permitted area under the NBHCP (e.g., levee improvements by the Sacramento Area Flood Control Agency and the Greenbriar project). A visual representation of the mounting pressure on the continued viability of the NBHCP is shown in Figure 1.

CDFW highlights that the County also has vested interest in the success of the MAP HCP. The MAP HCP and the related authorization under CESA serves as a regulatory platform for the Metro Air Park I-5 Interchange, the Amazon fulfillment center, and other large warehouse facilities all of which provide significant economic benefit to the County. The Project's potential effect on the continued success of the MAP HCP is an important consideration for the County as it considers the proposed Project, particularly with County interest in the build-out of Metro Air Park and the MAP HCP's implementation reliance on structure provided by the NBHCP.

Joint Vision

The 2002 Joint Vision Memorandum of Understanding (MOU) outlines a vision shared by the County and City for land use and revenue by the two agencies in the Natomas Basin. The MOU, importantly, recognizes the City as the agent of development in the Sacramento portion of the basin and the County as the agent of permanent open space, habitat, and farmland/ranchland preservation. The MOU, in this respect, defines a set of guiding principles for the County and City to jointly implement a number of goals, including proactively guiding future urban growth for more efficient land use, while

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securing permanent preservation of open space at a mitigation ratio of at least one-to-one. The Joint Vision MOU, importantly, also acknowledges and has served to bolster the coordinated effort by the NBHCP and MAP HCP permittees, and TNBC to minimize the effects of other projects on fish and wildlife resources in the basin. The County and City's Joint Vision MOU has been a cornerstone for land use planning in the Natomas Basin for nearly two decades.

The Joint Vision MOU executed by the County and City in 2002 also informed CDFW's approval of the NBHCP and issuance of the related CESA ITPs to the City, Sutter County, and TNBC in July 2003. The County and City's Joint Vision has also been a key benchmark for CDFW as it monitors the nearly two-decade implementation of the NBHCP by the permittees. The Projects marks an apparent departure by the County from the principles detailed in its shared vision with the City. The County's web page reads currently, for example, that the Joint Vision project has been withdrawn and individual landowners are moving forward with their own projects, including this Project and the Grand Park Specific Plan. It should also be noted that the County's web page does not appear to describe the status of the Joint Vision MOU (signed 2002, after a unanimous vote by the County Board of Supervisors). CDFW flags this issue and recommends that the County analyzes this deviation from the 2002 Joint Vision MOU. This is of particular importance because the County and City's Joint Vision has been critical to the integrity of the NBHCP and the successful management and conservation of the unique biological resources in the Natomas Basin.

Swainson's Hawk

The Natomas Basin is known for its importance to Swainson's hawk within the Sacramento Valley (NBHCP 2003). Over 100 documented nesting occurrences occur within 10 miles² of the Project area (The Natomas Basin Conservancy 2019 Implementation Annual Report). Therefore, high value foraging habitat present in a majority of the Project area could contribute to foraging ability for hundreds of Swainson's hawks in the Natomas Basin, as well as those using surrounding nests in Yolo and east and south Sacramento County, and Swainson's hawk migrating through the Project area (CDFW 2020). This highlights the Natomas Basin's unique contribution in providing valuable nesting and foraging habitat, both of which are essential for the species' life history. As such, a thorough evaluation in the EIR of the Project's impacts to both nesting and foraging habitat as independent factors will be crucial, considering the value of the Natomas Basin for the species. The EIR should cite survey methodology, specifically a full set of protocol surveys using the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Tech. Advis. Comm., 5/2000), empirical data, and discuss how proposed avoidance, minimization, and mitigation measures for the Project are informed

² 10 miles is typically understood as the maximum distance to which a Swainson's hawk will forage during the breeding season (SSHCP 2018)

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by that information. Having this information in the EIR facilitates more efficient and detailed review and feedback from CDFW.

Much of the Project area is mapped within the Swainson's Hawk Zone (SHZ), which the NBHCP describes as the area within one mile of the Sacramento River in the Natomas Basin. The SHZ was derived from the high density of Swainson's hawk nests within this area and scientific evidence for the value of the habitat (NBHCP 2003). The NBHCP recognizes the importance of the SHZ to this species and the viability of their plan which resulted in substantial effort from the City of Sacramento and Sutter County to replan development outside of this area. Replanning efforts in the SHZ have been vital to preserve the area's ecological value and the overall goals of the NBHCP, despite the associated economic and political opportunity costs. Although the County is not party to the NBHCP, CDFW recommends the County considers the Project's 1) biological impact in an ecologically valuable area and 2) the effect that Project development in the SHZ will have on the continued implementation and viability of the NBHCP, as well as the MAP HCP.

As such, robust analysis of the Project's potentially significant effects on Swainson's hawk will be a critical part of the development of the EIR. With the Project in the SHZ, there could be several potentially significant effects to the species, both in the project-specific and cumulative context. Creating a feasible mitigation approach should be an early and focal part of the EIR development given the high utilization of the area by the species.

While typical projects often focus on initial surveys, this Project is in a particularly unique area where extensive surveys and biological resource mapping has already been completed. The most recent surveys indicated that 14 Swainson's hawk nests are present within the Project area or within a 0.5-mile radius that Project activities may impact (TNBC 2019, CDFW 2020). Due to the density of known nest sites, CDFW recommends the EIR analyze the individual nesting and foraging behavior patterns associated with each known nest pair and propose avoidance, minimization and mitigation that specifically addresses those patterns, rather than simply acknowledging presence. CDFW also recommends the EIR analyze the Project's regional impacts to the species, both to the overall persistence of Swainson's hawk within the Natomas Basin and indirect impacts to individual Swainson's hawk that may depend on the Project area's foraging habitat. Data from such studies can more effectively inform a mitigation strategy that complies with CESA.

Other Covered Species

The Natomas Basin has significant biological resources, including habitat and documented occurrences for 22 Covered Species under the NBHCP and other sensitive species. While CDFW recognizes the need for focus on Swainson's hawk and giant garter snake, further detail on the other Covered Species is needed so that all impacts to fish, wildlife, and plant resources can be adequately assessed. Specific focus on the resources likely to be most impacted, including the 22 Covered Species, and robust analysis of these species can strengthen the Project's mitigation strategy.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Dylan Wood, Environmental Scientist, at 916-358-2384 or dylan.a.wood@wildlife.ca.gov.

Sincerely,

DocuSigned by:

778EDA8AE45F4C9...

Kelley Barker
Environmental Program Manager

ec: Tanya Sheya, Senior Environmental Scientist (Supervisory)
Dylan Wood, Environmental Scientist
CEQACommentLetters@wildlife.ca.gov
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

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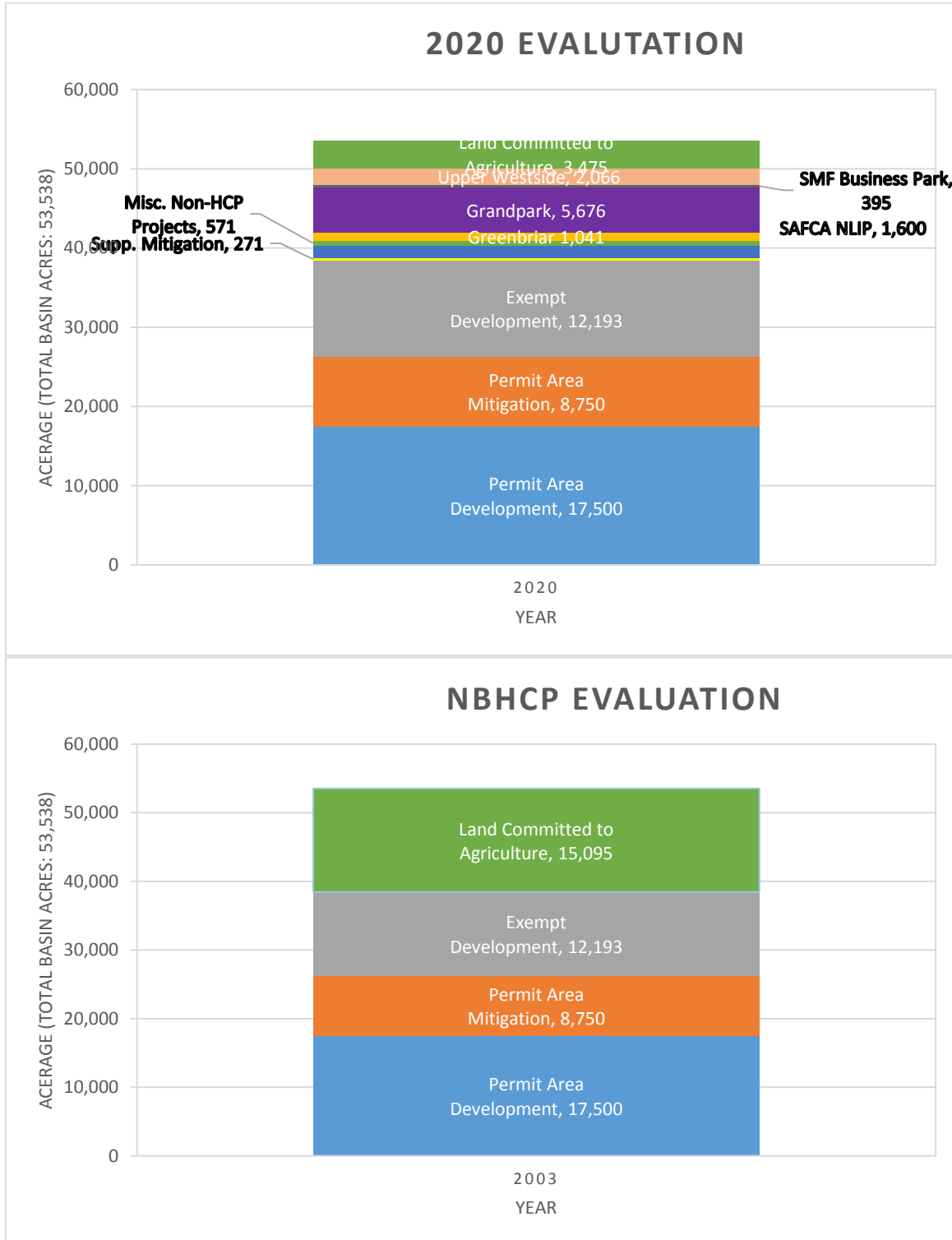
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South Sacramento Habitat Conservation Plan. 2018. Sacramento County

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Figure 1. Comparison of proposed land uses in the Natomas Basin (2020 & NBHCP signing in 2003)



November 6, 2020

Paul D Thayer
6645 Garden Hwy
Sacramento CA 95837
thayerpa@aol.com
916 955 3571

Subject: Notice of Preparation for the Upper Westside Specific Plan

To Whom It May Concern;

I request that the Environmental Impact Report for the Upper Westside Specific Plan carefully consider the Agricultural designation for the area along the Garden Highway. Designation as Open Space with agriculture as an allowable use would better protect this area.

Once the development contemplated in the Plan is carried out, the feasibility of agriculture in this area will be questionable. The proximity of residential development will cause conflicts with agricultural activities such as night time operations, applications of pesticides and herbicides and other aspects of agricultural operations. The result will be that the land owners will ask for changes to the agricultural designation, most likely in favor of further development. The intent of the Plan and mitigation for loss of agricultural and open space lands, likely to be required by the environmental review, will be frustrated.

Designation as open space with agriculture as a permitted use, would require that the developers of the Plan purchase and record easements to preserve these designations. This would prevent loss of these lands from the intended purpose and would compensate landowners for the loss of future development opportunities. The future feasibility of agriculture would not be relevant because of the open space designation.

Also recommended would be to implement these requirements by recording agreements for permanent land use restrictions. The agreements would be with third party organizations whose purpose is environmental protection or open space protection and management. This further prevents future changes to the protective designations. The Coastal Commission utilizes this method and could provide language for the plan requirement, development conditions, and agreements.

Thank you for your consideration of this request. I would be happy to discuss this further with County staff or the EIR preparers.

Yours truly

A handwritten signature in blue ink that reads "Paul D. Thayer". The signature is written in a cursive, flowing style.

Paul D. Thayer

November 6, 2020

Sent via Email

Todd Smith, Acting Environmental Coordinator
Office of Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814
CEQA@sacounty.net

**RE: Notice of Preparation of a Draft Environmental Impact Report for the
Upper Westside Specific Plan (PLNP2018-00284)**

Dear Mr. Smith,

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with an opportunity to review the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Upper Westside Specific Plan. The Upper Westside Specific Plan would encompass approximately 2,066 acres in the unincorporated Natomas community of Sacramento County, approximately 3.5 miles from downtown Sacramento. It would be located outside of the County's Urban Policy Area (UPA) and Urban Services Boundary (USB). Please accept the following comments to ensure that air quality and climate change impacts are adequately addressed.

Guidance on California Environmental Quality Act Analysis and Disclosure

Please reference Sac Metro Air District's guidance on analyzing and disclosing project impacts under the California Environmental Quality Act (CEQA), [The Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide), in preparing the DEIR. Our specific recommendations follow.

Because this project is a specific plan, we recommend referring to Chapter 9 of our CEQA Guide ([Program-Level Analysis of General Plans and Area Plans](#)) to guide air quality and climate change analysis, including both construction and operational criteria pollutant and greenhouse gas (GHG) emissions. For full public disclosure, all emissions projections, including those from vehicle miles traveled (VMT), should be disclosed alongside any model runs.

Chapter 9 of the CEQA Guide underscores the importance of analyzing the proposed land use's consistency with Sacramento Area Council of Governments' (SACOG's) [Metropolitan Transportation Plan/Sustainable Communities Strategy](#) (MTP/SCS). The motor vehicle emissions budget in the Sac Metro Air District's [Sacramento Regional Ozone Attainment Plan](#) is based on the MTP/SCS land use assumptions and travel demand modeling. The MTP/SCS is also an essential component implementing [Senate Bill 375 \(SB 375, Steinberg, 2008\)](#). To demonstrate consistency with the MTP/SCS, the DEIR should analyze the project's consistency the MTP/SCS population and employment projections, jobs-housing match, and associated VMT per capita, in addition to other criteria.

Notice of Preparation of a Draft Environmental Impact Report for the Upper Westside Specific Plan

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The NOP states that project objectives include satisfying “County policies, regulations, and expectations, as defined in the General Plan, including Policies LU-114, LU-119, and LU-120.” These policies are essentially supportive of SB 375 goals. The DEIR should analyze consistency with the General Plan, particularly these policies, and include a discussion of how implementation of these policies affects project air quality and climate change impacts.

Operational Air Quality Mitigation Plan

Due to this project’s location outside of the UPA and USB, the DEIR should include an Air Quality Mitigation Plan (AQMP) with measures to reduce operational criteria pollutant emissions by 35% or more. We recommend using the Sac Metro Air District’s [Recommended Guidance for Land Use Emission Reductions](#) when developing the AQMP. Please consult with Sac Metro Air District staff to review the AQMP for technical adequacy prior to inclusion in the final EIR. Please note that many of the measures in this guidance can also be used to achieve GHG emissions reductions.

Greenhouse Gas Analysis and Mitigation

Because Sacramento County is still in the process of updating its GHG thresholds, and its Climate Action Plan (CAP) is under development, the DEIR should use [Sac Metro Air District’s GHG thresholds](#) to analyze its effect on climate change and mitigate GHG emissions. We recommend mitigation measures from CEQA Guide [Chapter 6](#), on GHG emissions and [Chapter 9](#), on Program Level Analysis. Please note that many of the GHG mitigation measures also correspond to the land use and other mitigation measures in the Sac Metro Air District’s [Recommended Guidance for Land Use Emission Reductions](#). The DEIR’s AQMP measures can be used as mitigation for both criteria pollutant and GHG emissions.

Climate Change Impacts, Adaptation and Resilience

The DEIR should include an analysis of the project’s impacts on climate adaptation and resilience in the context of the climate impacts that studies show the Sacramento County will likely face in 2040, 2050 and beyond.

As weather patterns change due to climate change, more intense atmospheric river storm events in the winter could deliver high volumes of rainfall within a short time frame, challenging levees and local stormwater systems and creeks, increasing risk of localized flooding in and surrounding the project area.

The DEIR should analyze the project’s impacts on the urban heat island effect. The urban heat island effect results from the conversion of undeveloped land to urbanized land. According to the Sac Metro Air District’s May 2020 [Urban Heat Island Mitigation Project](#) (UHI Project), the heat island effect already presents a serious challenge for our region, with urbanized areas some 3 to 9 degrees Fahrenheit warmer than surrounding areas.

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, unhoused populations, and those with preexisting health conditions. Extreme heat also damages transportation infrastructure, for example by damaging the structural integrity of roads and reducing pavement lifespan. Higher ambient temperatures increase the formation of ground

Notice of Preparation of a Draft Environmental Impact Report for the Upper Westside Specific Plan

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level ozone through the increased use of air conditioners for cooling. Ground level ozone is a respiratory system irritant and a pollutant for which the Sacramento region has still not achieved the federal and state health-based standards.

Converting undeveloped land to urban uses results in a loss of carbon sequestration potential, releasing more greenhouse gases into the atmosphere.

The DEIR should assess the potential of cool roofs, cool pavement, and tree canopy to mitigate the project's impacts on the urban heat island effect.

Vehicle Miles Traveled Analysis

According to California's 2017 Climate Change Scoping Plan, the requirements of SB 375 do not provide enough VMT reductions to meet the 2050 GHG reduction targets, so land use and transportation projects that are consistent with SB 375 plans will still need additional GHG reductions to be consistent with state climate change goals.

To adequately assess and mitigate for the project's climate change impacts, the DEIR must provide a VMT analysis consistent with SB 743 (Steinberg, 2013), and apply all necessary mitigation to reduce project VMT. Particularly due to its location outside of the UPA and USB, this project is unlikely to meet the screening thresholds in the Governor's Office of Planning and Research's [Technical Advisory on Evaluating Transportation Impacts in CEQA](#) (OPR Technical Advisory) that would allow it to bypass a full VMT analysis pursuant to SB 743. The Sac Metro Air District's GHG thresholds reference SB 743's VMT criteria, and Sacramento County has recently adopted its own VMT thresholds for CEQA analysis pursuant to SB 743.

The DEIR should provide a meticulous assessment of VMT impacts resulting from the project's operations, consistent with methods referenced in the OPR Technical Advisory. In particular, the DEIR should analyze the project's effect on jobs-housing match in its vicinity, and how that in turn affects VMT; the project's impacts on transit use, walking and biking, and associated VMT; and public health outcomes.

Locating housing near transit, existing development and job centers can help increase active transportation as people choose to walk, bike, or use transit for commuting, grocery trips, errands, entertainment, and other trips. Active transportation can result in improved health outcomes through decreasing obesity, diabetes, and other chronic illnesses, as well as health benefits associated with improved air quality.

Friant Ranch

In December 2018, the California Supreme Court issued a decision in the Sierra Club v. County of Fresno case regarding the "Friant Ranch" project ((2018) 6 Cal. 5th 502). The Court determined that CEQA air quality analyses should include a reasonable effort to connect a project's air quality impacts to likely health consequences or explain in meaningful detail why it may be unreasonable to do so.

The Sac Metro Air District recommends the County analyze the project's criteria pollutant health effects considering the Guidance to Address the Friant Ranch Ruling for CEQA Projects in the Sac Metro Air District. The guidance and health screening tools can be

**Notice of Preparation of a Draft Environmental Impact Report for the
Upper Westside Specific Plan**

November 6, 2020

obtained on the Sac Metro Air District's CEQA Guidance & Tools webpage in the Friant Guidance section: <http://www.airquality.org/Residents/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>.

Conclusion

All projects are subject to the Sac Metro Air District rules and regulations at the time of construction and are required to implement our Basic Construction Emission Control Practices (BCECP). Please visit our website to find a list of the most common [rules](#) that apply at the construction phase of projects, and a copy of our [BCECP](#).

Thank you for your consideration. If you have questions, please contact me at rdubose@airquality.org.

Sincerely,



Rachel DuBose
Air Quality Planner / Analyst

c: Paul Philley, AICP, Sac Metro Air District

Taylor. Todd

Subject: Comment to EIR -- Upper Westside Plan

From: Sui Lim <suilim@winfirst.com>

Sent: Friday, November 6, 2020 8:37 AM

To: PER-CEQA <CEQA@saccounty.net>

Cc: 'Sui Lim' <suilim@winfirst.com>; Supervisor Serna <SupervisorSerna@saccounty.net>

Subject: Comment to EIR -- Upper Westside Plan

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.

Hello,

Submitting comments to the EIR for the Upper Westside Plan.

Requesting the following items to be included in the study:

- Impact and affect to the levee system all along Garden Highway
- Infrastructure of water and sewer and their ability to support the proposed plan
- Infrastructure of roads and freeways/highways and their ability to support the proposed plan
- Impact of traffic/congestion, etc.
- Amount of greenhouse gas emission (California is aiming towards a zero emission in about 20 years)
- Impact to wildlife in the area (cranes, egrets, ducks, geese, hawks, owls, falcons, rabbits, pelicans, river otters, etc.), as they should be left undisturbed

Not sure if the study can include, but estimated costs and how to fund these costs would be a critical element.

Let me know if you have any questions.

Thanks!

Sui Lim
(916) 606-9371

Taylor. Todd

Subject: NOP of the EIR for the Upper Westside Specific Plan

From: Stewart, Adam M <adam_stewart@fws.gov>

Sent: Friday, November 6, 2020 4:14 PM

To: Smith. Todd <smithtodd@saccounty.net>

Cc: Cheryle Hodge <CHodge@cityofsacramento.org>; John Roberts (jroberts@natomasbasin.org) <jroberts@natomasbasin.org>; Doug Libby <dglabby@co.sutter.ca.us>; Mankowski, Anne <anne_mankowski@fws.gov>; Turner, Kim S <kim_s_turner@fws.gov>; Tattersall, Eric <eric_tattersall@fws.gov>; Wood, Dylan@Wildlife <Dylan.A.Wood@wildlife.ca.gov>

Subject: NOP of the EIR for the Upper Westside Specific Plan

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.

Hi, Todd.

Due to our high volume of workload we have not been able to sufficiently review the Notice of Preparation of the Environmental Impact Report (EIR) for the Upper Westside Specific Plan (SCH#2020100069), pursuant to the California Environmental Quality Act (CEQA). At this time we have not met with the project proponents but plan to do so in the future. We can offer the following general comments at this time and will continue to work closely with Sacramento County as the Upper Westside project moves forward.

We concur with the California Department of Fish and Wildlife's (CDFW) November 6, 2020, comments regarding the potential impact of the Upper Westside project on the existing Natomas Basin Habitat Conservation Plan (NBHCP) and the Metro Air Park Habitat Conservation Plan (MAP HCP), captured in the following (indented) text from their correspondence:

CDFW stated that

“Both the NBHCP and MAP HCP are approaching their twentieth year of implementation, conserving to date more than 4,000 acres of land in the Natomas Basin. These conserved lands provide tremendous benefit to wildlife in Sacramento and Sutter Counties, and the larger surrounding region. Additional development is authorized under both plans, conditioned on in-perpetuity conservation obligations, such as land acquisition and commitments to agriculture, not yet completed within the Natomas Basin. Therefore a robust analysis of whether, in what way, and to what extent the Project may affect future implementation and the continued viability of the NBHCP and MAP HCP in the Natomas Basin is essential to the County's informed review of the Project.

CDFW appreciates the Project proponent and the County's previous commitment to prepare a related effects analysis as part of the County's review of the Project. The analysis will provide critical information essential to a meaningful understanding of the Project's regional setting. That, in turn, will also help ensure the EIR's environmental analysis is robust and includes all the potentially significant effects on fish and wildlife that may be caused by the Project.

Section 15125 of the CEQA guidelines states that special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project, while also discussing any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. To identify any potential inconsistencies with the Natomas Basin plans and provide

special emphasis on rare or unique resources in compliance with CEQA, CDFW recommends that the EIR address, specific to the effects analysis, the following:

- Persistence of NBHCP and MAP HCP Covered Species in the Natomas Basin
- Impacts to established reserve land managed by the Natomas Basin Conservancy (TNBC)
- Reduction of available reserve land in the Natomas Basin under the NBHCP and MAP HCP (with appropriate buffers and setbacks as detailed in the NBHCP)
- Reduction of ability for TNBC to establish or enhance Covered Species range and habitats in the southern Natomas Basin
- Continued viability of the land uses in the Natomas Basin as detailed in the NBHCP and MAP HCP
- Financial impacts to TNBC and fee-payers under the NBHCP and MAP HCP, including the recent action by TNBC Board of Directors and the Sacramento City Council to address related ongoing financial challenges of continuing to implement the required conservation strategy in the Natomas Basin, and
- Cumulative impact of the Project, in combination with other development in the Natomas Basin approved since 2003 that is outside of the City of Sacramento and Sutter County's permitted area under the NBHCP (e.g., levee improvements by the Sacramento Area Flood Control Agency and the Greenbriar project). A visual representation of the mounting pressure on the continued viability of the NBHCP is shown in Figure 1 (*within CDFW's comment letter*).

CDFW highlights that the County also has vested interest in the success of the MAP HCP. The MAP HCP and the related authorization under CESA served as a regulatory platform for the Metro Air Park I-5 Interchange, the Amazon fulfillment center, and other large warehouse facilities all of which provide significant economic benefit to the County. The Project's potential effect on the continued success of the MAP HCP is an important consideration for the County as it considers the proposed Project, particularly with County interest in the build-out of Metro Air Park and the MAP HCP's implementation reliance on structure provided by the NBHCP."

In addition, the FWS believes that the effects analysis prepared by the project proponent should be reviewed and approved by the FWS and CDFW. During this review process, the FWS will work closely with the project proponent, Sacramento County, CDFW, the NBHCP permittees (Sutter County, the City of Sacramento, and the Natomas Basin Habitat Conservancy), and the MAP HCP permittees (Metro Air Park Property Owners Association) to ensure that the effects analysis provided by the project proponents adequately addresses our concerns regarding the ability of the NBHCP and the MAP HCP to be successfully implemented in the future.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me.

Adam Stewart
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825
916-414-6654

"In an effort to slow the spread of the coronavirus (COVID-19), staff in the Sacramento Fish and Wildlife Office have implemented an aggressive telework schedule. At this time, we are responding to requests for information via email or phone as often as possible as we do not have the in-office capacity to support regular mail service. We appreciate your understanding."



Regional Transit

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November 9, 2020

Todd Smith
Acting Environmental Coordinator
County of Sacramento, Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

PROJECT TITLE: Upper Westside Specific Plan
TYPE OF DOCUMENT: Notice of Preparation for Draft
Environmental Impact Report

Dear Mr. Smith,

Thank you for the opportunity to review the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Upper Westside Specific Plan. As described in the NOP, the specific plan area encompasses approximately 2,066 acres in the unincorporated Natomas community of Sacramento County, approximately 3.5 miles from downtown Sacramento.

Sacramento Regional Transit District (SacRT) has been meeting with the County of Sacramento, the Applicant (Upper Westside, LLC), and the Applicant's Planning/Engineering team (Wood Rodgers, Inc.) to discuss the specific plan's development, and have a plan in place so that the community will be efficiently and safely served by transit in a cost-effective matter.

PROJECT OBJECTIVES:

3. Provide a comprehensively planned, high quality, large-scale, residential-based community in northwestern Sacramento County, with a balanced mix of uses, employment opportunities, a wide variety of housing types, park and open space, and supporting public and quasi-public uses.

SacRT is in support of this objective, and recognizes that the project plans for this community will likely generate transit demand, which SacRT is prepared to consider implementing in a cost-effective manner. SacRT also recognizes the benefit of serving a community with a balance of mixed-uses, new employment opportunities, and new residents.

8. Provide a safe and efficient circulation system that interconnects land uses and promotes pedestrian and bicycle circulation and transit options that will encourage non-vehicular trips, thereby reducing VMTs.

SacRT supports this objective to reduce VMT's by planning for a safe and efficient circulation system, with the proper transit infrastructure in order to do so. SacRT also recognizes the importance of promoting safe pedestrian and bicycle circulation so individuals can move within the community safely.

11. Plans for enough units to provide housing choices in varying densities to respond to a range of market segments, including opportunities for rental units and affordable housing, and significant commercial uses, consistent with the General Plan and Housing Element.

SacRT similarly recognizes the importance of providing a variety of housing choices in varying densities, as higher density housing is supportive of transit.

Additionally, SacRT agrees that this project is meeting the SACOG Blueprint, with the inclusion of each of the seven identified SACOG Blueprint principles.

EIR FOCUS:

Transportation –

SacRT is prepared to review the Transportation Analysis, and will continue to work with County staff and the other project proponents to assist with any data requests. SacRT is eager to collaborate with the County and others who are developing the EIR in order to provide accurate, transit-related information, and details about existing and planned service and infrastructure.

Proposed Land Use Diagram Exhibit & Preliminary Land Use Plan Exhibit:

SacRT is concerned about the K-8 school, located on the west side of the project area. SacRT has considered a potential fixed-route design to serve this community once developed; however, the location of this K-8 school is far from SacRT's theoretical bus route. SacRT would like to request the school be moved closer to West El Camino, in order to shorten the walking distance between future bus stops and the school. SacRT has received repeated complaints from parents concerning long walking distances from bus stops to schools, and they often request for bus routes to be closer to the school. SacRT understands that the County and proponents have been working with the Natomas Unified School District regarding the placement of schools in this plan; however, SacRT would like some additional consideration to this request.

Proposed Transportation Plan Exhibit

SacRT is in agreement with the Upper Westside Proposed Transportation Plan Amendment, as it provides an additional thoroughfare, and other additional arterial

and collector streets, which would be necessary in order to provide efficient fixed-route service.

Thank you for the opportunity to comment. Please send any subsequent documents and notices that pertain to this project as they become available. If you have further questions regarding these requests, please contact me at 916.556.0518 or spoe@sacrt.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'SPoe', with a long horizontal flourish extending to the right.

Sarah Poe
Planner

c: James Drake, Principal Planner
James Boyle, Planning Director

November 20, 2020

Todd Smith, Acting Environmental Coordinator
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

Subject: **COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR UPPER WESTSIDE SPECIFIC PLAN (PLNP2018-00284).**

Dear Mr. Smith,

On October 5, 2020, the City of Sacramento Community Development Department received the Revised Notice of Preparation (NOP) for the Upper Westside Plan (UWSP). The proposed UWSP would include development of approximately 1,532± acres within a 2,066 acres project area located north and west of Interstate 80 and north Specific and east of Garden Highway. The proposal includes the addition of 9,356 dwelling units (58,671 population) and 3,096,245± square feet of commercial uses into the unincorporated Natomas area immediately adjacent to the City's North Natomas Community Plan Area. The project plan includes development consisting of residential, neighborhood mixed-use, neighborhood commercial, community mixed-use, office mixed-use and health & hospitality mixed-use. The plan includes three K-8 school sites, one high school site, several parks, and a 10.0± acre urban farm site on property owned by the Los Rios Community College District that is envisioned to be part of a 16.0± vocational training campus.

The City of Sacramento has previously provided initial comments regarding the proposed development in the project area and has been in contact with County staff since the application was initiated with the County on February 26, 2019. The City's comments below are preliminary in nature and respond specifically to the information presented and scope of analysis proposed. The Planning Division of the Community Development Department presents the comments below as single letter representing multiple City departments.

300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Help Line: 916-264-5011
CityofSacramento.org/cdd

Memorandum of Understanding between City & County

On December 10, 2002, the City & County entered into a Memorandum of Understanding (MOU) (City Resolution 2002-830 and County Resolution 2002-1566) regarding Principles of Land Use and Revenue Sharing for the Natomas Area. The MOU specifically calls for any future urbanization efforts in the Natomas Joint Vision Area (NJVA) to be processed through the City, with the County remaining a steward of agricultural lands and open spaces.

The City is proposing that the NJVA be identified as an Area of Concern as part of the City's update to the General Plan currently in process. The designation formally represents the City's interest for development in the area and would be an initial step towards a possible Sphere of Influence (SOI) amendment. While no formal application for an SOI amendment has been filed with the Local Agency Formation Commission (LAFCo) by the City, it is the City's intent to fully adhere to the MOU and carry forth the vision found within its mutually affirmed policies.

Economic

Locating retail, hospitality, and other commercial uses adjacent to the City boundary may cause secondary physical and economic impacts within the City. In reviewing the plan, it seems nearly all of proposed retail is concentrated on either side of a westerly extension of El Camino west of I-80, and thus be largely regional in nature with freeway access and not neighborhood serving. The 2002 City/County MOU recognized that the City and County have mutual economic interests in the future of NJVA and a revenue sharing framework was outlined as a component of the MOU. As the MOU pointed out, cities and counties are dependent upon tax revenues generated by continued commercial and industrial growth. The tax system creates intense competition between jurisdictions and can lead to economic development at the expense of good land use planning. The City requests that the County address these issues now while the EIR is being prepared especially in light of the entitlements that are being sought by project proponents.

Growth Inducement

CEQA recognizes that the extension of urban infrastructure to a site or area may lead to future development in nearby areas that, as a result of the infrastructure extension, may now feasibly extend and connect, thus leading to additional new development. The proposed UWSP project would remove barriers to development and bring development to an area that has not been included in the long-range plans approved by the County or the City. The project is not anticipated in the Region's Sustainable Communities Strategy. In addition to analyzing the effects of the project itself, the EIR should carefully evaluate these growth inducing effects. For example, the project would require at least the extension of urban utilities to the site, which lacks sufficient water, wastewater, storm water and energy infrastructure to support the proposed development. CEQA recognizes that the extension of urban infrastructure to a site or area may lead to future development in nearby areas that, as a result of the infrastructure extension, may now feasibly extend and connect, thus leading to additional new development. This should be analyzed in the EIR.

Habitat Conservation Plan

While the County is not a party to the Natomas Basin Habitat Conservation Plan (NBHCP), activities that could affect the success of the conservation strategy established in the NBHCP should be considered in the EIR. In the Natomas Basin, any future development not covered by an existing Habitat Conservation Plan (HCP) must obtain take authorization under the Endangered Species Act (ESA). The NBHCP along with the Metro Airpark HCP require that a total of 8,750 acres of mitigation be located within Natomas Basin and the mitigation must adhere to specific requirements of the HCP. How will the County ensure that the required mitigation acreage of 8,750 acres will in fact be able to occur within the Natomas Basin if the County allows both Upper Westside and the Grandpark projects to develop in the future? The HCP provides a conservation strategy for the protection of 22 covered species. The implementation of the NBHCP has been underway for over 20 years. While the County is considering significant land use development proposals, how will the County ensure that the requirements of the NBHCP (and Metro Air Park HCP) including the respective conservation strategies will be met by the HCP parties? The City of Sacramento requests that the EIR include an analysis of:

- a. Location and quality of proposed mitigation sites (including those within the Natomas Basin), including an analysis of the effect of market competition and price increases resulting from the UWSP project and its effect on the HCP conservation strategy;
- b. Hydrological connectivity to existing preserves in the Basin;
- c. Effects of a reduction in the inventory (supply) of land available for mitigation, while also increasing the demand for mitigation land, driving up the price of mitigation for the existing permit holders;
- d. Appropriate mitigation ratio assuming development of the plan, which would appear to substantially change the assumptions that supported a 0.5:1 ratio for the Metro Air Park HCP and the NBHCP, and a 1:1 ratio for Greenbriar;
- e. The Natomas Joint Vision Area is approximately 18,424 acres in size. This unincorporated area is located within Sacramento County and makes up a portion of the Natomas Basin. The County approved-Metro Air Park area and Sacramento County Airport-owned lands together represent approximately 7,983 acres. With the two pending development proposals under consideration by the County, a total of 15,766 acres of the 18,424 NJVA would be allocated for urban development if the County were to approve the proposed development. Both the EIR's for UWSP and Grandpark need to address how and where HCP parties with authorized development are to find land for mitigation.

Agricultural, Prime Farmland and Open Space

The Sacramento County General Plan land use designation for a majority of the project area is Agricultural Cropland. This designation represents agricultural lands most suitable for intensive agricultural activities, including row crops, tree crops, irrigated grains, and dairies. One single-family dwelling unit per 40 acres is also considered suitable in this designation.

The UWSP includes preservation of 636.2± acres as Agricultural Cropland, Agricultural Residential, and Open Space. Continued planning and coordination regarding preservation of these uses within the UWSP area will be crucial during the environmental review and overall master planning processes. The Natomas Basin HCP requires that 50% of habitat mitigation lands remain in rice cultivation for the Giant Garter Snake. As such, the HCP requires that 4,375 acres remain in rice cultivation in perpetuity in the Natomas Basin. Continued agricultural uses, farmland and open space are a critical component to the success of the HCP's conservation strategy. The EIR should include an analysis that not only addresses impacts to agricultural lands but also how this potential loss impacts the ability for the NBHCP requirements to be met by the City of Sacramento, Sutter County and the other parties.

Transportation

Initial comments from the City's Public Works Department were transmitted via email on April 17, 2020 (attached) with regards to scope of improvements and coordination with the City. Staff recognizes the ongoing technical coordination with County staff and consultants and wishes to continue technical assistance throughout the analysis and formal review of the UWSP.

The City continues to be concerned about the proposed approach in the EIR where the project's fair share funding would be identified to widen impacted roadways within City limits and the assumption it would be the City's responsibility and a City project to implement those roadway widenings. How substantial roadway widening projects would be implemented is unclear as the City should not be assumed to have any matching funds. Also, generally speaking, the City's current focus is on reducing the number of lanes on City roadways to align with Climate Change goals and provide bike lanes/buffered bike lanes. The City has reduced the number of vehicular travel lanes in several recent Complete Street projects within City Limits including Freeport Boulevard, Franklin Boulevard, Riverside Boulevard, and numerous lettered and numbered street in the Central Business District.

The City is also concerned about how the UWSP and Grandpark would redistribute growth away from the City. Where would this growth be coming from? Does this growth create a better and more efficient VMT outcome for the City and the Region? We request that the EIR model scenarios to see how the projects may impact the City of Sacramento's VMT relative to the regional average.

Sewer System

The City of Sacramento believes the impacts from additional sewer flows to the Sacramento Regional County Sewer Interceptor should be analyzed to ensure there is adequate sewer capacity in the interceptor to accommodate the build-out of the existing Natomas area and the Natomas Joint Vision area (including this plan and other proposed master development plans).

Drainage - Long term maintenance & funding

The EIR should review long term maintenance mechanisms and associated funding that are established for the drainage facilities including flood control basins, water quality treatment, hydro-modification basins, and low impact development measures.

Flood Control and Flood Plain Management

How will flood control and flood plain management be addressed on- and off-site? Remaining levee improvements & phased development should be identified. This development may put people and infrastructure at risk of flooding. Will the County have any milestones for allowing development as the remaining levee work (by the Corps) is completed in Natomas Basin? The EIR should include an analysis of flood protection, resources that would be needed in response to a major flood, and any potential impacts to the Natomas Basin Plan or the City's flood fight plan resources.

Storm Drainage

What is the plan for storm drainage on and off-site? There is no capacity in the current Natomas Drainage System for storm drainage from this or other developments.

Water Supply

The Project area is currently served by the Natomas Central Mutual Water Company (NCMWC) with agricultural water drawn from the Sacramento River from existing pump stations located outside the 2,066± acre Project area to the northwest. Additionally, the Project area is located within the City of Sacramento's American River

Place of Use. The NOP identified the following three alternatives to provide needed domestic water to serve the proposed UWSP area:

- 1. Alternative No. 1 – NCMWC via City of Sacramento. NCMWC has water rights that could be utilized if converted from agricultural use to municipal and industrial use. NCMWC water would be conveyed via the Sacramento River to the City's intake system at the Matsui Waterfront Park or other location for treatment. Treated water would then be conveyed via existing City infrastructure to the Project.*
- 2. Alternative No. 2 – NCMWC with Onsite Treatment. Similar to Alternative No. 1, NCMWC water rights would be converted. NCMWC water would be conveyed via existing and proposed facilities to the Project area for treatment. This alternative would require a new domestic water treatment plant.*
- 3. Alternative No. 3 – Utilize Place of Use Water. Utilize excess water rights held by the City of Sacramento. Delivery of City treated water to the Project would be by existing City infrastructure. The anticipated Project water use is approximately 3% of the City's unused available water supply.*

The EIR should include an analysis that addresses what the delivery system will be engineered for: size of mains, distribution, volume, and future capacity. How will the system be pressurized and what will be the storage capacity and type in ground, above ground or combination. How will the water supply be protected? What reassurances does the City have the delivery system will not contaminate the City's existing water supply

The UWSP would need a retailer to deliver the treated water. The NOP noted several options that include City of Sacramento, Sacramento County Water Agency or the creation of an independent water district or annexing to an existing water district. It is clear from the NOP that water supply, treatment and delivery is highly dependent on the City of Sacramento.

The only option that does not heavily rely on the City is another entity obtaining new domestic water rights, construction of an on-site treatment plant and all the conveying the water via new infrastructure that does not tie into the City system. According to Senate Bill 610, a water supply assessment is required for proposed

residential developments with more than 500 units. In addition, SB 221 requires written verification of sufficient water supply before a project is approved.

Fire Protection

The City of Sacramento currently provides emergency medical care, fire prevention inspections, rescue, and fire protection services to the Natomas Fire Protection District (NFPD) under contract with the County Board of Supervisors (acting as the governing body for the dependent special district). The City of Sacramento and the Natomas Fire Protection District initially entered into an agreement in August 1984 (City Agreement 84-037) for the City to provide fire protection services within the District. The contractual arrangement has been mutually beneficial and has proven to be an efficient and effective way to provide fire protection and emergency medical services within the District. At present, the land uses within the Natomas Fire Protection District are predominantly agricultural.

Some residential development has occurred along the Garden Highway, as well as agricultural uses with related single-family residential land uses. Non-residential developments within the District include the Sacramento International Airport, Metro Air Park, Northgate I-80 Business Park (aka: The Pan), and Camino Norte an area on the east side of El Centro Road. New development in the Natomas Joint Vision Area will result in an increase in service demand for Fire and Emergency Medical Services (EMS). How will the project proponent mitigate the service demand impacts and the City's ability to maintain current levels of service? The 2002 MOU identified the City as the appropriate entity for planning new growth in the NJVA and can better provide a full range of municipal services. The City has been providing municipal services for over 100 years and is already providing fire protection services to the NJVA area. The EIR should include an analysis that address fire protection services and facilities.

Law Enforcement

Police protection services in the City of Sacramento are provided by the City of Sacramento Police Department (SPD). Additionally, the CHP responds to all incidents on the state highways, state-owned buildings, and state property within the City. Given the geographical location which is adjacent to the City but isolated from the County unincorporated developed areas receiving services, the SPD has concerns regarding the impacts to City law enforcement. The EIR should provide

an evaluation of how and when services and facilities will be provided so that impacts to the City of Sacramento will not occur.

Parks & Recreation

1. Consistency with the City of Sacramento's level of service for the adjacent planning areas, at 3.5 acres of neighborhood/community parks per 1,000, and 8 acres of regional park acres per 1,000.
2. Will detention basins to be considered for joint use as a park(s)?
3. Parks located in areas around residential land uses that would be within a 10-minute walkshed should have limited barriers to access.
4. The parks that are located on the western boundary should be located close to the agricultural properties with trail connections to the open space, greenbelt.
5. Project design should incorporate connections to the existing off-street trails and pedestrian/bicycles paths that connect to the North and South Natomas parks and parkways.
6. A community center and library should be provided for in this new plan area. Until library and recreational facilities are constructed and operational in the project area, what service impacts will be borne by the City and how will these services be funded?
7. The proposed Urban Farms should operate as a private facility.

Schools

The NOP identifies three K through 8 school sites, one high school site, and one community college/vocational school in the Plan Area within specifically designated areas. The Natomas Unified School District (NUSD) boundaries include the UWSP area in addition to the City of Sacramento (Natomas Communities). What schools would serve the residents that may be located outside of the UWSP development plan area including those that may serve the area while the schools are built?

Thank you for the opportunity to comment and we ask that the NOP comments be included in the EIR, and corresponding responses in the analysis. If you have follow-up questions or seek clarifications on any of the above issues, please contact me at chodge@cityofsacramento.org or 916-808-5971.

Sincerely,

Cheryle L. Hodge

Cheryle L. Hodge
New Growth Manager, Community Development Department

Cc: Howard Chan, City Manager
Michael Jasso, Assistant City Manager
Hector Barron, Assistant City Manager
Tom Pace, Director, Community Development Department
Greg Sandlund, Acting Planning Director
Ryan Moore, Director, Dept. of Public Works
Bill Busath, Director, Dept. of Utilities
Melissa Anguiano, Economic Development Manager
Gary Loesch, Fire Chief

From: Cheryle Hodge
Sent: Friday, April 17, 2020 11:45:19 AM
To: Taylor. Todd <taylor@taylorcountynet.net>
Subject: Upper Westside

Todd,

Per my previous email, I indicated that we will need more time to provide comprehensive comments as our General Plan Update evaluation progresses. However, I do want to pass along the very preliminary feedback that I received from Dept. of Public Works staff:

The implementation of the Upper Westside Development Project (Project) will significantly change the traffic patterns on West El Camino Avenue. The daily traffic volumes will more than double on West El Camino Avenue between I-80 WB Ramps and I-80 EB Ramps per the information provided in "Upper Westside – Traffic Conceptual Feasibility Analysis" (Wood Rodgers, March 6, 2020). West El Camino roadway and the interchange with I-80 will operate unacceptably.

Sacramento County must coordinate with Caltrans and City of Sacramento to design and build appropriate improvements to the offsite facilities. For I-80 and West El Camino interchange a new Project Study Report (PSR) should be prepared as soon as the Project EIR Transportation section is completed, and future traffic volumes confirmed. Based on the preliminary forecasts provided in "Upper Westside – Traffic Conceptual Feasibility Analysis", a 6+ lane overpass will be necessary to accommodate the Project generated traffic volumes.

City of Sacramento neighborhoods and planned development consistent with the City of Sacramento 2035 General Plan zoning were never anticipated to generate the traffic volumes of such magnitude east of I-80 and West El Camino interchange. City has always anticipated this interchange to be a 4-lane facility.

Let me know if you have any questions. Hope you have a great weekend.

Cheryle Hodge, LEED Green Associate
Principal Planner/New Growth Manager
300 Richards Blvd. 3rd Floor
Sacramento, CA 95811
(916) 808-5971



E-mail correspondence with the City of Sacramento (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

DEPARTMENT OF AIRPORTS

Inter-Department Correspondence

December 15, 2020

TO: Todd Smith
Acting Environmental Coordinator
Office of Planning and Environmental Review

FROM: Orlando Olivas
Assistant Airport Planner, Planning and Environment (916.874.0767)
Department of Airports

SUBJECT: Control No: PLNP2018-00284
Assessor's Parcel No: 274-0260-001, 005, 006, 007, 008, 009, 013, 014, 015, 024, 030, 032, 034, 036, 037, 038, 039, 042, 043, 044, 045, 046; 274-0220-053, 054, 058, 059; 274-0250-002, 003, 004, 005, 006, 008, 009, 010, 011, 012, 013, 014, 015, 016, 021, 024, 034, 035, 039, 040, 041, 042, 043; 274-0690-003, 004; 225-0210-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 016, 017, 018, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 037, 039, 040, 041; 225-0110-019, 020, 024, 025, 026, 027, 028, 032, 033, 036, 037, 038, 052, 053, 054; 225-0190-008, 011, 014, 015, 019, 020, 021, 022; 274-0010-043, 049, 050, 055, 056, 057, 069, 071, 079, 081; 225-0122-001, 002; 225-1020-003, 004, 005, 008, 009, 010, 011, 012; 225-0220-020, 021, 035, 039, 048, 051, 054, 055, 056, 057, 060, 061, 062, 075, 076, 077, 078, 079, 103, 113, 115, 116; 225-0121-001, 002, 003, 004, 005; 225-0131-001, 002, 003, 004, 005, 006, 007, 008, 009; 225-0132-002, 003, 004, 005, and 008.
Project Name: Upper Westside Specific Plan
Project Description: The project proposes a new Specific Plan on approximately 2,083 acres in the unincorporated Natomas community. Necessary entitlements include multiple General Plan Amendments, including moving the UPA and USB.

Thank you for the opportunity to review and comment on this project. Sacramento County Board of Supervisor's resolution 2006-1379, adopted April 19, 2006, established the Sacramento International Airport, Airport Planning Policy Area (APPA) and associated land use conditions that were subsequently incorporated as Policies NO-3 and NO-4 in the Sacramento County 2030 General Plan Land Use Element, adopted in 2011. Those conditions read:

NO-3. New residential development within the 60 CNEL noise contours adopted by the County for planning purposes at any airport or Helipad within Sacramento County shall be prohibited. This policy is not applicable to Executive Airport.

NO-4. New residential development within adopted Airport Policy Area boundaries, but outside the 60 CNEL, shall be subject to the following conditions:

- A. Provide minimum noise insulation to 45 dB CNEL within new residential dwellings, including detached single family dwellings, with windows closed in any habitable room.
- B. Notification in the Public Report prepared by the California Department of Real Estate disclosing the fact to prospective buyers that the parcel is located within an Airport Policy Area.
- C. An Avigation Easement prepared by the Sacramento County Counsel's Office granted to the County of Sacramento, recorded with the Sacramento County Recorder, and filed with Department of Airports. Such Avigation Easement shall acknowledge the property location within an Airport Planning Policy Area and shall grant the right of flight and unobstructed passage of all aircraft into and out of the subject Airport.

Exceptions: New residential accessory dwellings on parcels zoned Agricultural, Agricultural-Residential, Interim Agricultural, Interim General Agricultural, or Interim Limited Agricultural and between the 60 and 65 CNEL contours, shall be permitted within adopted Airport Policy Area boundaries, but would be subject to the conditions listed above.

The proposed Project's existing land use is zoned as Agricultural Cropland, Agricultural-Residential, Commercial and Office, and Recreation. The proposed Project lies within the Sacramento International Airport, Airport Planning Policy Area. Since the applicant seeks to develop multi-family dwelling units on these parcels, policy NO-4 applies for residential land use.

Department of Airports staff is available to assist with the preparation and submission of the easement required by the condition. The applicant is requested to contact Assistant Airport Planner, Orlando Olivas via e-mail at olivaso@saccounty.net for more information.

Thank you again for the opportunity to review and comment on this planned project.

Sincerely,



J. Glen Rickelton
Airport Manager, Planning and Environment
Department of Airports



SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939
www.saclafco.org

June 25, 2021

TO: Mr. Todd Smith, Environmental Coordinator
Department of Community Development Planning & Environmental Review Division
827 7th Street, Room 220, Sacramento, CA 95814

SUBJECT: Notice of Preparation for the Upper Westside Specific Plan
(PLNP2018-00284)

Thank you for providing the Sacramento Local Agency Formation Commission (LAFCo) this opportunity to review and comment regarding the Notice of Preparation (NOP) for the Upper Westside Specific Plan Environmental Impact Report (Upper Westside EIR.) Kindly accept these somewhat tardy comments, in the cooperative intent with which they are provided.

As described in the NOP, implementation of the proposal may result in a land-use project consisting of a 1,532± acre Development Area and a 534± acre Agricultural Buffer Area, proposed to be located west of the Development Area, providing a transition area towards the Garden Highway/Sacramento River corridor. Within the Development Area, the applicant has proposed an urban, commercial mixed-use district near the intersection of El Centro Road and West El Camino Avenue, surrounded by residential neighborhoods. The Development Area proposes 9,356± dwelling units and 3,096,245± square feet of commercial uses, with three K-8 school sites, one high school site, and several parks.

To permit the proposed Upper Westside project, a number of discretionary entitlements would be necessary from the County of Sacramento, or potential other land use authority. Also, LAFCo proceedings may be necessary to be considered by Sacramento LAFCo, including various Sphere of Influence Amendments (SOIA), annexations or detachments to existing service providers and/or the potential creation of additional public service providers. Please note that much of the project site is presently unserved, and is not located within the Spheres of Influence of existing service providers, including the City of Sacramento, Sacramento Regional County Sanitation District (Regional San), the Sacramento Area Sewer District (SASD), and various County Service Areas. The current Sphere of Influence boundaries for existing municipal service providers are largely conterminous with the Sacramento County General Plan Urban Services Boundary (USB). As the proposed project contemplates amending the various service boundaries to include the project area, it will be necessary to first amend any affected agencies' Sphere of Influence as well. (Note: Sacramento LAFCo local Policies, Procedures and Guidelines establish that a Sphere of Influence will not generally be amended concurrently with an action of an (annexation) application, [IV.A.1.]

The potential for amending affected agency Spheres of Influence raises some potential process issues with LAFCo statute and the Commission's adopted Policies:

LAFCo's adopted policy is that LAFCo is the appropriate CEQA lead agency for the evaluation of Sphere amendments. In cases where the Sphere amendment(s) is/are part(s) of a larger project, such as the Upper Westside Specific Plan, LAFCo may consider entering into a Memorandum of Understanding (MOU) to establish LAFCo as a co-lead agency in concert with the land use agency. We respectfully request that the County consider such an approach, subject to the discretion of the Commission, for this project. It is also respectfully requested that favorable consideration be given to preparation of an



Executive Summary specific to those concerns presented by LAFCo, in order to inform potential future Commission proceedings.

We appreciate that the NOP appears to reference many of the statutory responsibilities and concerns of Sacramento LAFCo. Following is a discussion of project description, EIR analysis and environmental issue areas of concern to the Commission. It may be that construction and implementation of the project will have no adverse effect for one or more of these environmental issues. If so, we request that the environmental documentation clearly state that such resource is not present in the project area and that no impact would result.

PROJECT DESCRIPTION

The project description needs to explicitly include all required LAFCo actions and entitlements, including formation of new services providers such as a County Service Area (CSA) or Community Services District (CSD), and/or Sphere amendments and annexation of the project site to various existing service providers and any potential for detachments from any special districts now providing services to the project area. The project description needs to include a discussion regarding the role and sequence of LAFCo in the decision-making process; and LAFCo's role as both lead agency (for any proposed SOIA), and a responsible agency for any related reorganization proceedings, as an approving agency.

ENVIRONMENTAL ISSUES

The EIR should address the following issues of statutory concern to LAFCo in order to permit LAFCo to use the environmental documentation during potential proceedings involving the Commission's consideration of the proposed project.

Public Services

The evaluation of public services should meet LAFCo requirements. To meet this standard, the evaluation should focus on the following issues, including whether any physical facilities would need to be constructed to serve the project, including those outside of the project site, whose construction potentially could have environmental effects. If so, the secondary effects of constructing and operating such facilities should be evaluated. These would include the offsite water and wastewater lines identified in the Notice of Preparation. Secondly, the evaluation should assess whether service providers have (1) the service capability and capacity to serve the project area, and (2) whether they can provide services to the project area without adversely affecting existing service levels elsewhere in their service areas.

The analysis may benefit from consideration of the required service provider Municipal Service Review (MSR) for any proposed SOIA; or Plan for Services (PFS) for any Reorganization, regarding the means and capacity, financing and timely provision of services with no adverse impact to existing ratepayers, for fire/life-safety services, Municipal and Industrial (M&I) sustainable water supplies/treatment/distribution and wastewater collection and treatment, as well as other public services and utilities.

The evaluation should assess whether new service providers would perform any services that are now being provided by another service provider in the project area, and whether substitution of the new



provider for the existing provider would have any adverse effects on the existing provider's ability to maintain services elsewhere in its service area.

Natural Resources - Agricultural Lands

The evaluation of agricultural resources should provide information to allow LAFCo to make findings with respect to LAFCo policies and standards. To permit LAFCo to complete this evaluation, the analysis should include a discussion of any current agricultural uses and activities within and adjacent to the project area, including the presence of any lands protected by Williamson Act contracts or within a Farmland Security Zone. The evaluation should also discuss the characteristics of soils found within the area (NRCS land use capability classification and storie index rating [from soil survey], and Farmland Mapping and Monitoring Program classification [from Department of Conservation Important Farmlands Map]) to determine the presence or absence of "prime agricultural land" as defined by Government Code §56064. Areas of prime agricultural land should be displayed on a map. In addition to soils information, if agricultural uses are present, for each use or operation the EIR should determine if the use supports, at a minimum, one Animal Unit (AU)/acre or has returned, or would return if planted with fruit or nut bearing trees, an agricultural value of at least \$400/acre for 3 of the last 5 years. Describe the location and determine the acreage of such areas. (See GC §56064) If there are lands protected by Williamson Act contracts or within a Farmland Security Zone, determine the status, location, and acreage of such lands (renewal, non-renewal), and if non-renewal, the expiration date of the contract(s). If the project would result in the loss of prime agricultural land or protected agricultural lands, evaluate the trend of agricultural land loss countywide and in adjacent areas of Yolo County, and what portion of the overall inventory and loss that this project represents. The EIR should propose mitigation to reduce any potential impacts to important agricultural resources to a less-than-significant level.

LAFCo is required to make findings regarding five tests of "prime agricultural land" as defined by GC §56064. The EIR needs to provide information regarding such lands to permit LAFCo to make these findings as an approving agency.

The EIR should assess the interface between planned urban uses and existing and ongoing agricultural uses. Specifically, the analysis should determine the types of crops typically grown in interface areas and the types of pesticides/biocides and other chemicals used on identified crops. For each identified chemical, the EIR should determine any setback required by the State and the Sacramento County Agricultural Commissioner between the application site and sensitive uses such as residences and schools. Any low sensitivity land use buffers necessary to permit continued farming operations should be identified.

Natural Resources - Open Space

The analysis should include an evaluation of any open space resources as defined by GC §65560 that are located within or adjacent to the project area. Such resources should be depicted on a map. If the project would result in the loss of open space resources, the EIR needs to evaluate the trend of open space loss countywide, and what portion of the overall inventory and loss that this project represents. The EIR should propose mitigation to reduce any potential impacts to open space resources to a less-than-significant level.



Population, Employment and Housing

The analysis of these issues should be added to the scope of the EIR. The evaluation should discuss the presence and potential loss of affordable housing within the project area and, if there would be any loss, what affect the loss would have on a countywide basis. LAFCo is required to ensure that there be no net loss of targeted housing resources on a countywide basis. While such resources are may not be located within the Specific Plan study area, the EIR sections discussing Population and Housing should explicitly state this fact and determine that there would be no impact. If targeted housing resources are located, or planned for the Specific Plan area, the EIR should evaluate whether the project would maintain such resources or continue to allow their potential development. If not, the EIR should explain how this loss of affordable housing would affect the County's provision of targeted housing types, and propose mitigation to ensure that the County meets its state allocation for affordable housing.

Environmental Justice

State law requires LAFCo to consider the extent to which the project will promote environmental justice. "Environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The EIR should provide sufficient evidence to permit LAFCo to make a determination regarding this issue.

OTHER ENVIRONMENTAL ISSUES

The EIR should address the following issues of concern to LAFCo to permit the Commission to use the environmental documentation in LAFCo's consideration of the proposed project:

Air Quality – Air Pollutant Attainment Plans – The air quality analysis should evaluate whether the proposed project is consistent with the land use assumptions used in adopted regional air pollutant attainment and maintenance plans. If the project is inconsistent with adopted plans, mitigation should be identified to both reduce air emissions and amend attainment and maintenance plans to include the project.

Biological Resources/Habitat Preservation – Existing Natomas Area Habitat Conservation Plans – The assessment of biological resources should evaluate the cumulative effects of the proposed project, together with all other constructed and approved projects within the Natomas Basin. Additionally, the biological resource evaluation should include an evaluation of the consistency with, and any impacts to, existing Natomas Area habitat conservation plans and other resource planning documents (such as the NBHCP and the MAPHCP), and provide mitigation for any identified adverse effects consistent with the requirements of State and Federal regulatory authorities for impacts to special status species and sensitive habitats.

Hazardous Materials – The evaluation of hazardous materials should include a characterization of past and ongoing agricultural chemical application, and the potential for hazardous levels of residual chemicals to be present in onsite soils. Should hazardous levels of residual chemicals be identified, mitigation should be developed to reduce risks below State and federal thresholds.

Hydrology and Water Quality/Floodplain Areas – The scope of the analysis of hydrology and water quality/stormwater quality should include an evaluation of the County's and the project's compliance with the requirements of the Central Valley Flood Protection Plan, and with the regulations of all other applicable Federal, State, and regional agencies.



Land Use – The analysis of the project’s consistency with adopted plans to avoid or reduce environmental effects should be expanded to include as appropriate air pollutant attainment plans, flood protection plans, transportation planning documents, and relevant City of Sacramento planning documents and requirements. The analysis of topics to be evaluated within Land Use should include a consistency evaluation with the adopted SACOG Blueprint.

Climate Change - The analysis should include an evaluation of the project's consistency with all applicable adopted and pending Climate Action Plan(s) and any ensuing Greenhouse Gas Emissions Reduction Plan(s).

Transportation – The analysis of transportation effects should include an evaluation of the consistency of the proposed project with the adopted Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

Alternatives – The range of alternatives assessed in the EIR should include an alternative that would amend the Sphere of Influence of the City of Sacramento and annex the project site to the City. LAFCo requests an evaluation of this alternative consistent with LAFCo policy to favor the most efficient and comprehensive service provider to the proposed project. As set forth in the NOP, the project anticipates that the City may furnish a water supply to the project as well as potentially treating and distributing potable water. Additionally, according to the NOP, the City currently provides fire protection services to the site via a contract with the Natomas Fire Protection District.

We look forward to working with your office in the course of the project and environmental review, and related LAFCo concerns. Please feel free to contact this office if there are any questions regarding these comments.

Sincerely,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION



Donald J. Lockhart, AICP
Executive Officer

CC: Commissioners
LAFCo Counsel
City of Sacramento

