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DELTA STEWARDSHIP COUNCIL

A California State Agency

September 28, 2015

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RE: Notice of Preparation of a Draft Environmental Impact Report for the City of West Sacramento General Plan Update, SCH# 2012122006

Dear Mr. Tilley:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of West Sacramento General Plan Update. State law specifically directs the Delta Stewardship Council (Council) to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). Council staff requests that the Delta Plan, including its policies and recommendations, be acknowledged in the DEIR's description of the regulatory setting for each section to which it applies.

The Council has specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta, known as "covered actions". To this end, the Delta Plan contains a set of regulatory policies with which state and local agencies are required to be consistent with as of September 1, 2013. The Delta Reform Act established a certification process for compliance with the Delta Plan (Water Code sec 85022).

Council staff is happy to provide assistance to the City of West Sacramento in determining whether the proposed general plan update meets the statutory definition of a "covered action" and, as such, would require a certification of consistency. We encourage you to consult with Council staff to better understand the covered action process and how this project may or may not be consistent with the Delta Plan.

Sacramento Area Council of Governments' MTP/SCS

The Delta Reform Act establishes specific criteria and categories for excluding actions from the Council's regulatory authority. One of these exclusions is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable communities strategy (SCS). Such proposed actions are *not* "covered actions" regulated by the Council (Water Code Section 85057.5(b)(4)).

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

The Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG) in 2012 contains a land use forecast that reflects the development activities described in the general plans and specific plans adopted by the local jurisdictions. Appendix E-3 of the MTP/SCS 2035, the Land Use Forecast Background Documentation, summarizes the planned development for each jurisdiction, including the City of West Sacramento, which completed its last major general plan update in 2000. The appendix states:

The MTP/SCS forecast for West Sacramento includes 20,839 new employees and 17,790 new housing units by 2035. The majority of this development, 66 percent of the employment and 62 percent of the housing units, are in infill and redevelopment opportunities within the Center and Corridor Communities.... Most of the new housing is filling in existing subdivisions with some small amounts of infill. A lesser amount of the new growth is forecast in the Developing Communities. For the three residentially-focused villages, this is due to potential flood issues. The area is currently being mapped by FEMA and, once completed, most of the Southport area could be moved into flood zones. This will constrain residential building until levee improvements can be made.

We note that SACOG's 2016 update of the MTP/SCS is currently underway and may be complete before the City considers adoption of the general plan update. In any case, the City may request an evaluation of the general plan update's consistency with SACOG's MTP/SCS. If SACOG determines that it is consistent, the general plan update would be exempt from the Council's covered action process.

Comments on the General Plan Update

Council staff supports the general plan update's objectives, including integrating new state laws, such as Senate Bill (SB) 5, mandating 200-year flood protection in urbanized areas. However, we note that the update includes proposed changes to the designation of certain areas from agriculture and open space to commercial, residential or industrial land uses, compared to the existing General Plan adopted in 2000, creating potential inconsistencies with the Delta Plan, which are described in further detail below. We offer the following guidance for evaluating the general plan update's consistency with the Delta Plan.

- **Delta Plan Policy DP P1, Locate New Urban Development Wisely.** The urban boundaries identified in the draft general plan should be consistent with the Delta Plan for the areas in which the Council has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted only if it is consistent with the land use designated in the City of West Sacramento's general plan as of the date of the Delta Plan's adoption (May 16, 2013).

Based on our review of the maps, it appears that the general plan update proposes to change the designation of certain areas from agriculture and open space to commercial, residential or industrial land uses, compared to the existing General Plan adopted in 2000. This could create inconsistencies between the general plan and Delta Plan Policy DP P1.

We appreciate your inclusion of a proposed general plan goal related to agricultural sustainability, which supports Delta Plan Policy DP P1. This policy commits the City to "[p]romote the economic viability of agriculture in West Sacramento and to discourage premature development of agricultural land with non-agricultural uses, while providing for urban needs."

- **Delta Plan Policy ER P4, Expand Floodplain and Riparian Habitats in Levee Projects.** Delta Plan Policy ER P4 states, “Levee projects must evaluate and where feasible incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats. Evaluation of setback levees in the Delta shall be required only in the following areas...: (2) Urban levee improvement projects in the cities of West Sacramento and Sacramento.” This geographic area overlaps with the Southport setback levee project that is currently under development. City staff should note the proposed general plan update’s consistency with this policy in the DEIR.

- **Delta Plan Recommendation WR R1, Implement Water Efficiency and Water Management Planning Laws.** Delta Plan Recommendation WR R1 encourages all water suppliers to “fully implement applicable water efficiency and water management laws, including urban water management plans...[and] the 20 percent reduction in statewide urban per capita water usage by 2020...” Council staff appreciates the inclusion of three related general plan goals:
 - “Maintain an adequate level of service in the City’s water system to meet the needs of existing and future development while improving water system efficiency.”
 - “Preserve and protect West Sacramento’s water resources and supply.”
 - “Increase efficiency and conservation of resources in City facilities and operations to serve as a leader in sustainability.”To ensure consistency with the Delta Plan, the City should consider including a commitment to comply with applicable water efficiency and water management laws.

- **Delta Plan Recommendation DP R16, Encourage Recreation on Public Lands.** Delta Plan Recommendation DP R16 states, “Public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education.” Proposed general plan goals that would support this recommendations include the following:
 - “Provide and encourage, to the fullest extent possible, public access to the Sacramento River and Sacramento Deep Water Ship Channel for recreation purposes.”
 - “Provide a system of parks and open space corridors that connect destination points within and beyond the City of West Sacramento.”

- **Delta Plan Recommendation WQ R1, Protect Beneficial Uses.** One of the proposed general plan goals is intended to protect water quality, which is consistent with Delta Plan Recommendation WQ R1. This goal states, “Preserve and protect water quality in the city’s natural water bodies and drainage systems and areas groundwater basin.”

- **Delta Plan Recommendation RR R1, Implement Emergency Preparedness and Response.** Two proposed general plan goals would contribute to achieving the Delta Plan’s goal of reducing flood risk in the Delta. One of these goals states, “Prevent loss of life, injury, and property damage due to flooding.” With respect to emergency preparedness, a second proposed general plan goal states, “Ensure that City emergency response procedures are adequate in the event of natural or human-made disasters.” The policies and implementation programs related to this goal should acknowledge the need to coordinate with federal, state and other local agencies in implementing the recommendations of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force, as outlined in Delta Plan Recommendation RR R1.

Comments on the NOP

Based our review of the NOP, we recommend the following matters be discussed or included in the DEIR:

- **Inconsistencies with the Delta Plan.** The DEIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Land Use and Population.** In the DEIR, please cite Delta Plan Policy DP P1, provide an analysis of potential conflict with the policy due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided, minimized or mitigated.
- **Flood Risk.** In the DEIR, please analyze whether urbanization of agricultural and open space could result in an increase in flood risk, and describe how that risk could be avoided, minimized or mitigated.
- **Biological and Agricultural Resources.** Please evaluate whether the proposed project would result in significant and unavoidable impacts to biological and/or agricultural resources. The Delta Plan's Mitigation and Monitoring Reporting Program (MMRP) (http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf) provides a list of mitigation measures to address biological and agricultural resources impacts that the City should consider including. (See Measures 4-1 through 4-5 and Measures 7-1 and 7-2 in the MMRP.)

Conclusion

Council staff looks forward to working with you to ensure that the City of West Sacramento General Plan Update moves forward as quickly as possible while addressing flood risks and protecting biological and agricultural resources in the Delta. I encourage you to contact Jessica Davenport at jdavenport@deltacouncil.ca.gov or (916) 445-2168 with your questions, comments, or concerns.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council