



August 11, 2025

Honorable Mayor and Councilmembers

Sacramento City Hall

915 I Street

Sacramento, CA 95814

Re: August 12, 2025 City Council Agenda, Item 8

Please Remain Neutral Regarding Upper Westside Project

Dear Honorable Mayor and Councilmembers:

Introduction

The staff report asks the City Council to oppose the Upper Westside project, which is currently pending in Sacramento County. Our firm represents Upper Westside, LLC. We urge the Council to remain neutral toward the Upper Westside project. This letter attempts to address some of City staff's concerns.

As noted in the staff report, City staff submitted a comment letter on the Upper Westside Draft EIR in October 2024. The comments contained in that letter were addressed in the County's Final EIR, which was released in May 2025. Several of those responses are highlighted below. It is important to note that, in the past 12 months, public comment opportunities for the Upper Westside project included the Draft EIR review process (August-October 2024), two CPAC meetings (October 3, 2024, and December 12, 2024), and a County Planning Commission meeting (June 23, 2025).

The Staff Report Contains Confusing Statements

2002 City/County MOU

The staff report suggests that the County's exercise of its land use authority in the unincorporated county runs afoul of the 2002 City/County Joint Vision MOU. In our view, based on the language of the MOU itself, the Joint Vision MOU was conceptual in nature and was not intended to be a binding agreement between the two jurisdictions. The MOU contains clear language explaining the parties' intent that the MOU was non-binding, describing itself as a forming "the parameters of a future agreement" and acknowledging that it did not "commit[]

the County or the City to specific land uses or to agreement on any specific annexations to the City.” (See MOU, pp. 1-2.)

Agricultural Land in the Upper Westside Project Area

The staff report says that the UWSP area (previously referred to as “the Boot”) “has remained in agricultural use specifically because of the regional agreements to preserve open space and habitat.” (Staff Report p. 3.) To the extent this statement implies that the land was required to remain in agricultural use, that is incorrect. As the Upper Westside Final EIR aptly put it, “[t]he NBHCP is a habitat conservation plan and not an agriculture preservation plan.” (Final EIR Response 12-23.) The Joint Vision MOU and the Natomas Basin HCP (NBHCP) cannot legally require privately-owned lands to continue agricultural production.

Natomas Basin Chronology Shows Need for County Land Use Involvement in Natomas Basin

Attachment 4 to the Staff Report includes a lengthy “Natomas Basin Chronology” covering more than 40 years of events. The chronology shows that even prior to the adoption of the Joint Vision MOU, discussions regarding the Natomas Basin were ongoing between the City and County.

The chronology also reveals a watershed moment that may not have been obvious at the time. In 2005, the Greenbriar annexation proposal was filed with the City. Also in 2005: “City management initiates potential process for NVP area similar to the process for Greenbriar.” Here is the turning point, stated in the chronology: *“City Council decides not to move forward with process.”*

This decision in 2005 signaled the City Council’s lack of interest, at that time, in finding a path forward for development in the Joint Vision area. The chronology reveals that Natomas property owners turned to the County with requests to move the USB.

Meanwhile, the chronology shows that the Natomas Joint Vision process continued on, with Natomas landowners footing the bill for report after report, and study after study, with no end in sight and no clear path forward for either the City or County to consider applications. In 2011, as shown in the chronology, the County amended its General Plan to include an overlay for the Natomas Joint Vision Area. The chronology includes a portion of the pertinent language, saying “the County anticipates development in portions of the Natomas Basin within the timeframe of the General Plan . . . this development shall be accomplished either by an expansion of the USB, the City’s Sphere of Influence, or both.” Meanwhile, the County also approved policy LU-114 and related implementation measures, which are mentioned but not quoted in the chronology. To wit, Implementation Measure C for Policy LU-114 reads as follows:

Pursue comprehensive and collaborative planning in the Natomas Joint Vision Overlay Area; *either through the continued participation in the Natomas Joint*

Vision MOU or, if determined appropriate, with the County serving as the lead agency for development and open space preservation.

This language was added to the County's General plan more than 10 years ago, and the Upper Westside Project is now in the final stages of review and potential approval by the County Board of Supervisors.

The County's Final EIR Addressed the City's Draft EIR Comment Letter

Economic Impacts and Growth Inducement

The County's Final EIR, specifically Responses 12-15 and 12-17 and Master Response LU-3, addressed the City's Draft EIR comments related to economic impacts and growth inducement. These responses described the Vehicle Miles Traveled (VMT) and traffic safety analyses and Local Transportation Analysis that were prepared for Upper Westside. They also explain that the Upper Westside project is not included in the most recent MTP/SCS because it is currently outside the USB and UPA. This does not mean it is inconsistent with the smart growth principles and VMT reduction goals of regional long-range plans.

Habitat Conservation Plan

The Final EIR for the Upper Westside project also addressed the City's Draft EIR comments regarding the Natomas Basin HCP and the Swainson's hawk zone. For example, the Final EIR explained that the development portion of the Upper Westside Specific Plan represents only 8.2 percent of the total area of the Swainson's hawk zone in the Natomas Basin. Unlike the NBHCP mitigation ratio of 0.5:1, the Upper Westside project includes mitigation (outside, but within 10 miles of, the Natomas Basin) at a 0.75:1 or 1:1 ratio, depending on the proximity of mitigation lands to the Sacramento or Feather River, and opportunities for compensatory mitigation include more than 8,000 acres of high-quality foraging habitat. The EIR concluded that impacts to foraging habitat within the Swainson's hawk zone would be less than significant after mitigation. (Final EIR Master Response BR-4; Response 12-22.)

The County's EIR also analyzed the potential effects of the Upper Westside project on TNBC's ability to acquire the necessary mitigation acreage to complete its obligations under the NBHCP. The EIR concluded such effects would be less than significant because (1) the Upper Westside project mitigation must be secured outside of the Natomas Basin and thus would not compete with TNBC, and (2) 84% of the available mitigation lands within the Natomas Basin would still be available should the project be approved. (Final EIR Response 12-20.)

Agriculture/Open Space

In response to the City's Draft EIR comments, the Final EIR explained that the UWSP area does not currently contain any rice crop land cover types. Thus, the proposed UWSP would not have any effect on the TNBC's ability to secure rice production acreage for the NBHCP. (Final EIR Response 12-23.)

Transportation

The Upper Westside EIR mitigation measures ensure that the project would be required to pay its proportionate fair share toward improvements at the I-5 southbound on-ramp at West El Camino Avenue and I-5 southbound and northbound on-ramps at Garden Highway, which would satisfy the applicant's obligation related to traffic impacts on these facilities. Fair share contributions meet legal standards and are the norm for development projects. The mitigation does not assume any matching funds to be provided by the City of Sacramento. (Final EIR Response 12-24; see also Final EIR Response 12-27 regarding VMT analysis.)

Water

The Final EIR clarified that, as proposed, the City would wholesale treated water through its existing water infrastructure. SCWA, as the retailer, would connect the new UWSP water infrastructure to the City's existing transmission line, and therefore provide water service (transmission and distribution) to the UWSP area. Since the County, and not the City, would be the water service provider to the UWSP, the UWSP would not be inconsistent with City 2040 General Plan Policy LUP-1.4. (Final EIR Response 12-10.)

Parks and Recreation

The Final EIR explained that the proposed UWSP Parks Program was updated after publication of the Draft EIR. The program meets the County's Quimby requirement of 3.0 acres/1,000 population, and it meets the County's General Plan goal of providing 5.0 acres per 1,000 population which allows for a mix of park sizes and types. (Final EIR Response 12-35.)

Municipal Services and Infrastructure

The Upper Westside EIR contained the CEQA-required analysis of physical impacts associated with providing public services. A Public Facilities Financing Plan (PFFP) is being prepared that will outline the funding and financing mechanisms for construction of public facilities. (Final EIR Response 12-12.)

The Upper Westside EIR explained that the project would create an additional demand for fire protection within the project area, and a site for a new fire station has been identified. The station would be constructed as part of Phase 1 of the development plan. (Final EIR Response 12-32.)

The Sacramento County Sheriff's Office would be responsible for police protection services throughout the UWSP area. Staffing levels at present are sufficient to provide efficient response per capita with very little wait time, and a new sheriff's substation is planned as part of Phase 3 of the development plan. (Final EIR, p. 17-14.) Thus, in our view, the concerns regarding public services raised in the staff report have been adequately addressed.

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Conclusion

Thank you for this opportunity to provide comments on this item. We believe the Upper Westside Project will bring much needed housing and jobs to the Sacramento region, utilizing smart growth and transit-oriented development principles. Potential impacts of the Upper Westside Project were thoroughly evaluated in the County's EIR for the project, and the public has had many opportunities to provide input.

In short, we believe this is the right project in the right place at the right time. We urge the City Council to remain neutral, allowing the project to move forward in a manner that advances shared regional objectives—expanding housing supply, supporting economic growth, and promoting smart, sustainable development.

Regards,

AVDIS & CUCCHI, LLP

A handwritten signature in blue ink, appearing to read 'N. Avdis', is positioned above the printed name.

Nicholas S. Avdis