



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Agenda

City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

July 27, 2021

6:30 PM

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city’s legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

Participation

If you would like to provide comments to the City Council, please:


- Fill out a blue speaker request form, located at the back table.
- Submit the form to the City Clerk before the item begins.
- When it’s your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.

Reasonable Accommodations

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk’s Office at (916) 461-6035, (916) 355-7328 (fax) or CityClerkDept@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

How to Watch

The City of Folsom provides three ways to watch a City Council meeting:

In Person	Online	On TV
		
City Council meetings take place at City Hall, 50 Natoma Street	Watch the livestream and replay past meetings on the city website, www.folsom.ca.us	Watch live and replays of meetings on Sac Metro Cable TV, Channel 14

More information about City Council meetings is available at the end of this agenda



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City Council Regular Meeting

Folsom City Council Chambers
50 Natoma Street, Folsom, CA

www.folsom.ca.us

Tuesday, July 27, 2021 6:30 PM

Mike Kozlowski, Mayor

Sarah Aquino, Vice Mayor
Kerri Howell, Councilmember

YK Chalamcherla, Councilmember
Rosario Rodriguez, Councilmember

REGULAR CITY COUNCIL AGENDA

Pursuant to Governor Newsom's Executive Order N-29-20, members of the Folsom City Council and staff may participate in this meeting via teleconference.

Due to the coronavirus (COVID-19) public health emergency, the City of Folsom is allowing for remote public input during City Council meetings. Members of the public may participate by emailing comments to CityClerkDept@folsom.ca.us and, if desired, specifically requesting that their comments be read into the record. Emailed comments must be received no later than thirty minutes before the meeting. Please make your comments brief. Written comments submitted and read into the public record must adhere to the principles of the three-minute speaking time permitted for in-person public comment at City Council meetings. Members of the public wishing to participate in this meeting via teleconference may email CityClerkDept@folsom.ca.us no later than thirty minutes before the meeting to obtain call-in information. Each meeting may have different call-in information. Verbal comments via teleconference must adhere to the principles of the three-minute speaking time permitted for in-person public comment at City Council meetings.

CALL TO ORDER

ROLL CALL:

Councilmembers: Howell, Rodriguez, Aquino, Chalamcherla, Kozlowski

The City Council has adopted a policy that no new item will begin after 10:30 p.m. Therefore, if you are here for an item that has not been heard by 10:30 p.m., you may leave, as the item will be continued to a future Council Meeting.

PLEDGE OF ALLEGIANCE

AGENDA UPDATE

BUSINESS FROM THE FLOOR:

Members of the public are entitled to address the City Council concerning any item within the Folsom City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.

SCHEDULED PRESENTATIONS:

1. New Utility Bill and Payment Portal Presentation

CONSENT CALENDAR:

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. City Councilmembers may pull an item for discussion.

2. Ordinance No. 1315 – An Ordinance Repealing and Re-enacting Chapter 13.22 of the Folsom Municipal Code Pertaining to Water System Cross-Connection Control (Second Reading and Adoption)
3. Resolution No. 10660 - A Resolution Authorizing the City Manager to Execute an Agreement with West Yost & Associates, Inc. for Construction Management and Inspection Services for the Water System Rehabilitation Project No. 2
4. Resolution No. 10661 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works Engineers, LLC for Construction Administration Services for the Water System Rehabilitation Project No. 2
5. Resolution No. 10663 - A Resolution Authorizing the City Manager to Execute an Agreement with Caggiano General Engineering, Inc. for the Construction of the Water System Rehabilitation Project No. 2 and Appropriation of Funds
6. Resolution No. 10670 - A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision, and Approval of the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision
7. Resolution No. 10671 – A Resolution Authorizing the City Manager to Execute an Agreement with Western Truck Parts and Equipment Company, LLC. to Purchase Five Solid Waste Collection Vehicles
8. Resolution No. 10636 – A Resolution of the City Council Approving Amendment No. 2 to Lease Agreement with the Folsom Chamber of Commerce for the Depot Building Located at 200 Wool Street

PUBLIC HEARING:

9. Resolution No. 10672 – A Resolution Approving the Final Engineer's Report, Confirming the Diagrams and Assessments, and Ordering the Levy of Assessments for Maintenance and Servicing of Improvements within Prairie Oaks Ranch No. 2 Landscaping and Lighting District in the City of Folsom for Fiscal Year 2021-2022

OLD BUSINESS:

10. Resolution No. 10669 – A Resolution of the Folsom City Council Supporting the Regional Water Authority's Resolution 2021-03 Regarding Extreme Drought Conditions in 2021 and Authorizing the City Manager to Implement Any Future Reduction Requirements
11. Resolution No. 10673 - A Resolution Authorizing the Issuance of Proposition 218 Notice for Proposed Five-Year Rate Adjustment for Solid Waste

12. Resolution No. 10575 - A Resolution of the City Council of the City of Folsom Declaring Its Intent to Initiate Procedures to Transition from At-Large Elections to District-Based Elections Pursuant to California Elections Code Section 10010 and Authorize Related Actions

NEW BUSINESS:

13. Resolution No. 10674 - A Resolution of the City Council of the City of Folsom Proclaiming Existence of a Local Emergency Due To Extreme Fire Danger

CITY MANAGER REPORTS:

COUNCIL COMMENTS:

ADJOURNMENT

The City Council is in recess the first half of August 2021.
The next regular meeting is scheduled for August 24, 2021.

NOTICE: *Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.*

NOTICE REGARDING CHALLENGES TO DECISIONS: *Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.*

As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.

PERSONS INTERESTED IN PROPOSING AN ITEM FOR THE CITY COUNCIL AGENDA SHOULD CONTACT A MEMBER OF THE CITY COUNCIL.

The meeting of the Folsom City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety on the Friday and Saturday following the meeting, both at 9 a.m. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14. The City of Folsom provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the online services page of the City's website www.folsom.ca.us.

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Any documents produced by the City and distributed to the City Council regarding any item on this agenda will be made available at the City Clerk's Counter at City Hall located at 50 Natoma Street, Folsom, California and at the Folsom Public Library located at 411 Stafford Street, Folsom, California during normal business hours.

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CITY OF
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Folsom City Council Staff Report



MEETING DATE:	7/27/2021
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	New Utility Bill and Payment Portal
FROM:	Finance Department

Staff will provide a brief presentation on the City’s new online utility bill and payment portal.

Submitted,

A handwritten signature in black ink, appearing to read 'Stacey Tamagni'.

Stacey Tamagni, Finance Director

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CITY OF
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DIVERSITY BY NATURE

Folsom City Council Staff Report



MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Ordinance No. 1315 – An Ordinance Repealing and Re-enacting Chapter 13.22 of the Folsom Municipal Code Pertaining to Water System Cross-Connection Control (Second Reading and Adoption)
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends that the City Council pass and adopt Ordinance No. 1315 – An Ordinance Repealing and Re-enacting Chapter 13.22 of the Folsom Municipal Code Pertaining to Water System Cross-Connection Control.

BACKGROUND / ISSUE

At the July 13, 2021 meeting, the City Council introduced and held the first reading of Ordinance 1315 repealing and re-enacting Chapter 13.22 of the Folsom Municipal Code pertaining to Water System Cross-Connection Control. At the meeting, the City Council approved the first reading of the Ordinance with no proposed changes to it. No changes have been made to this item since the first reading. As such, staff recommends that the City Council conduct a second reading of the Ordinance and move to adopt it as proposed.

Chapter 13.22 of the Folsom Municipal Code, entitled Water System Cross-Connection Control, provides the City with the means of implementing a cross-connection control program to comply with the California State Water Resources Control Board, Division of Drinking Water (DDW) rules and regulations.

The Water Quality Division of the Environmental and Water Resources Department (EWR) oversees the program, which requires the annual testing of more than 2,500 cross-connection control devices to prevent backflow into the potable water system. Through this program, City

staff issues notification to customers when tests are due, and customers then arrange for testing of devices by certified testers. Presently, the testers, who submit the required test report via a web portal, purchase tags from the City and attach these to devices to indicate completion of successful testing.

The current process requires the City to purchase tags to sell to testers, at an expense of approximately \$1,300 per year. The tags are only available to purchase in person during business hours, which is both an imposition on testers' time, and a safety concern due to increased foot traffic to City facilities. In some instances, testers have submitted reports without purchasing a tag, thereby avoiding paying the associated fee. With the growth and modernization of the City, the program is growing as the number of devices that require annual testing is increasing.

To reduce costs associated with production of tags, enhance safety by reducing foot traffic to City facilities, and improve overall customer service and efficiency, the Water Quality Division is proposing discontinuing the requirement to attach tags to devices on completion of testing. Staff has access to all testing records via the web portal, negating the need to use the tags, and program revenue would be maintained by charging a test submission fee in place of the backflow testing tag fee. The web portal is an online database that contains backflow prevention device records and test results.

Backflow tags will continue to be used for temporary backflow devices. Temporary devices represent a very small proportion of the overall program. Their records are maintained in-house and are not submitted to the web portal.

As testers will now be charged when submitting a test report, EWR requests that the Council authorize a Test Submission Fee of \$15 to be included in the User Fee Schedule for Water and Wastewater Services pursuant to FMC 13.22.090(E). The \$15 backflow Test Submission Fee is the same amount as the current Backflow Testing Tag Fee, which will continue to be used for tags for temporary backflow devices.

This opportunity was used to review all sections of the Water System Cross-Connection Control ordinance to identify other updates. The language in Section 13.22.050 has been modified to provide the City's public water protection from cross-contamination when residential homes have two sources of water (public water and well water). In addition, new verbiage allows the City to require non-residential buildings to upgrade to the minimum level of cross connection protection at the point of contact to the public water system any time a building permit is pulled, for any reason. In addition, nomenclature of State and City departments has been corrected throughout to accurately reflect current titles.

This Ordinance takes the required step to repeal and replace the current Folsom Municipal Code to reflect this proposal, to allow provision of a more efficient Water System Cross-Connection Control program, and to bring all sections of Chapter 13.22 up to date.

OUTREACH/FEEDBACK

This Ordinance does not directly impact the general population of Folsom. Due to the nature of the suggested changes, the only people who will be directly impacted by the change in Ordinance are backflow testers. They will no longer need to purchase tags for testing of permanent devices in person and will instead pay when submitting test reports.

EWR Department staff knows many of the backflow testers directly and has engaged in conversations with many of them over the past year regarding the suggested changes. The overall feedback has been very positive. Testers appreciate the increased efficiency of the proposal, in particular the removal of the need to collect back flow tags in person.

DISCUSSION

The changes to Chapter 13.22 of the Folsom Municipal Code facilitate provision of a more efficient program with reduced costs, enhanced safety, and improved customer service.

In summary, the proposed changes remove any references to the purchase and use of department supplied tags on permanent devices, while inserting references to instructions provided on annual notices.

Discontinuing the requirement for physical tags removes the corresponding purchase costs as well as staff time associated with handling the sale of the tags. Safety and customer service are also enhanced by negating the requirement for testers to purchase tags in person at City facilities. Test results will be submitted, and corresponding fees paid, in one transaction through the web portal. With fees being paid at the time of submitting the report, there is reduced risk of avoidance of payment.

EWR is requesting establishment of a new \$15 Test Submission Fee pursuant to FMC 13.22.090(E), which is the same amount as the backflow tag fee.

Additional modifications increase the City's ability to enforce protection of the public water supply and bring the overall chapter up to date.

FINANCIAL IMPACT

This proposed ordinance does not have any foreseeable negative financial impact to the Water Fund. Program revenue will not be affected as fees currently collected through the sale of tags will still be collected through the equivalent test submission fee, while the cost of producing tags will be removed.

ENVIRONMENTAL REVIEW

This action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15307 and 15308.

ATTACHMENT

Ordinance No. 1315 – An Ordinance Repealing and Re-enacting Chapter 13.22 of the Folsom Municipal Code Pertaining to Water System Cross-Connection Control

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

ORDINANCE NO. 1315

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 13.22 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO WATER SYSTEM CROSS-CONNECTION CONTROL

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to repeal and re-enact Chapter 13.22 (Water System Cross-Connection Control) of Title 13 (Water and Sewage) of the Folsom Municipal Code to allow provision of a more efficient Water System Cross-Connection Control program, with reduced costs, enhanced safety, and improved customer service, and to bring all sections of the previous Chapter 13.22 up to date.

SECTION 2 REPEAL AND RE-ENACTMENT TO CODE

Chapter 13.22 of Title 13 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

**Chapter 13.22
WATER SYSTEM CROSS-CONNECTION CONTROL**

Sections:

- 13.22.010 Definitions.
- 13.22.020 Application.
- 13.22.030 City responsibility.
- 13.22.040 Cross-connection control program.
- 13.22.050 Evaluation of hazard.
- 13.22.060 Level of cross-connection protection required.
- 13.22.070 Approval of backflow prevention devices.
- 13.22.080 Location of backflow prevention devices.
- 13.22.090 Backflow prevention device testing, maintenance, and inspection.
- 13.22.100 Responsible customer representative.
- 13.22.110 Temporary backflow protection devices.
- 13.22.120 Backflow prevention device repair, replacement and relocation.
- 13.22.130 Discontinuance of water service.
- 13.22.140 Unauthorized activity.
- 13.22.150 Violation declared a nuisance.
- 13.22.160 Enforcement.
- 13.22.170 Penalties.
- 13.22.180 Remedies cumulative.

13.22.010 Definitions.

- A. “Air-gap separation (AG)” means a physical break between the supply line and a receiving vessel or drain. The air-gap shall be at least two diameters of the supply pipe measured vertically above the top rim of the vessel or drain and in no case less than one inch.
- B. “Approved backflow prevention device (ABPD)” means an effective assembly used to prevent backflow into a potable water system which has passed laboratory and field tests by a testing organization recognized by the DDW and is listed on the approved and published list maintained by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR).
- C. “Approved water supply” means the City’s potable water supply or any other water supply that is regulated by DDW.
- D. “Auxiliary supply” means any water supply other than a potable supply regulated by DDW that is available to the customer.
- E. “Backflow” means the reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of a potable supply of water from any source or sources.
- F. “DDW” means the California State Water Resources Control Board, Division of Drinking Water.
- G. “CA-NV Section AWWA” means the California-Nevada Section of the American Water Works Association (AWWA).
- H. “Certified backflow prevention assembly tester” means an individual who holds a current certificate as a backflow prevention assembly tester as issued by CA-NV Section AWWA, or equivalent organization as recognized by DDW and is certified by Sacramento County’s Environmental Management Department.
- I. “City” means the City of Folsom.
- J. “City water system” means those facilities within and without the City that the City uses to deliver potable water as the DDW recognized water purveyor.
- K. “Contamination” means degradation of the quality of the potable water by any substance which creates a hazard to the public health or which may impair the usefulness or quality of water.
- L. “Cross-connection” means any unprotected actual or potential connection between a public or customer’s potable water system and any source or system through which it is possible to

introduce into any part of the potable system any used water, contaminant or other substance other than the potable water with which the system is supplied.

M. "Cross-connection control specialist" means an individual who holds a valid certificate as a cross-connection control specialist as issued by CA-NV Section AWWA, or equivalent organization as recognized by DDW and has been designated as the City's cross-connection control specialist by the Department.

N. "Customer" means any person or entity including the City using water supplied by the City water system. "Customer" includes tenants of single-family dwellings or duplexes, owners of real property and management companies responsible for property management of real property.

O. "Department" means the City of Folsom Environmental and Water Resources Department.

P. "Director" means the Director of the Department or his or her designee, unless otherwise stated or indicated by context.

Q. "Discontinued service" means having the water service turned off by the Department.

R. "Double check valve backflow prevention assembly (DC)" means an assembly composed of two independently acting check valves, including shut-off valves and test cocks, that is an ABPD.

S. "Fire Chief" means the Fire Chief of the City of Folsom, or designee unless otherwise stated or indicated by context.

T. "Premises" means any and all areas on a customer's property which are served or have the potential to be served by the City water system.

U. "Private fire service" means a private fire service main and appurtenances installed in accordance with NFPA 24 on private property and maintained by the property owner for the explicit intent of providing fire flows either through fire hydrants, fire sprinkler systems, or other water-based fire protection systems.

V. "Reclaimed water" shall mean wastewater or other water which as a result of treatment is suitable for nonpotable use.

W. "Reduced pressure principle backflow prevention device (RP)" means a device incorporating two check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing, that is an ABPD.

X. "Service connection" shall refer to the point of connection of the customer's piping to the City's water system.

Y. "Single-family dwelling unit" means a building designed for one family and containing one kitchen.

Z. "Water distribution supervisor" means the water distribution supervisor in the Department or his or her designee unless otherwise stated or indicated by context.

13.22.020 Application.

The provisions of this chapter shall apply to all customers of the City water system.

13.22.030 City responsibility.

The City, and its duly authorized employees, shall operate the public water system and implement a cross-connection control program. The purpose of this Chapter is to: (A) protect the City water system against actual or potential cross-connections by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises; (B) eliminate existing connections between potable water systems and nonpotable systems that create a hazard to public health; (C) eliminate existing cross-connections between potable water systems and sources of contamination; and (D) prevent the making of cross-connections in the future.

13.22.040 Cross-connection control program.

A. The Director is authorized to develop a cross-connection control program that is consistent with the intent of this Chapter, DDW regulations, California Code of Regulations, and any applicable laws. At a minimum, the program shall have the following elements:

1. Conducting surveys as required identifying those water users where cross-connections are likely to occur;
2. Require the provision of backflow protection by the water user at the water user's service connection(s) or within the user's premises or both if required based on the potential for a cross-connection;
3. Establishment of procedures for testing backflow prevention devices, and maintenance of records of locations, tests, and repairs of these devices; and
4. Maintain a list of certified backflow prevention assembly testers from the list compiled by the Sacramento County Environmental Management Department's list.

B. The Director shall oversee this Chapter's implementation, compliance with DDW Regulations, and any laws regulating cross-connection control.

13.22.050 Evaluation of hazard.

The Department is authorized to evaluate the degree of potential health hazard to the City water system which may be created either as a result of conditions existing or potential created by a customer on their premises. The Department shall not be responsible for abatement of cross-connections which may exist on the customer's premises. Evaluation of the potential for health hazard, as a minimum, shall consider: (1) existence of cross-connections; (2) nature of materials on the premises and method of handling; (3) probability of backflow occurring; and (4) complexity and potential for modifications of piping system.

A. In the evaluation of the degree of potential hazard, consideration shall be given to premises with the following conditions:

1. Substances harmful to health handled in a manner which could permit their entry into the city water system. This includes chemical and biological process waters, water from an approved water supply which has been subjected to deterioration in sanitary quality, and water from an auxiliary supply.
2. Internal cross-connections that are not corrected or abated to the satisfaction of the cross-connection control administrator.
3. Cross-connections are likely to occur and entry is restricted so that cross-connection inspections cannot be made on short notice or with the frequency given in Section [13.22.090](#) to assure that cross-connections do not occur.
4. Repeated history of cross-connections being established or reestablished.

B. Periodic inspections of the customer's premises may be required either to evaluate the potential for cross-connections or adequacy of backflow prevention devices or practices. These inspections may be in response to activities such as changes in use or ownership of the premises. The City shall provide twenty-four hours' notice prior to inspection of the premises, unless conditions dictate that a longer or shorter notice period is more reasonable. Failure to provide the City with access to conduct an inspection shall constitute a violation of this Chapter.

C. Cross-connection control requirements in this Chapter shall be included as a condition of approval for water service for any new development or redevelopment project, with the exception of single-family dwelling units unless the single-family dwelling unit meets the condition as identified in subsection D below. Plans and specifications for any project other than single-family dwelling units (with the exception of single-family dwelling units meeting the condition in subsection D) requiring a building permit shall be required to install the minimum level of cross-connection protection at the point of connection to the public water system as defined by Section 13.22.060.

D. Any single-family dwelling unit that includes an on-site domestic water pump, fire protection pump, water well or wastewater pump station will be required to install the minimum

level of cross-connection protection at the point of connection to the public water system as defined by Section 13.22.060.

13.22.060 Level of cross-connection protection required.

The level of protection required shall be commensurate with the degree of potential public health hazard that exists or potentially exists on the customer's premises.

The minimum level of protection for all applications shall be a reduced pressure principle backflow prevention device (RP) with the exception that the retrofit of fire protection systems, private and public, without access to an auxiliary supply or other cross-connection shall be subject to the conditions of the permit from the fire department required for modifications to the fire system in accordance with Chapter 8.36. The customer may choose a higher level of protection than that required by the cross-connection control program; however, the customer shall be responsible for installation in accordance with Section [13.22.080](#).

13.22.070 Approval of backflow prevention devices.

The cross-connection control specialist, after determining the level of protection required per the requirements of Sections [13.22.050](#) and [13.22.060](#), shall approve the backflow prevention device to be installed. The proposed device shall be an approved backflow prevention device as defined in this chapter and shall be located per the requirements of Section [13.22.080](#). Any interior or exterior coating of the backflow prevention device shall be American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61 approved coating, in accordance with AWWA specification.

13.22.080 Location of backflow prevention devices.

A. Backflow prevention devices shall be located as close as practical to the customer's connection and shall be a minimum of twelve inches and a maximum of thirty-six inches above finished grade as measured from the bottom of the device. Alternative locations shall be subject to review and approval in writing by the cross-connection control specialist. There shall be a minimum of twelve inches of side clearance on the side with the test cocks.

B. Air-gap separation device (AG) shall be located as close as practical to the customer's connection and all piping between the customer's connection and the receiving tank shall be entirely visible unless impractical based on existing conditions and as otherwise approved in writing by the cross-connection control specialist.

13.22.090 Backflow prevention device testing, maintenance, and inspection.

A. Backflow prevention device testing shall be in accordance with the field test procedures as outlined in the latest edition of Manual of Cross-Connection Control, University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research. All tests shall be performed by a certified tester, from the list of certified testers maintained by the County of

Sacramento Environmental Management Department and the results of the test shall be submitted to the Department. No new, repaired, or relocated device that fails the test shall be placed in service.

B. Customers with a backflow prevention device on their premises shall have the device inspected and tested on an annual basis by a certified tester. The Department may require a more frequent testing schedule if it is determined to be necessary based on the criteria presented in Section [13.22.050](#). When devices are determined to be defective they shall be repaired or replaced by the customer within fourteen calendar days or a shorter time period based on any hazardous condition that might impact the City water system or other customer connections, or service will be discontinued. If service is discontinued, the customer shall pay the City's turn on/off service fee, as set by ordinance or resolution of the City Council.

C. The Department will notify the customer annually that the backflow prevention device needs to be tested. This notice shall contain the date when the testing must be completed, at least thirty days from the date of mailing, and instruction for how to submit the test results. If, forty-five calendar days after the date of mailing, the customer has not submitted the required test report, the department will test the backflow prevention device and the customer will be charged a fee for this service as set by ordinance or resolution of the City Council. In the event the backflow prevention device fails to pass the test, the customer shall, within fourteen calendar days, either repair or replace the backflow prevention device as provided in this section, or service will be discontinued. The customer shall pay the City's fee for testing the backflow prevention device and the turn on/off service fee if required.

D. Upon completion of a test of the backflow prevention device, the tester shall follow the instructions provided in the notice to submit the test report and pay the associated fee.

E. Test Submission Fee. The City Council hereby establish a fee of \$15 for the submission of backflow device test results under the provisions of this Chapter. This fee may be amended by resolution of the City Council from time to time.

F. Discontinuance of service shall be cause for retesting of the backflow device on the service in accordance with the procedures outlined above.

13.22.100 Responsible customer representative.

All customers required to submit a backflow prevention device inspection report per the requirements of Section [13.22.090](#) shall designate an individual responsible for monitoring the backflow prevention device and avoidance of cross-connections during operation and maintenance of the customer's on-site pipelines and equipment, or any modifications thereto. In addition, this representative shall be responsible for notifying the cross-connection control specialist of any potential contamination or pollution of the city water system due to a cross-connection on the customer's premises. Current contact information shall be supplied annually if not more frequently on the inspection report. In the event the department is unable to contact a

responsible customer representative after a cross-connection is discovered, service may be temporarily discontinued at the discretion of the director until such testing occurs.

13.22.110 Temporary backflow protection devices.

A. Temporary backflow protection devices of all types shall be subject to the approval of the cross-connection control specialist. An inspection report for the device shall be submitted for review and the tester will attach a department supplied tag to the device.

B. Temporary connections for construction water or other approved uses shall be subject to the conditions and fees identified on the Department's temporary water use application.

13.22.120 Backflow prevention device repair, replacement and relocation.

The customer shall obtain approval from the cross-connection control specialist before a backflow prevention device is replaced or relocated.

A. Repair. A backflow prevention device may be removed for repair; provided, that the water use is discontinued until the device is returned to service, or the service connection is equipped with a temporary backflow prevention device that is approved by the cross-connection control specialist. A device returned to service must be tested and pass before being placed in service in accordance with Section [13.22.090](#).

B. Replacement. A backflow prevention device may be removed and replaced; provided, that the water use is discontinued until the replacement device is installed, tested, and passes before being placed in service in accordance with Section [13.22.090](#).

C. Relocation. A backflow prevention device may be relocated upon approval by the cross-connection control specialist. The relocated device shall continue to provide the current level of protection or higher as determined by the cross-connection control specialist and shall satisfy installation requirements as given in Section [13.22.080](#). The device shall be tested and pass before being placed in service in accordance with Section [13.22.090](#).

13.22.130 Discontinuance of water service.

A. The Director may discontinue service to a customer's nonfire connection to the City water system at the time the Director issues to the customer a second notice of violation of any provision of this Chapter or determines that immediate discontinuance is necessary for the protection of the City's water system. If the customer's water service is discontinued due to violations of this Chapter, the customer shall be subject to penalties specified in Section [13.22.170](#). Upon seeking renewed service from the City, the backflow prevention device being returned to service must be tested in accordance with Section [13.22.090](#). The customer shall pay the City's water turn off/on service fee and any other appropriate fees as set by ordinance or resolution of the City Council. Any decision by the Director to discontinue service may be appealed as specified in Section [13.22.170\(C\)](#).

B. Property owners with private fire services, upon being issued a notice of violation by the Director of any provision of this Chapter, shall have thirty calendar days to submit a plan of correction to the Director. Prior to making any modifications or alterations to the on-site fire service, a permit shall be obtained from the Folsom Fire Department in accordance with Chapter [8.36](#). Failure to comply with this section shall subject the property owner to the penalties specified in Section [13.22.170](#), and the service may be discontinued at the discretion of the Director and the Fire Chief when discontinuance is required to protect the City water system or other customer connections. Devices used on fire services shall be approved by the DDW and listed for fire service use and maintained in accordance with State Fire Marshall regulations.

13.22.140 Unauthorized activity.

A. Any temporary or permanent connection to the City water system made without review by the Department, whether it needs a backflow prevention device or not, shall subject the customer to the penalties specified in Section [13.22.170](#).

B. Any person who makes, maintains, or causes to be maintained a temporary or permanent cross-connection shall be subject to the penalties specified in Section [13.22.170](#).

C. Any customer who maintains any plumbing fixture as defined by the California Plumbing Code, or other appurtenance that discharges to a sanitary sewer, which by reason of its construction may or potentially may cause contamination of the City water system shall be subject to the penalties specified in Section [13.22.170](#).

13.22.150 Violation declared a nuisance.

Any activity in violation of this Chapter will adversely and seriously affect the public health, safety and welfare, is hereby declared to be a public nuisance and may be remedied as provided in this Chapter, any other applicable portion of the Folsom Municipal Code or applicable state law.

13.22.160 Enforcement.

A. This Chapter shall be enforced pursuant to the provisions of Chapters [1.08](#) to [1.10](#), inclusive, and any other enforcement mechanism available to the City under the Folsom Municipal Code and/or applicable law.

B. Unless otherwise expressly provided in this Chapter, the Director shall enforce the provisions of this Chapter.

13.22.170 Penalties.

A. The goal of the provisions of this Chapter is to achieve voluntary compliance from the customer, and the City will take reasonable measures to assure the customer has information available to promptly and efficiently address cross-connection control issues. Where voluntary

compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this Chapter shall be addressed as follows:

Violation Penalty

- First Written notification and issuance of a notice to correct.
- Second Issuance of an administrative penalty, discontinued water service and/or other penalties as provided in the notice of violation and as determined by the Director.

B. Penalties.

1. A violation of this Chapter shall also be an administrative violation as defined in Section [1.08.020](#).
2. Each of the sanctions for administrative violations identified in Section [1.09.013](#) shall be available for enforcement of the provisions of this Chapter. Based on the criteria for imposition of administrative sanctions set forth in Section [1.09.014](#), each day a violation of this Chapter continues it shall be deemed a Level A violation as that term is described in Section [1.09.012](#) with an initial penalty of up to one hundred dollars.
3. Violations of this Chapter which are deemed to be willful noncompliance or unlawful connections may be subject up to a Level E violation as determined by the Director.

C. Appeal. There shall be no appeal of the level of protection required as identified in Section [13.22.060](#) and any appeal of administrative penalties shall follow the request for hearing procedures provided in Chapter [1.09](#). Any order to discontinue water service or any other orders or decisions of the Director shall be appealable to the City Manager pursuant to Section [2.08.060](#); provided, however, that the City Manager’s decision shall be final and there shall be no right of appeal to the City Council.

13.22.180 Remedies cumulative.

The remedies set forth in this Chapter are cumulative to any other remedy available to the City. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this Chapter shall limit or be deemed to prevent the City from pursuing any other remedy available to the City under the Folsom Municipal Code or other applicable law.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on July 13, 2021 and the second reading occurred at the regular meeting of the City Council on July 27, 2021.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 27th day of July 2021, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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Folsom City Council Staff Report

MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10660 - A Resolution Authorizing the City Manager to Execute an Agreement with West Yost & Associates, Inc. for Construction Management and Inspection Services for the Water System Rehabilitation Project No. 2
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10660 - A Resolution Authorizing the City Manager to Execute an Agreement with West Yost & Associates, Inc. for Construction Management and Inspection Services for the Water System Rehabilitation Project No. 2

BACKGROUND / ISSUE

The Environmental and Water Resources (EWR) Department identifies water infrastructure rehabilitation and replacement projects through water master plans, ongoing water condition assessment programs, and regulatory changes. Through these efforts, portions of the water system have been identified as needing rehabilitation or replacement in order to improve the water distribution system reliability.

The Water System Rehabilitation Project No. 2 will address infrastructure improvements needed throughout the water distribution system at 13 different locations. This work includes installing isolation valves, providing water service redundancy at locations that only have one point of connection to the water system, and rebuilding pressure reducing stations to meet current City standards.

This resolution will authorize the City Manager to execute an agreement with West Yost & Associates, Inc. for Construction Management and Inspection Services for the Water System Rehabilitation Project No. 2 in the amount of \$370,782.

POLICY / RULE

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$62,657 or greater shall be awarded by City Council.

ANALYSIS

In October of 2018, the EWR Department completed a pre-qualification process for construction management services. The consulting firm West Yost & Associates, Inc. was one of the firms selected to provide these services for this type of project through this recently completed competitive selection process. West Yost & Associates, Inc. by reason of their past experience, qualifications, and abilities for performing these types of services, is qualified and staff recommends they perform the required construction management and inspection services.

The construction management and inspection for this project will require approximately 1,640 person-hours of highly technical and specialized services, including construction inspection. The proposed fee for construction management and inspection services is consistent with recent City construction projects with respect to the construction duration. Construction management services require on-site inspection (both daytime inspection and nighttime inspection) and include other necessary tasks such as project schedule tracking, review and/or coordination of project submittals, coordination with the other on-going City construction projects, customer coordination, materials testing, and overall owner representation throughout project construction.

This resolution will authorize the City Manager to execute an agreement with West Yost & Associates, Inc. for construction management and inspection services for the Water System Rehabilitation Project No. 2 in the amount of \$370,782.

FISCAL IMPACT

The Water System Rehabilitation Project No. 2 was included in the FY 2021-22 Capital Improvement Plan with a total project budget of \$1,924,694. Sufficient funds are available in the Water Operating Fund (Fund 520) for this agreement.

ENVIRONMENTAL REVIEW

This project is replacement and/or improvement of existing infrastructure with negligible or no expansion of use and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental

Quality Act, Article 19 – Categorical Exemptions, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land).

ATTACHMENT

Resolution No. 10660 - A Resolution Authorizing the City Manager to Execute an Agreement with West Yost & Associates, Inc. for Construction Management and Inspection Services for the Water System Rehabilitation Project No. 2.

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 10660

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WEST YOST & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE WATER SYSTEM REHABILITATION PROJECT NO. 2

WHEREAS, the City of Folsom has identified this project as a priority to maintain integrity and operation of the water distribution system; and

WHEREAS, the infrastructure improvements identified to enhance the City’s water distribution system includes installing isolation valves, providing water service redundancy and rebuilding pressure reducing stations; and

WHEREAS, West Yost & Associates, Inc. by reason of their past experience and abilities for performing these types of services, is qualified to perform the required construction management and inspection services for the project; and

WHEREAS, the Water System Rehabilitation Project No. 2 was included in the FY 2021-22 Capital Improvement Plan; and

WHEREAS, sufficient funds are available in the Water Operating Fund (Fund 520) for this agreement; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with West Yost & Associates, Inc. for construction management and inspection services for the Water System Rehabilitation Project No. 2 for a not-to-exceed amount of \$370,782.

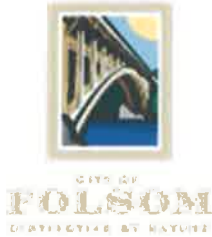
PASSED AND ADOPTED this 27th day of July 2021, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report

MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10661 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works Engineers, LLC for Construction Administration Services for the Water System Rehabilitation Project No. 2
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10661 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works Engineers, LLC for Construction Administration Services for the Water System Rehabilitation Project No. 2

BACKGROUND / ISSUE

The Environmental and Water Resources (EWR) Department identifies water infrastructure rehabilitation and replacement projects through water master plans, ongoing water condition assessment programs, and regulatory changes. Through these efforts, portions of the water system have been identified as needing rehabilitation or replacement in order to improve the water distribution system reliability.

The Water System Rehabilitation Project No. 2 will address infrastructure improvements needed throughout the water distribution system at 13 different locations. This work includes installing isolation valves, providing water service redundancy at locations that only have one point of connection to the water system, and rebuilding pressure reducing stations to meet current City standards.

This resolution will authorize the City Manager to execute an agreement with Water Works Engineers, LLC for Construction Administration Services for the Water System Rehabilitation Project No. 2 in the amount of \$111,411.

POLICY / RULE

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$62,657 or greater shall be awarded by City Council.

ANALYSIS

In October of 2018, the EWR Department completed a pre-qualification process for construction management services. The consulting firm Water Works Engineers, LLC was one of the firms selected to provide these services for this type of project through this recently completed competitive selection process. Water Works Engineers, LLC by reason of their past experience, qualifications, and abilities for performing these types of services, is qualified and staff recommends they perform the required construction administration services.

The construction administration services for this project will include submittal review, response to request for information and attendance at various meetings during project construction. Water Works Engineers, LLC was the design consultant for the project and providing these services is typically completed by the design engineer when construction begins.

This resolution will authorize the City Manager to execute an agreement with Water Works Engineers, LLC for construction administration services for the Water System Rehabilitation Project No. 2 in the amount of \$111,411.

FISCAL IMPACT

The Water System Rehabilitation Project No. 2 was included in the FY 2021-22 Capital Improvement Plan with a total project budget of \$1,924,694. Sufficient funds are available in the Water Operating Fund (Fund 520) for this agreement.

ENVIRONMENTAL REVIEW

This project is replacement and/or improvement of existing infrastructure with negligible or no expansion of use and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act, Article 19 – Categorical Exemptions, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land).

ATTACHMENT

Resolution No. 10661 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works Engineers, LLC for Construction Administration Services for the Water System Rehabilitation Project No. 2.

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 10661

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WATER WORKS ENGINEERS, LLC FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE WATER SYSTEM REHABILITATION PROJECT NO. 2

WHEREAS, the City of Folsom has identified this project as a priority to maintain integrity and operation of the water distribution system; and

WHEREAS, the infrastructure improvements identified to enhance the City’s water distribution system includes installing isolation valves, providing water service redundancy and rebuilding pressure reducing stations; and

WHEREAS, Water Works Engineers, LLC by reason of their past experience and abilities for performing these types of services, is qualified to perform the required construction administration services for the project; and

WHEREAS, the Water System Rehabilitation Project No. 2 was included in the FY 2021-22 Capital Improvement Plan; and

WHEREAS, sufficient funds are available in the Water Operating Fund (Fund 520) for this agreement; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with Water Works Engineers, LLC for construction administration services for the Water System Rehabilitation Project No. 2 for a not-to-exceed amount of \$111,411.

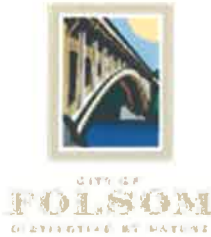
PASSED AND ADOPTED this 27th day of July 2021, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report

MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10663 - A Resolution Authorizing the City Manager to Execute an Agreement with Caggiano General Engineering, Inc. for the Construction of the Water System Rehabilitation Project No. 2 and Appropriation of Funds
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10663 - A Resolution Authorizing the City Manager to Execute an Agreement with Caggiano General Engineering, Inc. for the Construction of the Water System Rehabilitation Project No. 2 and Appropriation of Funds.

BACKGROUND / ISSUE

The Environmental and Water Resources (EWR) Department identifies water infrastructure rehabilitation and replacement projects through water master plans, ongoing water condition assessment programs, and regulatory changes. Through these efforts, portions of the water system have been identified as needing rehabilitation or replacement in order to improve the water distribution system reliability.

The Water System Rehabilitation Project No. 2 will address infrastructure improvements needed throughout the water distribution system at 13 different locations. This work includes installing isolation valves, providing water service redundancy at locations that only have one point of connection to the water system, and rebuilding pressure reducing stations to meet current City standards.

This resolution will authorize the City Manager to execute an agreement with Caggiano General Engineering, Inc. for the construction of the Water System Rehabilitation Project No. 2 in the amount of \$\$1,395,785 and the budget for this agreement to include a 10% contingency in the amount of \$139,579 and Appropriation of Funds.

POLICY / RULE

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$62,657 or greater shall be awarded by City Council.

ANALYSIS

The City completed plans and specifications for the Water System Rehabilitation Project No. 2 and publicly advertised for bids on May 6, 2021 and May 13, 2021. In addition, the City provided these documents to www.ciplist.com which is also picked up by several area builders' exchanges. The Environmental and Water Resources Department received the following bids on June 10, 2021 for construction of the Water System Rehabilitation Project no. 2:

Contractor	Bid Amount
Caggiano General Engineering, Inc.	\$1,395,785
McGuire & Hester	\$1,756,250
Rawles Engineering	\$2,151,655

Staff has reviewed the bids submitted and has determined that Caggiano General Engineering, Inc. is the lowest responsible and responsive bidder who meets the requirements and specifications set forth in the invitation for bids.

FISCAL IMPACT

The Environmental and Water Resources Department recommends that the contract be awarded to the lowest responsible, responsive bidder, Caggiano General Engineering, Inc. for \$\$1,395,785 with the project budgeted for this agreement in the amount of \$\$1,535,364 which will include a 10% contingency in the amount of \$139,579.

Approximate project costs to date, which include design, construction administration services, construction management and inspection services total approximately \$687,010. The Water System Rehabilitation Project No. 2 was included in the FY 2021-22 Capital Improvement Plan with a total project budget of \$1,924,694. Therefore, an additional appropriation will be needed for construction costs, and staff is requesting an appropriation of \$\$630,000 for a total project budget of \$ \$2,554,694. This appropriation will be in the Water Operating Fund (Fund 520) and funds are available for this appropriation.

ENVIRONMENTAL REVIEW

This project is replacement and/or improvement of existing infrastructure with negligible or no expansion of use and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act, Article 19 – Categorical Exemptions, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land).

ATTACHMENT

Resolution No. 10663 - A Resolution Authorizing the City Manager to Execute an Agreement with Caggiano General Engineering, Inc. for the Construction of the Water System Rehabilitation Project No. 2 and Appropriation of Funds

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 10663

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CAGGIANO GENERAL ENGINEERING, INC. FOR THE CONSTRUCTION OF THE WATER SYSTEM REHABILITATION PROJECT NO. 2 AND APPROPRIATION OF FUNDS

WHEREAS, the City of Folsom has identified this project as a priority to maintain integrity and operation of the water distribution system; and

WHEREAS, the infrastructure improvements identified to enhance the City’s water distribution system includes installing isolation valves, providing water service redundancy and rebuilding pressure reducing stations; and

WHEREAS, the project is categorically exempt from environmental review under the California Environmental Quality Act; and

WHEREAS, plans and specifications were prepared for this work and publicly advertised for bids on May 6, 2021 and May 13, 2021; and

WHEREAS, Caggiano General Engineering, Inc. was the lowest responsive bidder, with an amount of \$1,395,785; and

WHEREAS, sufficient funds are available in the Water Operating Fund (Fund 520), however an appropriation in the amount of \$\$630,000 is needed for the project, increasing the overall project budget to \$\$2,554,694; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with Caggiano General Engineering, Inc. for the construction of the Water System Rehabilitation Project No. 2 for a contract amount of \$1,139,579 with the budgeted amount to include a 10% contingency for a total \$139,579.

BE IT FURTHER RESOLVED that the Finance Director is directed to appropriate \$\$630,000 to the FY 2021-22 Water Operating Fund (Fund 520) for this project. The appropriation will be from fund balance which is currently available.

PASSED AND ADOPTED this 27th day of July 2021, by the following roll-call vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

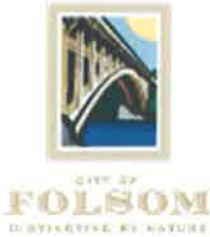
ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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Folsom City Council Staff Report



MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10670 – A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision, and Approval of the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

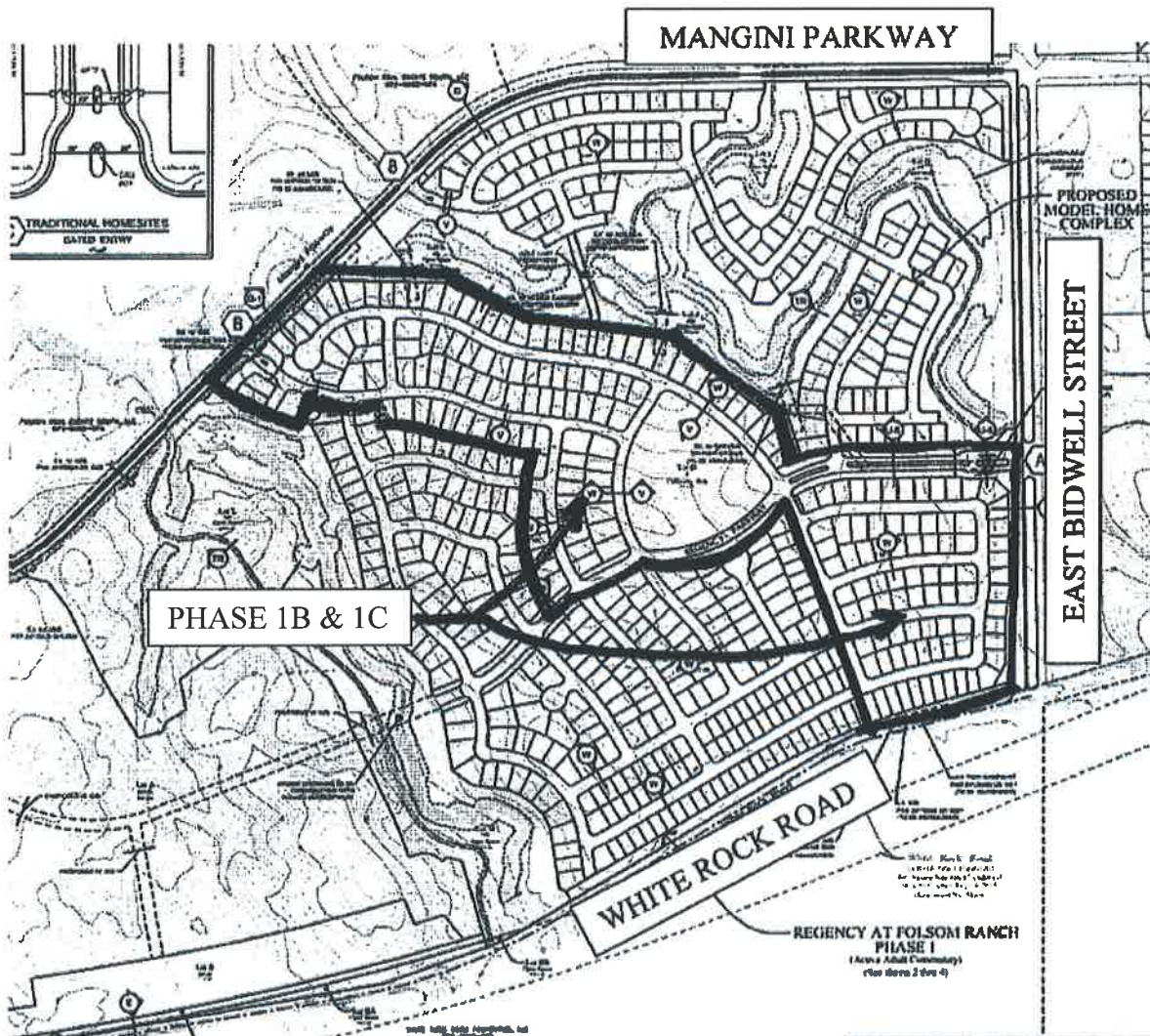
Staff recommends that the City Council move to adopt:

Resolution No. 10670 – A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision, and Approval of the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision

BACKGROUND / ISSUE

The Vesting Tentative Subdivision Map (VTSM) for the Toll Brothers at Folsom Ranch Phase 1A Subdivision was approved by the City Council on March 10, 2020.

The action for consideration by the City Council is the approval of the Final Map and Subdivision Improvement Agreement for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision. The Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision will create a total of 180 single-family high density (SFHD) residential lots and 18 multi-family low density (MLD) residential lots. With the approval of the Final Map, the subdivision process for this phase will be complete.



The Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision is located on the north side of White Rock Road, west of East Bidwell Street, south of Mangini Parkway and east of the future Toll Brothers at Folsom Ranch Phase 2 subdivision in the Folsom Plan Area (FPA) (see above).

POLICY / RULE

The Subdivision Map Act of the State of California and the City’s Subdivision Ordinance require that the City Council approve Final Maps and Subdivision Improvement Agreements.

ANALYSIS

The Final Map and conditions of approval for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision have been reviewed by the Community Development Department and other

City departments. The Final Map has been found to be in substantial compliance with the approved Vesting Tentative Subdivision Map, and all conditions pertaining to the map have been satisfied.

Attached is a table which includes the conditions of approval for the Toll Brothers at Folsom Ranch Phase 1B & 1C Vesting Tentative Subdivision Map. The tables include information concerning when the condition is required to be satisfied (e.g. at Final Map, building permit, etc.), which City department is responsible to verify that it has been satisfied, and comments or an explanation on how the condition was satisfied. This subdivision is consistent with the Folsom Plan Area Specific Plan (FPASP) in regards to zoning and unit count.

ENVIRONMENTAL REVIEW

An Addendum to the Folsom Plan Area Environmental Impact Report was previously approved for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision (PN 19-091) on March 10, 2020 in accordance with the California Environmental Quality Act (CEQA). The project is consistent with this Addendum to the Folsom Plan Area Specific Plan EIR/EIS, and all mitigation measures have been applied as conditions of approval for this project. In addition, none of the conditions described in Section 21166 of the Public Resources Code or Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred. Therefore, no additional environmental review is required under CEQA.

ATTACHMENTS

1. Resolution No. 10670 - A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision, and Approval of the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision
2. Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision Improvement Agreement
3. Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision Final Map
4. Toll Brothers at Folsom Ranch Phase 1B & 1C Vesting Tentative Subdivision Map
5. Table of Conditions of Approval for the Toll Brothers at Folsom Ranch Phase 1B & 1C Vesting Tentative Subdivision Map

Submitted



PAM JOHNS, Community Development Director

ATTACHMENT 1

Resolution No. 10670 - A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision, and Approval of the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision

RESOLUTION NO. 10670

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION IMPROVEMENT AGREEMENT AND ACCEPT OFFERS OF DEDICATION FOR THE TOLL BROTHERS AT FOLSOM RANCH PHASE 1B & 1C SUBDIVISION, AND APPROVAL OF THE FINAL MAP FOR THE TOLL BROTHERS AT FOLSOM RANCH PHASE 1B & 1C SUBDIVISION

WHEREAS, the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C subdivision has been reviewed and approved by the City Engineer as complying with the approved or conditionally approved Vesting Tentative Subdivision Map for the subdivision; and

WHEREAS, the City Council has reviewed the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C subdivision; and

WHEREAS, the City Council agrees to accept, subject to improvement, any and all offers of dedication as shown on the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C subdivision.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the Final Map for the Toll Brothers at Folsom Ranch Phase 1B & 1C subdivision is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Subdivision Improvement Agreement with Toll West, Inc. which will do business in California as Toll Brothers West, Inc. in a form acceptable to the City Attorney and accept the offers of dedication for the Toll Brothers at Folsom Ranch Phase 1B & 1C subdivision.

PASSED AND ADOPTED this 27th day of July 2021, by the following roll-call vote:

- AYES: Councilmember(s)
- NOES: Councilmember(s)
- ABSENT: Councilmember(s)
- ABSTAIN: Councilmember(s)

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision Improvement Agreement

No Fee Document Pursuant to Government Code Section 6103.

RECORDING REQUESTED BY:

City of Folsom

WHEN RECORDED MAIL TO:

NAME City of Folsom
City Clerk
MAILING ADDRESS 50 Natoma Street
CITY, STATE, ZIP CODE Folsom, CA 95630

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

CITY OF FOLSOM

SUBDIVISION IMPROVEMENT AGREEMENT

This Agreement is made and entered into this _____ day of _____, 2021, by and between the **City of Folsom**, hereinafter referred to as "City", and **Toll West, Inc. which will do business in California as Toll Brothers West, Inc., a Delaware Corporation** hereinafter referred to as "Subdivider".

RECITALS

- A. Subdivider has presented to the City a certain Final Map of a proposed subdivision of land located within the corporate limits of the City that has been prepared in accordance with the Subdivision Map Act of the State of California, the subdivision ordinances of the City, and the Tentative Subdivision Map, if any, of the subdivision previously approved by the City Council of the City.
- B. The proposed subdivision of land is commonly known and described as **Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision** and is herein referred to as the "subdivision".
- C. Subdivider has requested approval of the Final Map prior to the construction and completion of the public improvements (as shown on the approved improvement plans and listed in Exhibit A), including, but not limited to streets, highways, public ways, sidewalks, curbs, gutters, bikeways, storm drainage facilities, sanitary sewer facilities, domestic water facilities, public utility facilities, landscaping, public lighting facilities, park or recreational improvements and appurtenances thereto, in or required by the Subdivision Map Act, the subdivision ordinances of the City, the Tentative Subdivision Map and development agreement, if any, approved by the City. The foregoing improvements, more specifically listed on Exhibit A attached hereto, are hereinafter referred to as "the required improvements".

D. City Council has required as a condition precedent to the approval of the Final Map, the Subdivider first enters into and executes this subdivision improvement agreement with the City.

NOW, THEREFORE, the parties agree as follows:

1. Performance of Work. Subdivider agrees to furnish, construct, and install at his own expense the required improvements as shown on the approved plans and specifications of the subdivision, a copy of which is on file in the Community Development Department, and is incorporated herein by reference, along with any changes or modifications as may be required by the City Engineer due to errors, omissions, changes in conditions, or changes in facilities as required by the City Engineer. The approved plans and specifications of the required improvements may be modified by the Subdivider as the development progresses, provided that any modification is approved in writing by the City Engineer. The total estimated cost of the required improvements, as shown on Exhibit A, is **FIVE MILLION EIGHTY-TWO THOUSAND SEVEN HUNDRED THIRTY-NINE AND 22/100 DOLLARS (\$5,082,739.22)**.
2. Work; Satisfaction of City Engineer. All of the work on the required improvements is to be done at the places, of the materials, and in the manner and at the grades, all as shown upon the approved plans and specifications and as required by the City's Improvement Standards and Standard Construction Specifications and any applicable City ordinances or state and federal laws, and to the satisfaction of the City Engineer.
3. Work; Time for Commencement and Performance. Work on the required improvements shall be completed by the Subdivider on or before twelve (12) months from the date of this Agreement. At least fifteen (15) calendar days prior to the commencement of such work, the Subdivider shall notify the City Engineer in writing of the date fixed by Subdivider for commencement of the work.
4. Time of Essence; Extension.
 - a. Time is of the essence of this Agreement. The date for completion of the work of construction may not be extended, except as provided in Section 16.36.110 of the Folsom Municipal Code.
5. Improvement Security. Concurrently with the execution of this Agreement, the Subdivider shall furnish the City:
 - a. Improvement security in the sum of **FIVE MILLION EIGHTY-TWO THOUSAND SEVEN HUNDRED THIRTY-NINE AND 22/100 DOLLARS (\$5,082,739.22)**, which sum is equal to one hundred percent of the total estimated cost of constructing the required improvements and the cost of any other obligation to be performed by Subdivider under this Agreement, conditioned upon the faithful performance of this Agreement; and
 - b. Separate improvement security in the sum of **FIVE MILLION EIGHTY-TWO THOUSAND SEVEN HUNDRED THIRTY-NINE AND 22/100 DOLLARS (\$5,082,739.22)**, which sum is equal to one hundred percent of the

estimated cost of constructing the required improvements, securing payment to the contractor, subcontractor and to persons furnishing labor, materials, or equipment to them for the construction of the required improvements.

- c. The Subdivider shall deposit with the City **THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00)** for the Final Map. The deposit may be used at the discretion of the City to correct deficiencies and conditions caused by the Subdivider, contractor, or subcontractors that may arise during or after the construction of the subdivision.
- d. The estimated total cost of required improvements includes a ten percent (10%) construction cost contingency, the cost of the installation of survey monuments in the Subdivision to guarantee and secure the placement of such monuments as provided by Section 66496 of the Government Code of the State of California, and an estimated utility cost in addition to ensure installation of public utilities. In lieu of providing the estimate of total utility costs, the Subdivider may submit, in a form acceptable to the City Engineer, certification from the utility companies that adequate security has been deposited to ensure installation.

6. Plan Checking and Inspection Fees. The Subdivider shall pay to the City fees for the checking, filing, and processing of improvement plans and specifications, and for inspecting the construction of the required improvements in the amounts and at the times established by the City.

7. Indemnification and Hold Harmless. The Subdivider shall indemnify, protect, defend, save and hold the City harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Subdivider or Subdivider’s officers, employees, volunteers, and agents during performance of this Agreement, or in connection with Subdivider’s work, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Subdivider or its employees, subcontractors, or agents, or by the quality or character of Subdivider’s work. It is understood that the duty of Subdivider to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Subdivider from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply, and shall further survive the expiration or termination of this Agreement. By execution of this Agreement, Subdivider acknowledges and agrees to the provisions of this Section and that it is a material element of consideration. Subdivider shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgement that may be rendered against the City in any such actions, suits or legal proceedings, or result thereof.

8. Insurance. Subdivider and any contractors hired by Subdivider to perform any of the Required Improvements shall, at their expense, maintain in effect for the duration of this Agreement or until the required improvements are accepted by the City, whichever first occurs, not less than the following coverage and limits of insurance, which shall be maintained with insurers and under forms of policy satisfactory to the City. The maintenance by Subdivider and its contractors of the following coverage and limits of insurance is a material element of this Agreement. The failure of Subdivider or any of its contractors to maintain or renew coverage or to provide evidence of renewal may be treated by the City as a material breach of this Agreement.

- a. Minimum Limits of Insurance. Subdivider shall maintain limits not less than:
 1. Comprehensive General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
 2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury, personal injury and property damage.
 3. Worker's Compensation and Employers Liability: Worker's Compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

- b. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions shall be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

- c. Other Insurance Provisions. The policies are to contain, or be endorsed to contain, the following provisions:
 1. General Liability and Automobile Liability Coverages
 - A. The City, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of the Subdivider; products and completed operations of the Subdivider; premises owned, leased or used by the Subdivider; or automobiles owned, leased, hired or borrowed by the Subdivider. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers.
 - B. The Subdivider's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the City, its officials, employees or volunteers shall be excess of the Subdivider's insurance and shall not contribute with it.

- C. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, officials, employees or volunteers.
- D. The Subdivider's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
2. Worker's Compensation and Employers Liability Coverage. The insurer shall agree to waive all rights or subrogation against the City, its officers, officials, employees and volunteers for losses arising from work performed by Subdivider for the City.
3. All Coverages. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided or cancelled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- d. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of not less than A: VII.
- e. Verification of Coverage. Concurrently with the execution of this Agreement, the Subdivider shall furnish the City with original endorsements affecting coverage required by this clause. The endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to require complete, certified copies of all required insurance policies at any time.
9. Title to Improvements. Title to and ownership of the required public improvements constructed under this Agreement by Subdivider shall vest absolutely in the City upon completion and written acceptance of such improvements by the City Engineer. The City Engineer shall not accept the required improvements unless Subdivider certifies that such improvements have been constructed in conformity with the approved plans and specifications, approved modifications, if any, the approved Final Map, City Improvement Standards and Standard Construction Specifications, any applicable City Ordinances or State and Federal laws and after 35 days from the date of filing of a Notice of Completion.
10. Warranty Security. Prior to acceptance of the required improvements by the City Engineer, the Subdivider shall provide security in the amount and in the form as required by the City Engineer to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the required improvements (Warranty Security) throughout the warranty security period which shall be the period of one year following completion and written acceptance of the improvements (Warranty Security Period). The amount of the Warranty Security shall not be less than 10 percent of the cost of the construction of the improvements, including the cash deposit required in paragraph 5C of this agreement, which shall be retained for the Warranty Security Period.

11. Repair or Reconstruction of Defective Work or Materials. If, within the Warranty Security Period or the applicable statute of limitations, whichever is longer, any improvement or part of any improvement furnished and/or installed or constructed by Subdivider or any of the work done under this Agreement fails to fulfill any of the requirements of the Agreement or the specifications referred to herein as determined by the City, Subdivider shall without delay and without any cost to the City, repair, replace, or reconstruct any defective or otherwise unsatisfactory part or parts of the required improvements. If the Subdivider fails to act promptly or in accordance with this requirement, or if the exigencies of the situation require repairs or replacements to be made before the Subdivider can be notified, then the City may, at its option, make the necessary repairs or replacements or perform the necessary work, and Subdivider shall pay to City the actual cost of such repairs plus fifteen percent (15%) within thirty (30) days of the date of billing for such work by City. The parties further understand and agree that the Warranty Security furnished pursuant to paragraph 10 of this Agreement shall guarantee and secure the faithful performance and payment of the provisions of this paragraph during the Warranty Security Period.
12. Subdivider Not Agent of City. Neither Subdivider nor any of Subdivider's agents or contractors are or shall be considered to be agents of City in connection with the performance of Subdivider's obligations under this Agreement.
13. Notice of Breach and Default. If Subdivider refuses or fails to prosecute the work, or any part thereof, with such diligence as will ensure its completion within the time specified, or any extension thereof, or fails to complete the work within such time, or if Subdivider should be adjudged a bankruptcy, or Subdivider should make a general assignment for the benefit of his creditors, or if a receiver should be appointed in the event of Subdivider's insolvency, or if Subdivider or any of Subdivider's contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement and the City may, but is under no obligation to, serve written notice upon Subdivider and Subdivider's surety, if any, of breach of this Agreement, or of any portion thereof.
14. Breach of Agreement; Performance By Surety or City. In the event of any such notice, Subdivider's surety, if any, shall have the duty to take over and complete the work and the required improvements; provided, however, that if the surety within fifteen (15) days after the serving of such notice of breach upon it does not give the City written notice of its intention to take over the performance thereof within fifteen (15) days after notice to the City of such election, then the City may take over the work and prosecute the same to completion by contract, or by any other method the City may deem advisable, for the account and at the expense of the Subdivider, and the Subdivider's surety shall be liable to City for any excess costs of damages incurred by the City; and in such event, the City, without liability for so doing, may take possession of and utilize in completing the work, such materials, appliances, plant or other property belonging to Subdivider as may be on the site of the work and necessary therefor.

If the form of improvement security is other than a bond, then the City, after giving notice of breach of the Agreement, may proceed to collect against the improvement security in the manner provided by law and by the terms of the security instrument.

- 15. Notices. All notices required under this Agreement shall be in writing, and delivered in person or sent by registered or certified mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

**City of Folsom
Community Development Department
50 Natoma Street
Folsom, CA 95630
ATTN: City Engineer**

Notices required to be given to Subdivider shall be addressed as follows:

**Toll West, Inc. which will do business in California as Toll Brothers West, Inc., a
Delaware Corporation
2330 East Bidwell Street, Suite 201
Folsom, CA 95630
ATTN; Greg Van Dam, Vice President – Land Development**

Notices required to be given surety, if any, of Subdivider shall be addressed as follows:

Any party of the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

- 16. Attorney's Fees. In the event any legal action is brought to enforce or interpret this Agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees, in addition to any other relief to which he may be entitled.

- 17. Assignment. This Agreement shall bind and inure to the benefit of the assigns, successors in interest, heirs, executors, and administrators of the parties, and the parties agree that the City may cause a copy of this Agreement to be recorded in the Sacramento County Recorder's Office.

IN WITNESS WHEREOF, the parties have executed this Agreement as follows:

SUBDIVIDER

**Toll West, Inc. which will do business in California as Toll Brothers West, Inc.,
A Delaware Corporation**

BY: _____ BY: _____

Print Name: _____ Print Name: _____

Title: _____ Title: _____

DATE _____ DATE: _____

CITY OF FOLSOM, a Municipal Corporation

Elaine Andersen
CITY MANAGER

DATE _____

ATTEST:

Christa Freemantle
CITY CLERK

DATE _____

APPROVED AS TO CONTENT:

Pam Johns
COMMUNITY DEVELOPMENT DIRECTOR

DATE _____

APPROVED AS TO FORM:

Steven Wang
CITY ATTORNEY

DATE _____

NOTICE: SIGNATURE(S) ON BEHALF OF "SUBDIVIDER" MUST BE NOTARIZED
Certificate of Acknowledgement pursuant to Civil Code, Section 1189, must be attached.
SUBDIVISION AGREEMENT – Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision

BOND # _____
PREMIUM: _____

PERFORMANCE BOND
for
Subdivision Improvement Agreement

WHEREAS, The City Council of the City of Folsom, a Municipal Corporation in the State of California, and **Toll West, Inc. which will do business in California as Toll Brothers West, Inc., a Delaware Corporation**, (hereinafter designated as “Principal”) have entered into an agreement where by principal agrees to install and complete certain designated public improvements, which said agreement, dated _____ 2021, and identified as the **Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision Improvement Agreement** is hereby referred to and made a part hereof; and,

WHEREAS, Said Principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement;

NOW THEREFORE, We, the principal, and _____, as surety, are held and firmly bound unto the City of Folsom, hereinafter referred to as the City; in the penal sum of **FIVE MILLION EIGHTY-TWO THOUSAND SEVEN HUNDRED THIRTY-NINE AND 22/100 DOLLARS (\$5,082,739.22)**, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors, and administrators, jointly and severally firmly by these presents.

The condition of this obligation is such that if the above bounded principal, its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, and provisions in the said agreement and any alteration thereof made as therein provided, on its part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City, its officers, agents, and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by City in successful enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on _____, 2021.

BY _____
(PRINCIPAL)

BY _____
(PRINCIPAL)

BY _____
(SURETY)

(ADDRESS)

(CITY, STATE, ZIP)

(TELEPHONE)

APPROVED AS TO FORM

CITY ATTORNEY

BOND # _____
PREMIUM: _____

LABOR & MATERIALS BOND
for
Subdivision Improvement Agreement

WHEREAS, The City Council of the City of Folsom, a Municipal Corporation of the State of California, and **Toll West, Inc. which will do business in California as Toll Brothers West, Inc., a Delaware Corporation** (hereinafter designated as “Principal”), have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____ 2021, and identified as the **Toll Brothers at Folsom Ranch Phase 1B & 1C Subdivision Improvement Agreement** is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Folsom to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California;

NOW THEREFORE, said principal and the undersigned as corporate surety, are held firmly bound unto the City of Folsom and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Code of Civil Procedure, in the sum of **FIVE MILLION EIGHTY-TWO THOUSAND SEVEN HUNDRED THIRTY-NINE AND 22/100 DOLLARS (\$5,082,739.22)** for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, cost and reasonable expenses and fees, including reasonable attorney’s fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persona, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of said agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration, or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on _____, 2021.

BY _____
(PRINCIPAL)

BY _____
(PRINCIPAL)

BY _____
(SURETY)

(ADDRESS)

(CITY, STATE, ZIP)

(TELEPHONE)

APPROVED AS TO FORM

CITY ATTORNEY

Attach Exhibit "A"

Engineers Estimate signed and stamped by Licensed Civil Engineer

ATTACHMENT 3
Toll Brothers at Folsom Ranch Phase 1B & 1C
Subdivision Final Map

OWNER'S STATEMENT

THE UNDERSIGNED DOES HEREBY STATE THAT WE ARE THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE BOUNDARIES OF THIS FINAL MAP OF TOLL BROTHERS AT FOLSOM RANCH - PHASE 1B & 1C...

WE DO HEREBY DEDICATE FOR SPECIFIC PURPOSES THE FOLLOWING

- 1. A PUBLIC EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF DRAIN, GAS, SEWER AND WATER PIPES AND FOR UNDERGROUND WIRES AND CONDUITS FOR ELECTRICAL, TELEVISION AND COMMUNICATIONS SERVICES...
2. A PUBLIC EASEMENT FOR PEDESTRIAN ACCESS ON, OVER AND ACROSS LOTS O, H, W, X, AB, AND A PORTION OF AC, AD, AV AND AW...
3. A PUBLIC EASEMENT AND RIGHT-OF-WAY FOR THE INSTALLATION, REPAIR, REMOVAL OR REPLACEMENT OF LANDSCAPING TOGETHER WITH ANY AND ALL APPURTENANCES...
4. AN EASEMENT FOR INGRESS AND EGRESS FOR SUPPORT AND USE BY LAW ENFORCEMENT, FIRE PROTECTION, WELFARE AND OTHER PUBLIC AGENCIES...
5. A PUBLIC EASEMENT FOR CONSTRUCTION AND MAINTAINING CENTRALIZED MAIL DELIVERY BOXES, PEDESTALS AND SLABS TOGETHER WITH ANY AND ALL APPURTENANCES...

TOLL WEST INC WHICH WILL DO BUSINESS IN CALIFORNIA AS TOLL BROTHERS WEST INC, A DELAWARE CORPORATION

BY NAME TITLE DATE

BY NAME TITLE DATE

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FOLSOM REAL ESTATE SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY IN JANUARY 2020...

MACKAY & SOMPS CIVIL ENGINEERS, INC



FOR REVIEW PURPOSES ONLY

PAUL FERGUSON, JR., PLS 9265 EXPIRATION DATE MARCH 31, 2022

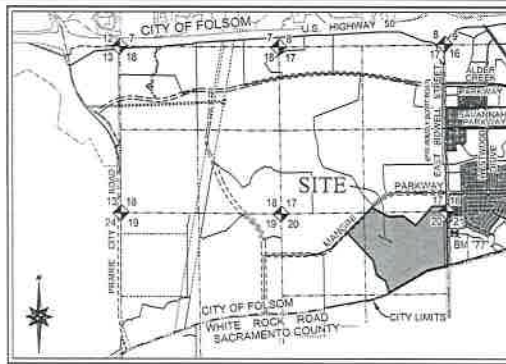
DATE

NAV088 BENCHMARK-CITY OF FOLSOM

BENCHMARK 77' ELEVATION = 380.78 NAV088

BRASS DISK STAMPED 'CITY OF FOLSOM BM 77' ON THE NORTHWEST CORNER OF A CONCRETE DRAINAGE STRUCTURE LOCATION OF SITE IS APPROXIMATELY 1300 FEET SOUTH OF THE INTERSECTION OF LANGRISH PARKWAY AND E BIDWELL STREET ON THE EAST SIDE OF E. BIDWELL STREET APPROXIMATE LATITUDE N380 37 30.01' LONGITUDE W121D 06 49.04'

ELEVATION OF 380.28 WAS ESTABLISHED BY A DIFFERENTIAL LEVEL CIRCUIT FROM COUNTY BENCHMARK L016-005 STAMPED 'K-950' IN FEBRUARY 2014 BY MACKAY AND SOMPS CIVIL ENGINEERS, INC.



VICINITY MAP N.T.S.

NOTARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA COUNTY OF ON BEFORE ME, A NOTARY PUBLIC

PERSONALLY APPEARED WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE PRINTED NAME

MY PRINCIPAL PLACE OF BUSINESS IS COUNTY

MY COMMISSION EXPIRES: MY COMMISSION NUMBER:

NOTARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA COUNTY OF ON BEFORE ME, A NOTARY PUBLIC

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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE PRINTED NAME

MY PRINCIPAL PLACE OF BUSINESS IS COUNTY

MY COMMISSION EXPIRES: MY COMMISSION NUMBER:

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TOLL BROTHERS AT FOLSOM RANCH - PHASE 1B & 1C AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF FOLSOM AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH.

STEVEN R. KRAHN, RCE 49291 CITY ENGINEER CITY OF FOLSOM LICENSE EXPIRES 09/30/2027

DATE:

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TOLL BROTHERS AT FOLSOM RANCH - PHASE 1B & 1C AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

GERALD A. YOUNG, L.S. 3652 CITY SURVEYOR LICENSE EXPIRES: 06/30/2022

DATE:

CITY CLERK'S STATEMENT

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF FOLSOM HAS APPROVED THIS FINAL MAP OF TOLL BROTHERS AT FOLSOM RANCH - PHASE 1B & 1C, AND HAS ACCEPTED, ON BEHALF OF THE PUBLIC, SUBJECT TO IMPROVEMENTS, ALL RIGHTS-OF-WAY AND EASEMENTS OFFERED HEREON FOR DEDICATION IN ACCORDANCE WITH THE TERMS OF THAT OFFER AND HAS APPROVED THE ABANDONMENT OF THE EASEMENTS LISTED HEREON.

CHRISTA FREEMANTLE CITY CLERK

DATE:

RECORDER'S STATEMENT

FILED THIS DAY OF 2021, AT M IN BOOK OF MAPS, AT PAGE AT THE REQUEST OF MACKAY & SOMPS CIVIL ENGINEERS, INC. TITLE TO THE LAND INCLUDED IN THIS FINAL MAP BEING VESTED AS PER CERTIFICATE NO. ON FILE IN THIS OFFICE.

DOCUMENT NO.

DOANNA ALLRED SACRAMENTO COUNTY RECORDER STATE OF CALIFORNIA

BY: DEPUTY FEE \$

FINAL MAP (PN 19-091) TOLL BROTHERS AT FOLSOM RANCH PHASE 1B & 1C

BEING PARCEL 4 AS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP TITLED 'PARCEL MAP' FILED FOR RECORD ON OCTOBER 11, 2012, IN BOOK 218 OF PARCEL MAPS AT PAGE 17, SACRAMENTO COUNTY RECORDS, AND A PORTION OF EAST BIDWELL STREET PER QUITCLAIM DEED RECORDED OCTOBER 11, 2019 AS DOCUMENT NO. 201910110556 AND QUITCLAIM DEED RECORDED JUNE 25, 2021 AS DOCUMENT NO. 202106251296, OFFICIAL RECORDS OF SACRAMENTO COUNTY, BEING A PORTION OF SECTIONS 17 & 20, TOWNSHIP 9 NORTH, RANGE 6 EAST, M.D.B.M.

CITY OF FOLSOM • SACRAMENTO COUNTY • CALIFORNIA



JULY 2021

SHEET 1 OF 16

TRUSTEE'S STATEMENT

FIRST AMERICAN TITLE COMPANY, AS TRUSTEE UNDER DEED OF TRUST AND ASSIGNMENT OF RENTS WITH FIXTURE FILING, RECORDED AUGUST 24, 2020, AS DOCUMENT NUMBER 202008240890 AND AMENDED BY DOCUMENT NUMBER 202101220066, RECORDED JANUARY 22, 2021, OFFICIAL RECORDS, HEREBY CONSENTS TO THE RECORDATION OF THIS MAP AND THE SUBDIVISION OF THE LANDS SHOWN HEREON.

NAME _____ DATE _____
 TITLE _____

NOTARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
 COUNTY OF _____
 ON _____ BEFORE ME _____, A NOTARY PUBLIC
 PERSONALLY APPEARED _____
 WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HIS/HER/IT/ THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/IT/ THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.
 WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____ PRINTED NAME _____
 MY PRINCIPAL PLACE OF BUSINESS IS _____ COUNTY _____
 MY COMMISSION EXPIRES _____ MY COMMISSION NUMBER _____

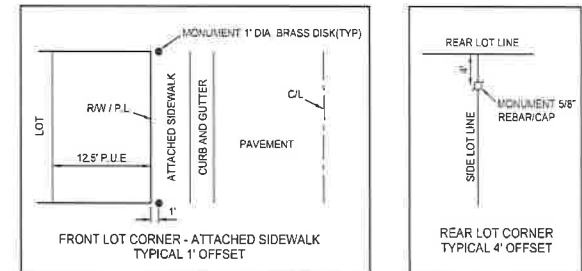
LEGEND

- SECTION CORNER AS NOTED
- 1/4 SECTION CORNER AS NOTED
- CENTER OF SECTION AS NOTED
- FOUND MONUMENT AS NOTED
- STANDARD CITY OF FOLSOM MONUMENT WELL STAMPED "LS 9265" TO BE SET PER(1)
- 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 5765" TO BE SET PER (1) OR (4)
- SET STANDARD CITY OF FOLSOM MONUMENT WELL STAMPED "LS 9265"
- SET 3/4" IRON PIPE WITH PLASTIC PLUG STAMPED "LS 9265"
- SET 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 9265"
- SET 3/4" BRASS TAG STAMPED "LS 9265"
- DIMENSION POINT
- () RECORD DATA PER REFERENCE
- AC ACRES
- B.M. BOOK OF MAPS
- BODY BOUNDARY
- CL CENTERLINE
- D.C.R. DECLARATION OF CONVENTS AND RESTRICTIONS
- DN DOCUMENT NUMBER, O.R.
- E.V.A. EMERGENCY VEHICLE ACCESS EASEMENT
- H.O.A. HOMEOWNERS ASSOCIATION
- I.O.D. IRREVOCABLE OFFER OF DEDICATION
- L.E. LANDSCAPE EASEMENT
- (OA) OVERALL
- (OR) OFFICIAL RECORDS OF SACRAMENTO COUNTY
- P.A.E. PEDESTRIAN ACCESS EASEMENT
- P.L. PROPERTY LINE
- P.L.E. PRIVATE LANDSCAPE EASEMENT (SEE NOTE 7)
- P.M. PARCEL MAP
- P.P.A. PRIVATE PEDESTRIAN ACCESS (SEE NOTE 8)
- P.R.E. PRIVATE ROADWAY EASEMENT (SEE NOTE 7)
- P.U.E. PUBLIC UTILITY EASEMENT
- (R) RADIAL BEARING
- R.S. RECORD OF SURVEY
- R.W. RIGHT-OF-WAY
- S.F. SQUARE FEET
- S.S.E. SANITARY SEWER EASEMENT
- (X) SHEET INDEX NUMBER
- _____ BOUNDARY
- _____ LOT LINE
- _____ LOT LINE & RIGHT OF WAY
- _____ EXISTING RIGHT-OF-WAY
- _____ CENTER LINE
- _____ EASEMENT LINE
- _____ SECTION LINE
- _____ ADJACENT PROPERTY LINE
- _____ MUNICIPAL LIMITS

NOTES

- ALL CURVE DIMENSIONS ARE RADIUS, DELTA AND ARC LENGTH. ALL DISTANCES SHOWN ARE GROUND DISTANCES AND ARE IN FEET AND DECIMALS THEREOF. DUE TO ROUNDING THE SUM OF INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.
- THIS FINAL MAP CONTAINS 125.8876 ACRES GROSS CONSISTING OF 188 RESIDENTIAL LOTS, 20 LETTERED LOTS AND 3 LARGE LOTS (LOT 1A, LOT 1D AND LOT 1E). THE RESIDENTIAL LOTS ARE NUMBERED WITH THE FOLLOWING SEQUENCES: 16-98, 130-136, AND 169-296. THE LETTERED LOTS ARE: B, D, H, O, W, X, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AO, AU, AV, AW, AND BE.
- "GEOTECHNICAL ENGINEERING STUDY - UPDATE FOR REGENCY AT FOLSOM RANCH" (PROJECT NO. E170583 042) WAS PREPARED BY YOUNGDAHL CONSULTING GROUP, INC IN MAY, 2019, AND IS AVAILABLE FOR PUBLIC INSPECTION AT THE CITY OF FOLSOM COMMUNITY DEVELOPMENT DEPARTMENT.
- ALL FRONT LOT CORNERS WILL BE SET IN THE SIDEWALK WITH A 1.00 FOOT OFFSET ON THE SIDE PROPERTY LINE EXTENDED WITH A 1" DIAMETER BRASS DISC STAMPED "LS 9265". WHERE SIDEWALK IS DETACHED, FRONT CORNERS WILL BE SET IN THE SIDEWALK ON THE SIDE LOT LINE WITH A 7.00 FOOT OFFSET WITH A 1" DIAMETER BRASS DISC STAMPED "LS 9265" (SEE DETAILS HEREON).
- ALL REAR LOT CORNERS AND ANGLE POINTS WILL BE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "LS 9265". ALL REAR LOT CORNERS THAT FALL WITHIN A RETAINING WALL OR MASONRY WALL, LOTS 17 THRU 48, 131, AND 264 THRU 269, WILL BE SET WITH A 4.00 FOOT OFFSET ON THE SIDE PROPERTY LINE WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "LS 9265" UNLESS OTHERWISE SPECIFIED ON THIS MAP.
- LOT B (PRIVATE ROAD) SHOWN HEREON SHALL BE GRANTED IN FEE SIMPLE TO THE REGENCY AT FOLSOM RANCH OWNERS ASSOCIATION AS A PRIVATE ROAD FOR THE BENEFIT AND GENERAL USE OF THE LOTS SHOWN HEREON.
- THE PRIVATE ROAD EASEMENT (P.R.E.) AND PRIVATE LANDSCAPE EASEMENT (P.L.E.) SHOWN ON LOT H ARE APPURTENANT TO LOT 1A SHOWN HEREON AND WILL BE MAINTAINED BY THE REGENCY AT FOLSOM RANCH OWNERS ASSOCIATION.
- A PRIVATE PEDESTRIAN ACCESS EASEMENT FOR THE BENEFIT AND GENERAL USE OF THE MEMBERS OF THE REGENCY AT FOLSOM RANCH OWNERS ASSOCIATION ON, OVER AND ACROSS THOSE STRIPS OF LAND SHOWN HEREON AND DESIGNATED "PRIVATE PEDESTRIAN ACCESS" (P.P.A.)
- LOTS AC, AD, AE, AF, AG, AH, AI, AJ, AO, AU, AV, AW AND BE SHOWN HEREON SHALL BE GRANTED IN FEE SIMPLE TO THE REGENCY AT FOLSOM RANCH OWNERS ASSOCIATION AS COMMON AREAS FOR LANDSCAPING AND FOR THE BENEFIT AND GENERAL USE OF THE LOTS SHOWN HEREON.
- LOT D SHALL BE GRANTED IN FEE SIMPLE TO THE REGENCY AT FOLSOM RANCH OWNERS ASSOCIATION FOR PRIVATE RECREATIONAL PURPOSES, AND MAINTAINED BY THE HOA.
- LOTS O, W, X AND AB ARE LANDSCAPE LOTS TO BE DEEDED IN FEE TO THE CITY OF FOLSOM AND MAINTAINED BY THE CITY OF FOLSOM.
- LOT H IS AN OPEN SPACE LOT AND WILL BE DEEDED IN FEE TO THE CITY OF FOLSOM BY SEPARATE DOCUMENT, SUBJECT TO THE PRIVATE ROAD EASEMENT (P.R.E.) SHOWN HEREON.
- LOTS 1A, 1D AND 1E ARE TO BE FUTURE PHASED DEVELOPMENTS AND ARE TO BE PHASED CONSISTENT WITH THE TENTATIVE MAP SUBMITTED BY TOLL BROTHERS AT FOLSOM RANCH RESOLUTION NO. 10400 PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF FOLSOM, MARCH 10, 2020.
- PROPERTY SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS AS CONTAINED IN THE DEED FROM CATHERINE HOLTHOUSE MANGINI AND ALBERT D. MANGINI (WHO ACQUIRED TITLE AS ALBERT D. MANGINI), WIFE AND HUSBAND, RECORDED SEPTEMBER 12, 2002, (BOOK) 20020912 (PAGE) 282, OFFICIAL RECORDS AND RE-RECORDED MAY 9, 2007, (BOOK) 20070509 (PAGE) 525, OFFICIAL RECORDS.
- PROPERTY SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "FIRST AMENDED AND RESTATED TIER 1 DEVELOPMENT AGREEMENT" RECORDED JULY 15, 2014 AS BOOK 20140715, PAGE 426 OF OFFICIAL RECORDS.
 - DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JANUARY 29, 2016 AS BOOK 20160129, PAGE 0381 OF OFFICIAL RECORDS.
 - DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JANUARY 28, 2016 AS BOOK 20160129, PAGE 0382 OF OFFICIAL RECORDS.
 - DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED OCTOBER 6, 2020 AS BOOK 20201006, PAGE 1311 OF OFFICIAL RECORDS.
 - "PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT RELATIVE TO THE FOLSOM SPECIFIC PLAN AMENDED AND RESTATED TIER 1 DEVELOPMENT AGREEMENT" RECORDED AUGUST 24, 2020, AS INSTRUMENT NO. 202008240893 OF OFFICIAL RECORDS.
- PROPERTY SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS AS CONTAINED IN THE AGREEMENT ENTITLED "WATER SUPPLY AND FACILITIES FINANCING PLAN AND AGREEMENT," BY AND BETWEEN THE CITY OF FOLSOM, AND FOLSOM REAL ESTATE SOUTH, LLC, ET AL, RECORDED JANUARY 24, 2013, (BOOK) 20130124 (PAGE) 1382, OFFICIAL RECORDS; AMENDMENT TO THE WATER SUPPLY AND FACILITIES FINANCING PLAN AND AGREEMENT, RECORDED JUNE 3, 2014, BOOK 20140603, PAGE 959, OFFICIAL RECORDS; AND AMENDMENT TO THE WATER SUPPLY AND FACILITIES FINANCING PLAN AND AGREEMENT, RECORDED JUNE 3, 2014, BOOK 20140603, PAGE 960, OFFICIAL RECORDS.
- THE LAND DESCRIBED HEREIN LIES WITHIN THE BOUNDARY OF THE CITY OF FOLSOM COMMUNITY FACILITIES DISTRICT 2013-1 (WATER FACILITIES & SUPPLY), AS DISCLOSED BY THAT CERTAIN ASSESSMENT MAP, RECORDED DECEMBER 30, 2013, AS (BOOK) 20121230 (PAGE) 311, AND IS SUBJECT TO ANY FUTURE ASSESSMENT THEREOF.
- PROPERTY SUBJECT TO AN EASEMENT OVER SAID LAND FOR AVIGATION AND INCIDENTAL PURPOSES, AS GRANTED TO THE COUNTY OF SACRAMENTO AND THE CITY OF FOLSOM, IN DEED RECORDED JULY 15, 2014, (BOOK) 20140715 (PAGE) 427, OFFICIAL RECORDS.
- THE LAND DESCRIBED HEREIN LIES WITHIN THE BOUNDARY OF THE CITY OF FOLSOM, COMMUNITY FACILITIES DISTRICT NO. 18 (FOLSOM PLAN AREA - WIDE IMPROVEMENTS AND SERVICES), AS DISCLOSED BY THAT CERTAIN ASSESSMENT MAP, RECORDED DECEMBER 9, 2015, AS (BOOK) 20151209 (PAGE) 427, AND IS SUBJECT TO ANY FUTURE ASSESSMENT THEREOF.
 - DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED NOVEMBER 16, 2018 AS BOOK 20181116, PAGE 0465 OF OFFICIAL RECORDS.
 - THE LAND DESCRIBED HEREIN LIES WITHIN THE BOUNDARY OF THE CITY OF FOLSOM COMMUNITY FACILITIES DISTRICT NO. 23 (FOLSOM RANCH) IMPROVEMENT AREA NO. 3, RECORDED JUNE 8, 2020 AS (BOOK) 20200608 (PAGE) 1611 AS DISCLOSED BY THAT CERTAIN ASSESSMENT MAP (BOOK) 130 OF MAPS AT (PAGE) 27, RECORDED APRIL 20, 2020 OF OFFICIAL RECORDS.
- THE LAND DESCRIBED HEREIN LIES WITHIN THE BOUNDARY OF THE CITY OF FOLSOM COMMUNITY

- FACILITIES DISTRICT NO. 17 (WILLOW HILL PIPELINE), AS DISCLOSED BY THAT CERTAIN ASSESSMENT MAP RECORDED FEBRUARY 24, 2016, AS (BOOK) 20160224 (PAGE) 424, AND IS SUBJECT TO ANY FUTURE ASSESSMENT THEREOF.
- ANY EASEMENT FOR WATER COURSE OVER THAT PORTION OF THE LAND LYING WITHIN ALDER CREEK, TOGETHER WITH ANY RIGHTS IN FAVOR OF THE PUBLIC FOR FISHING AND RECREATION PURPOSES OVER THE PORTION OF THE LAND THAT IS PRESENTLY COVERED BY WATER DISCLOSED ON ASSESSOR PLAT BOOK 72 PAGE 6.
- THE LAND LIES WITH THE BOUNDARIES OF PROPOSED SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 2.
- PURSUANT TO SECTION 66434(G) OF THE SUBDIVISION ACT THE FILING OF THIS FINAL MAP SHALL CONSTITUTE ABANDONMENT OR REJECTION OF THE IRREVOCABLE OFFER OF DEDICATION AND EASEMENTS WITHIN THE BOUNDARIES OF THIS SUBDIVISION LISTED BELOW:
 - THAT PORTION WITHIN PARCEL 4 OF THE IRREVOCABLE OFFER TO DEDICATE FOR ROAD RIGHT-OF-WAY AND INCIDENTAL PURPOSES IN DEED (BOOK) 20170329 (PAGE) 527, OFFICIAL RECORDS AND NOT SHOWN HEREON (NEW RIGHTS-OF-WAY DEDICATED WITH THIS MAP).
 - THAT PORTION OF AN EASEMENT FOR ROAD RIGHT-OF-WAY AND INCIDENTAL PURPOSES IN DEED (BOOK) 20130404 (PAGE) 1031, OFFICIAL RECORDS WITHIN WHITE ROCK ROAD.
 - THAT PORTION WITHIN PARCEL 4 OF THE EASEMENT FOR PUBLIC ROADWAY AND PUBLIC UTILITIES IN DEED (BOOK) 20120622 (PAGE) 1413, OFFICIAL RECORDS AND NOT SHOWN HEREON.
 - EASEMENT FOR DRAINAGE (D.E.) AND INCIDENTAL PURPOSES, AREAS 7, 9, 10, 11, 12, 13, 14, 15 & 16 IN DEED (BOOK) 20170329 (PAGE) 528, OFFICIAL RECORDS.
 - ABUTTERS RIGHTS DESCRIBED IN 5043 O.R. 157.
 - ANY RIGHT-OF-WAY WITHIN EAST BIDWELL STREET (FORMERLY SCOTT ROAD) (NEW RIGHT-OF-WAY DEDICATED WITH THIS MAP).
 - AREA 1 PER DJJ 202106080612, OFFICIAL RECORDS.

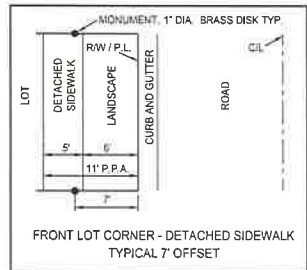


BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS THE NORTHEASTERLY LINE OF PARCEL 2A AS SHOWN THAT CERTAIN PARCEL MAP TITLED "PARCEL MAP" FILED FOR RECORD ON JUNE 3, 2019 IN BOOK 236 OF PARCEL MAPS, AT PAGE 10, SACRAMENTO COUNTY RECORDS AND HAVING A BEARING OF NORTH 43°02'25" WEST BETWEEN THE FOUND MONUMENTS SHOWN HEREON.

REFERENCES

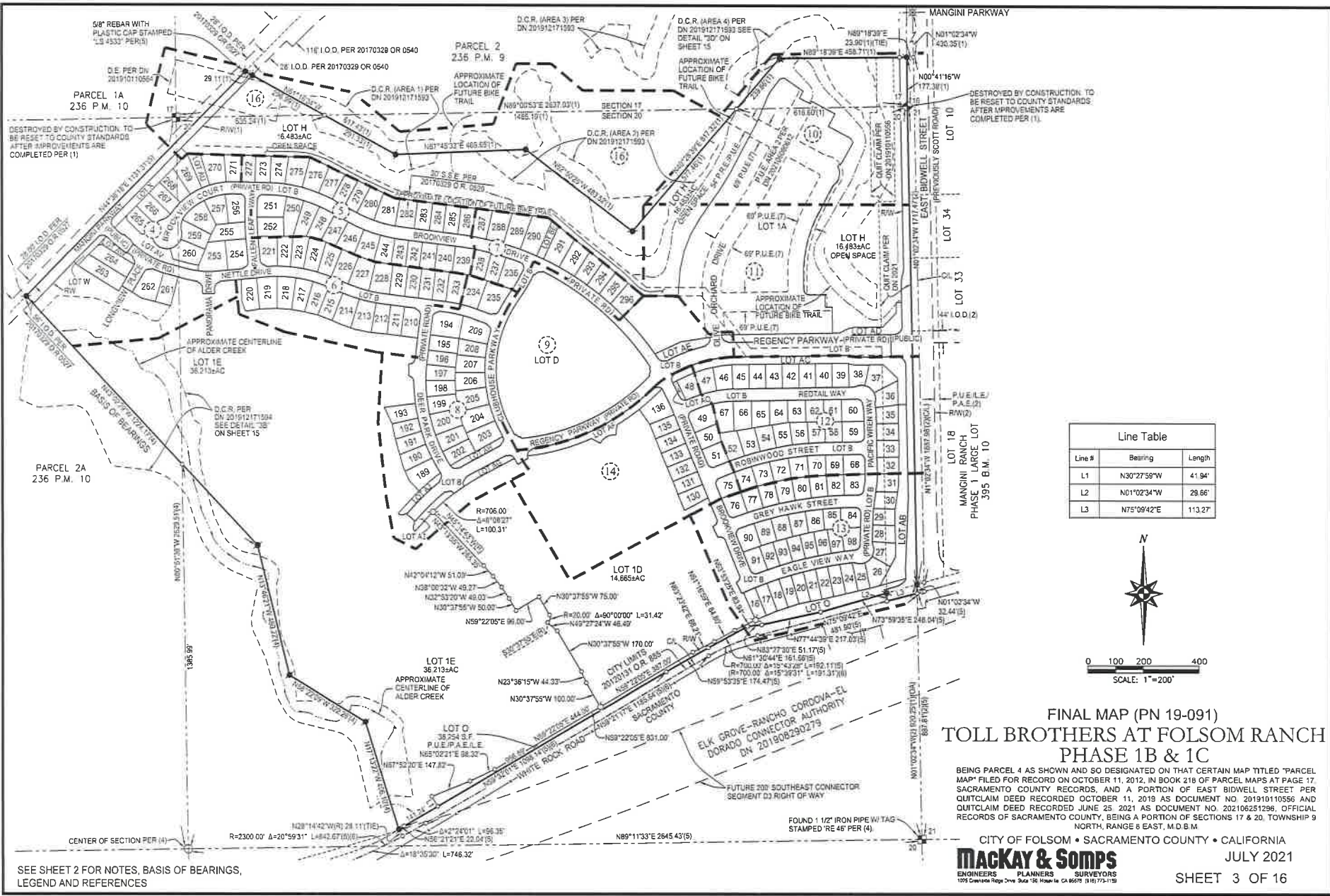
- 236 P.M. 9
- 385 B.M. 10
- DN 20191217593
- 236 P.M. 10
- 218 P.M. 17
- 87 R.S. 20
- DN 202106080612 - P.U.E.
- DN 20191010564
- 20170329 O.R. 0629
- DN 201912171594
- DN _____ - QUIT CLAIM (EAST BIDWELL ST.)



**FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C**

BEING PARCEL 4 AS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP TITLED "PARCEL MAP" FILED FOR RECORD ON OCTOBER 11, 2012, IN BOOK 218 OF PARCEL MAPS AT PAGE 17, SACRAMENTO COUNTY RECORDS, AND A PORTION OF EAST BIDWELL STREET PER OUTCLAIM DEED RECORDED OCTOBER 11, 2019 AS DOCUMENT NO. 201910110556 AND OUTCLAIM DEED RECORDED JUNE 25, 2021 AS DOCUMENT NO. 202105251296, OFFICIAL RECORDS OF SACRAMENTO COUNTY, BEING A PORTION OF SECTIONS 17 & 20, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.B.M.

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 SHEET 2 OF 16

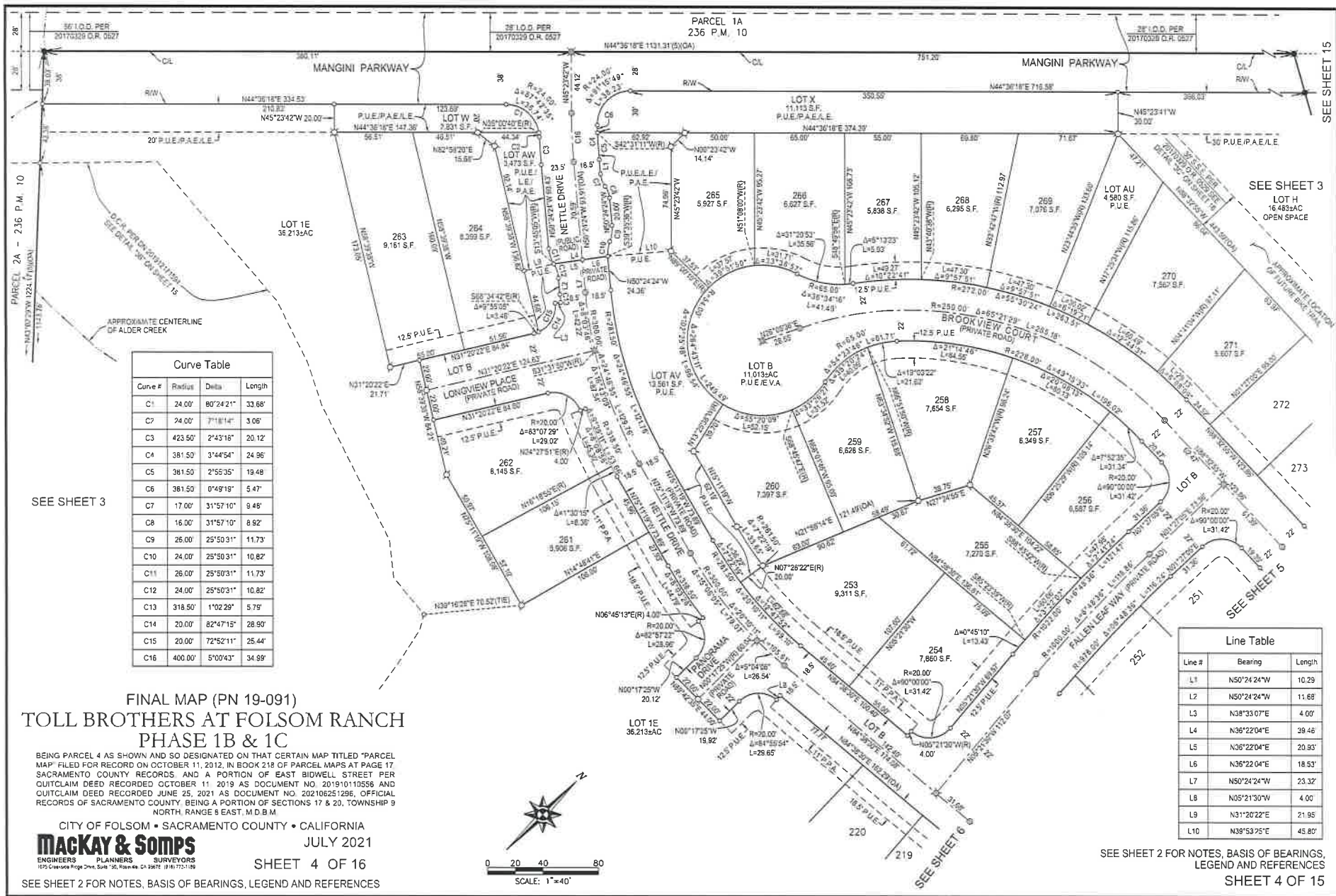


SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES

FINAL MAP (PN 19-091)
**TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C**

BEING PARCEL 4 AS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP TITLED "PARCEL MAP" FILED FOR RECORD ON OCTOBER 11, 2012, IN BOOK 218 OF PARCEL MAPS AT PAGE 17, SACRAMENTO COUNTY RECORDS, AND A PORTION OF EAST BIDWELL STREET PER QUITCLAIM DEED RECORDED OCTOBER 11, 2018 AS DOCUMENT NO. 201910110556 AND QUITCLAIM DEED RECORDED JUNE 25, 2021 AS DOCUMENT NO. 202106251296, OFFICIAL RECORDS OF SACRAMENTO COUNTY, BEING A PORTION OF SECTIONS 17 & 20, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.B.M.

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 SHEET 3 OF 16



Curve Table			
Curve #	Radius	Delta	Length
C1	24.00'	80°24'21"	33.66'
C7	24.00'	7°18'14"	3.06'
C3	423.50'	2°43'18"	20.12'
C4	381.50'	3°44'54"	24.96'
C5	361.50'	2°55'35"	19.48'
C6	381.50'	0°49'19"	5.47'
C7	17.00'	31°57'10"	9.48'
C8	16.00'	31°57'10"	8.82'
C9	26.00'	25°50'31"	11.73'
C10	24.00'	25°50'31"	10.82'
C11	26.00'	25°50'31"	11.73'
C12	24.00'	25°50'31"	10.82'
C13	318.50'	1°02'29"	5.79'
C14	20.00'	82°47'15"	28.90'
C15	20.00'	72°52'11"	25.44'
C16	400.00'	5°00'43"	34.98'

Line Table		
Line #	Bearing	Length
L1	N50°24'24"W	10.29'
L2	N50°24'24"W	11.68'
L3	N38°33'07"E	4.00'
L4	N36°22'04"E	39.46'
L5	N36°22'04"E	20.93'
L6	N36°22'04"E	18.53'
L7	N50°24'24"W	23.32'
L8	N35°21'30"W	4.00'
L9	N31°20'22"E	21.95'
L10	N38°53'25"E	45.80'

**FINAL MAP (PN 19-091)
TOLL BROTHERS AT FOLSOM RANCH
PHASE 1B & 1C**

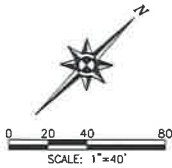
BEING PARCEL 4 AS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP TITLED "PARCEL MAP" FILED FOR RECORD ON OCTOBER 11, 2012, IN BOOK 218 OF PARCEL MAPS AT PAGE 17 SACRAMENTO COUNTY RECORDS AND A PORTION OF EAST BIDWELL STREET PER QUITCLAIM DEED RECORDED OCTOBER 11, 2019 AS DOCUMENT NO. 201910110556 AND QUITCLAIM DEED RECORDED JUNE 25, 2021 AS DOCUMENT NO. 202106251298, OFFICIAL RECORDS OF SACRAMENTO COUNTY, BEING A PORTION OF SECTIONS 17 & 20, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.B.M.

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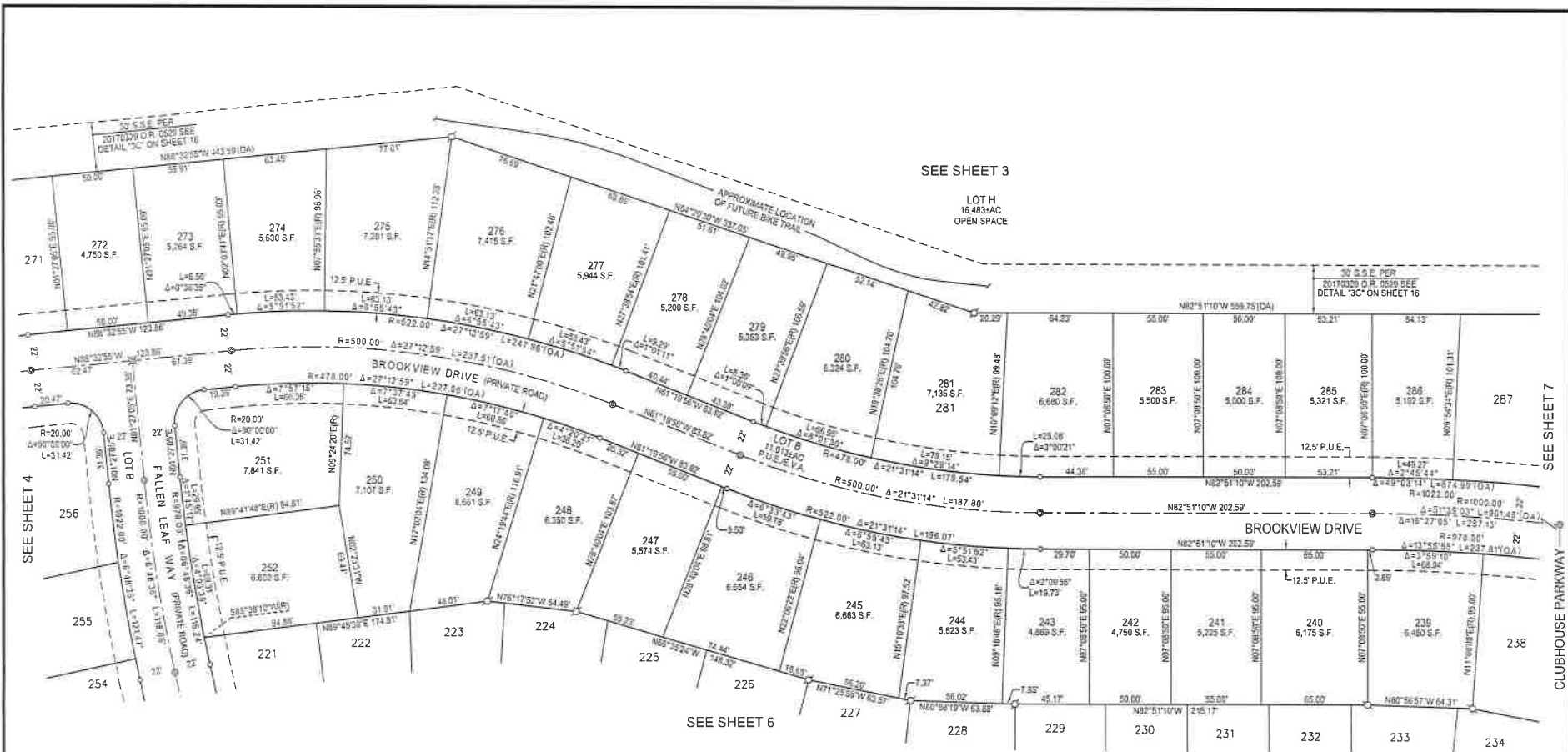
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SHEET 4 OF 16

SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES



SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES
SHEET 4 OF 15



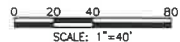
SEE SHEET 4

SEE SHEET 3

SEE SHEET 7

SEE SHEET 6

SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES

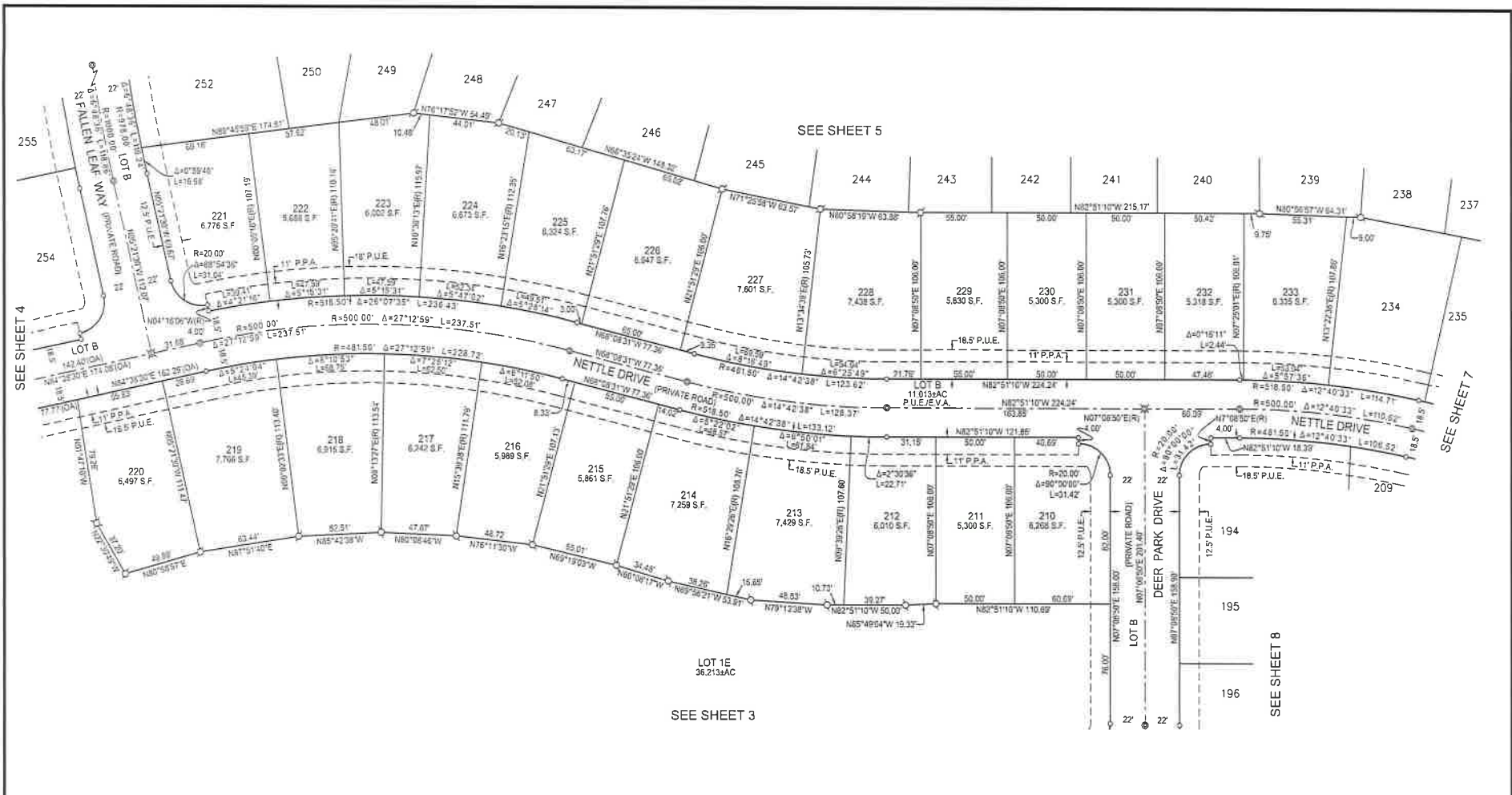


FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C

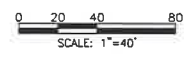
BEING PARCEL 4 AS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP TITLED "PARCEL MAP" FILED FOR RECORD ON OCTOBER 11, 2012, IN BOOK 216 OF PARCEL MAPS AT PAGE 17, SACRAMENTO COUNTY RECORDS, AND A PORTION OF EAST BIDWELL STREET PER QUITCLAIM DEED RECORDED OCTOBER 11, 2019 AS DOCUMENT NO. 201910110556 AND QUITCLAIM DEED RECORDED JUNE 25, 2021 AS DOCUMENT NO. 202106251296, OFFICIAL RECORDS OF SACRAMENTO COUNTY, BEING A PORTION OF SECTIONS 17 & 20, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D. 9 M.

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JULY 2021
 SHEET 5 OF 16



SEE SHEET 2 FOR NOTES AND SHEET 3 FOR BASIS OF BEARINGS, LEGEND AND REFERENCES



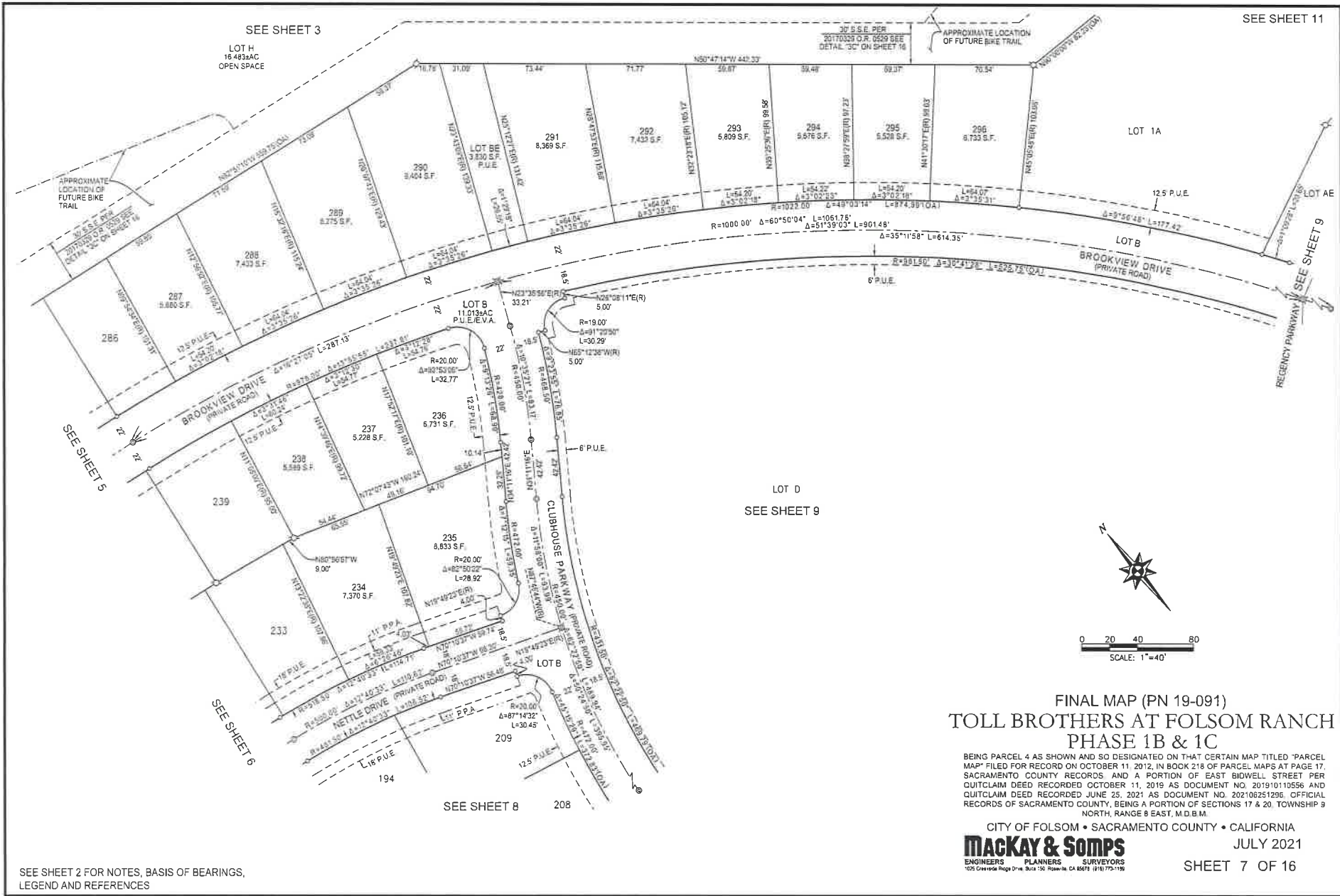
FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C

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JULY 2021
 SHEET 6 OF 16



FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C

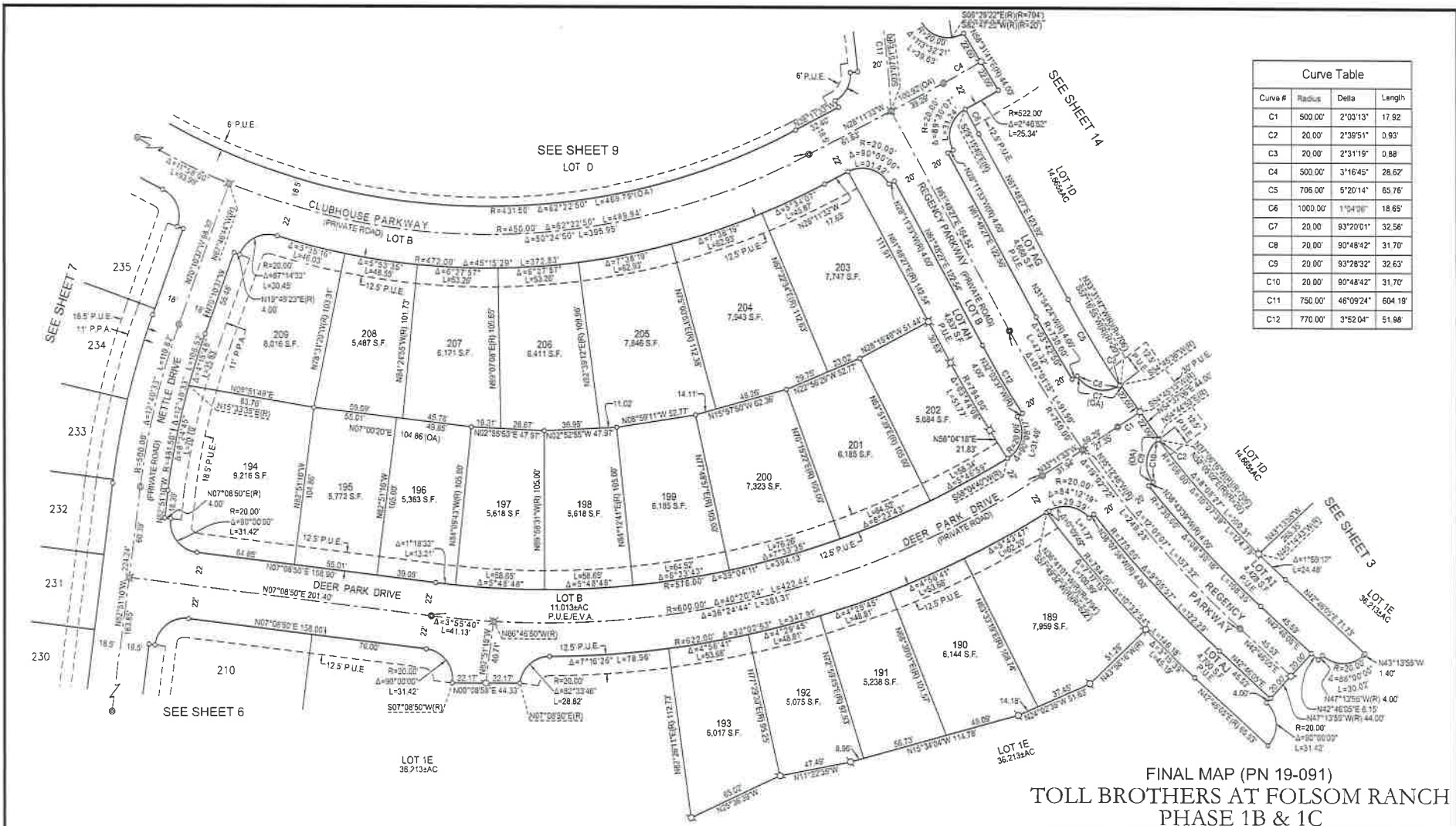
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SHEET 7 OF 16

SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES

Curve Table			
Curve #	Radius	Delta	Length
C1	500.00'	2°03'13"	17.92'
C2	20.00'	2°39'51"	0.93'
C3	20.00'	2°31'19"	0.88'
C4	500.00'	3°16'45"	26.62'
C5	706.00'	5°20'14"	65.76'
C6	1000.00'	1°54'00"	18.65'
C7	20.00'	93°20'01"	32.58'
C8	20.00'	90°48'42"	31.70'
C9	20.00'	93°28'32"	32.63'
C10	20.00'	90°48'42"	31.70'
C11	750.00'	46°09'24"	604.19'
C12	770.00'	3°52'04"	51.98'



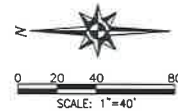
**FINAL MAP (PN 19-091)
TOLL BROTHERS AT FOLSOM RANCH
PHASE 1B & 1C**

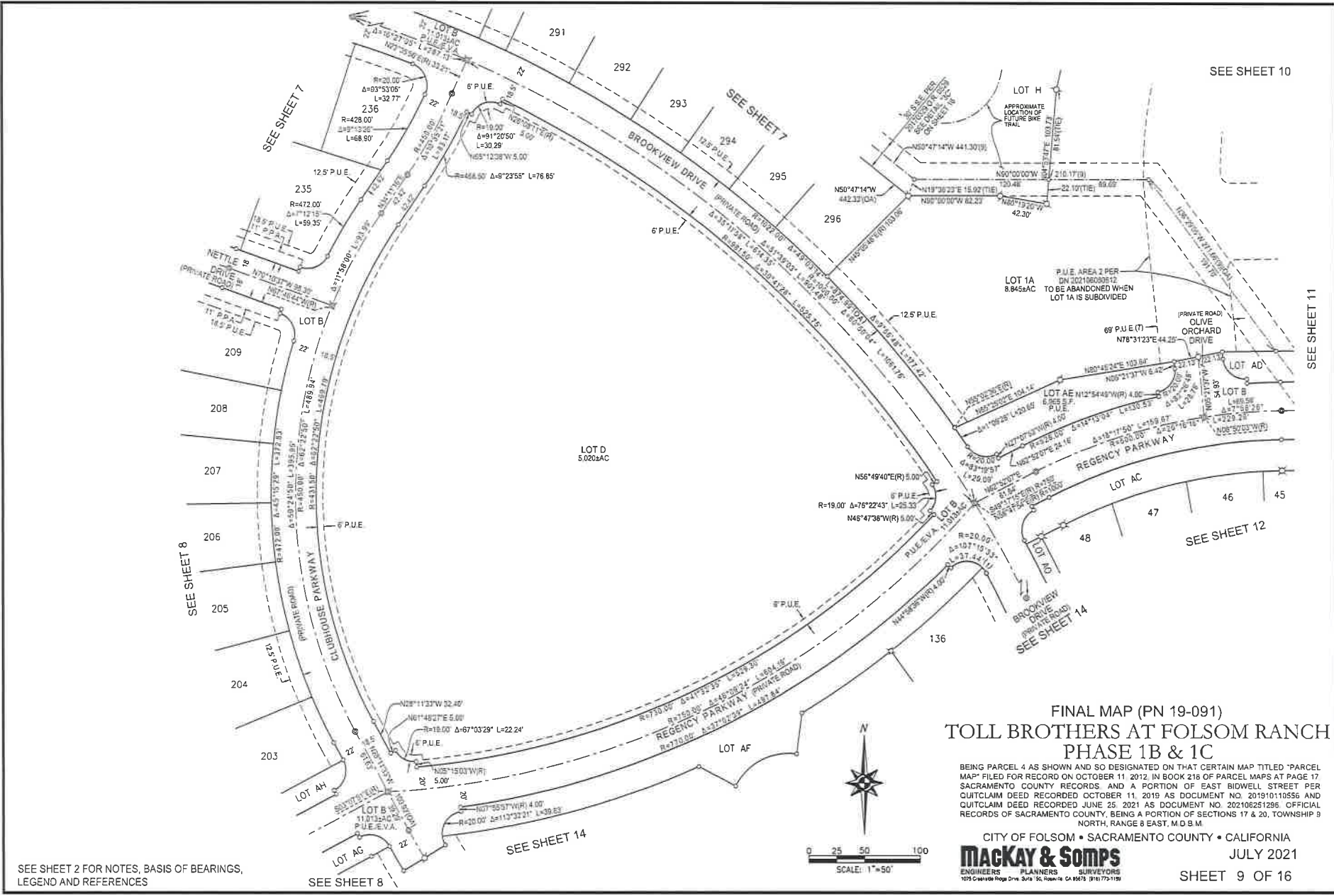
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SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES

SEE SHEET 3





FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C

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FINAL MAP (PN 19-091) TOLL BROTHERS AT FOLSOM RANCH PHASE 1B & 1C

BEING PARCEL 4 AS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP TITLED "PARCEL MAP" FILED FOR RECORD ON OCTOBER 11, 2012, IN BOOK 218 OF PARCEL MAPS AT PAGE 17, SACRAMENTO COUNTY RECORDS, AND A PORTION OF EAST BIDWELL STREET PER QUITCLAIM DEED RECORDED OCTOBER 11, 2019 AS DOCUMENT NO. 201910110556 AND QUITCLAIM DEED RECORDED JUNE 25, 2021 AS DOCUMENT NO. 202106251296, OFFICIAL RECORDS OF SACRAMENTO COUNTY, BEING A PORTION OF SECTIONS 17 & 20, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.B.M.

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SHEET 10 OF 16

PARCEL 2
236 P.M. 9
D.C.R. AREA 4 PER DN 201912171593
SEE DETAIL "3D" ON SHEET 15

LOT H
16.483±AC
OPEN SPACE

LOT 1A
8.845±AC

LOT H
16.483±AC
OPEN SPACE

SECTION 17
SECTION 20

PARCEL 2
236 P.M. 9

SEE SHEET 3



0 20 40 80
SCALE: 1"=40'

APPROXIMATE LOCATION OF FUTURE BIKE TRAIL

BLUE AREA TO BE RE-DESIGNED TO BE AN UNIMPROVED LOT TO BE SUBDIVIDED

BLUE AREA TO BE RE-DESIGNED TO BE AN UNIMPROVED LOT TO BE SUBDIVIDED

D.C.R. AREA 4 PER DN 201912171593
SEE DETAIL "3D" ON SHEET 15

QUIT CLAIM PER 201910110555

MANGINI PARKWAY

EAST BIDWELL STREET

SECTION 20
SECTION 21

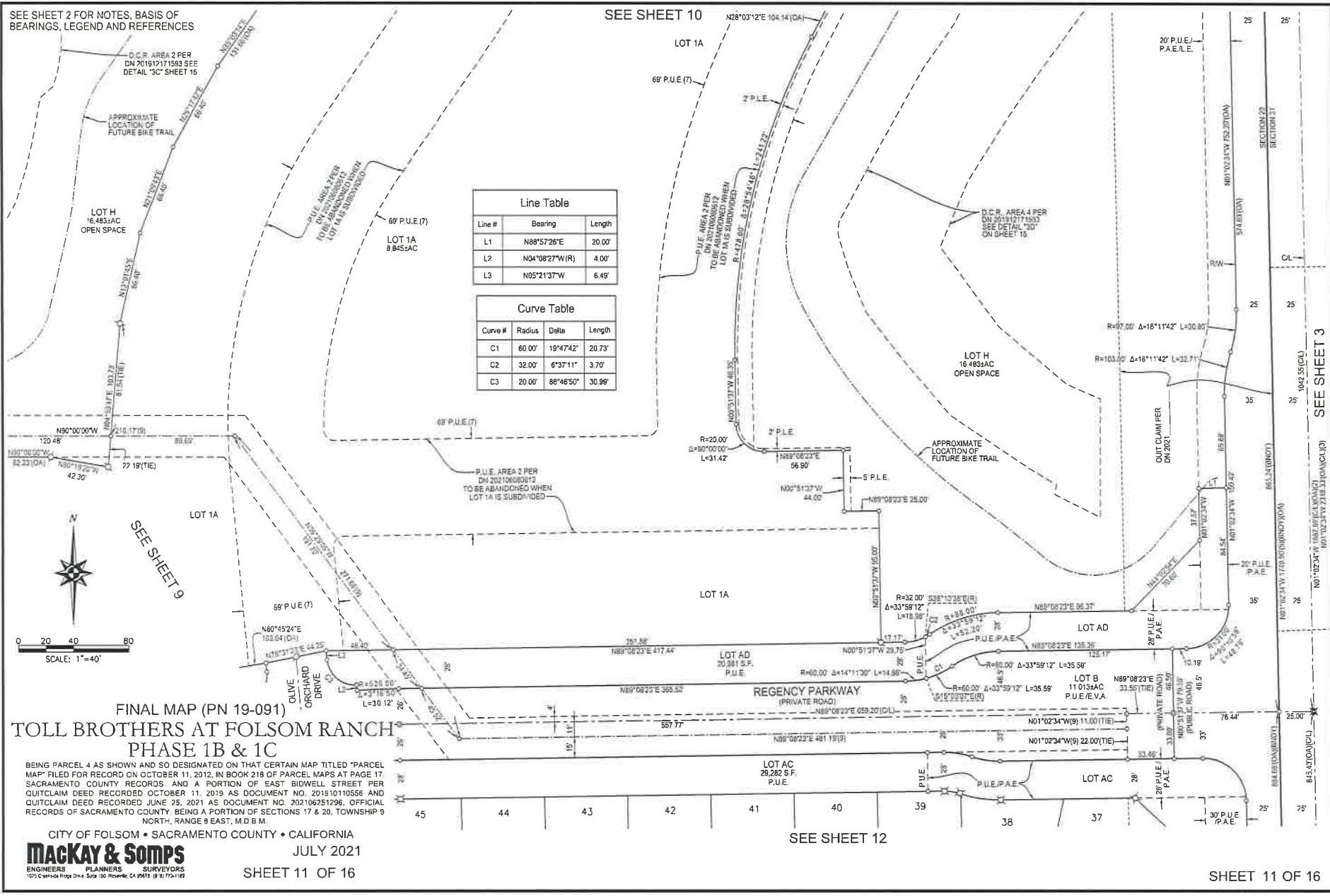
SHEET 10 OF 16

SEE SHEET 9

SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES

SEE SHEET 11

SEE SHEET 3



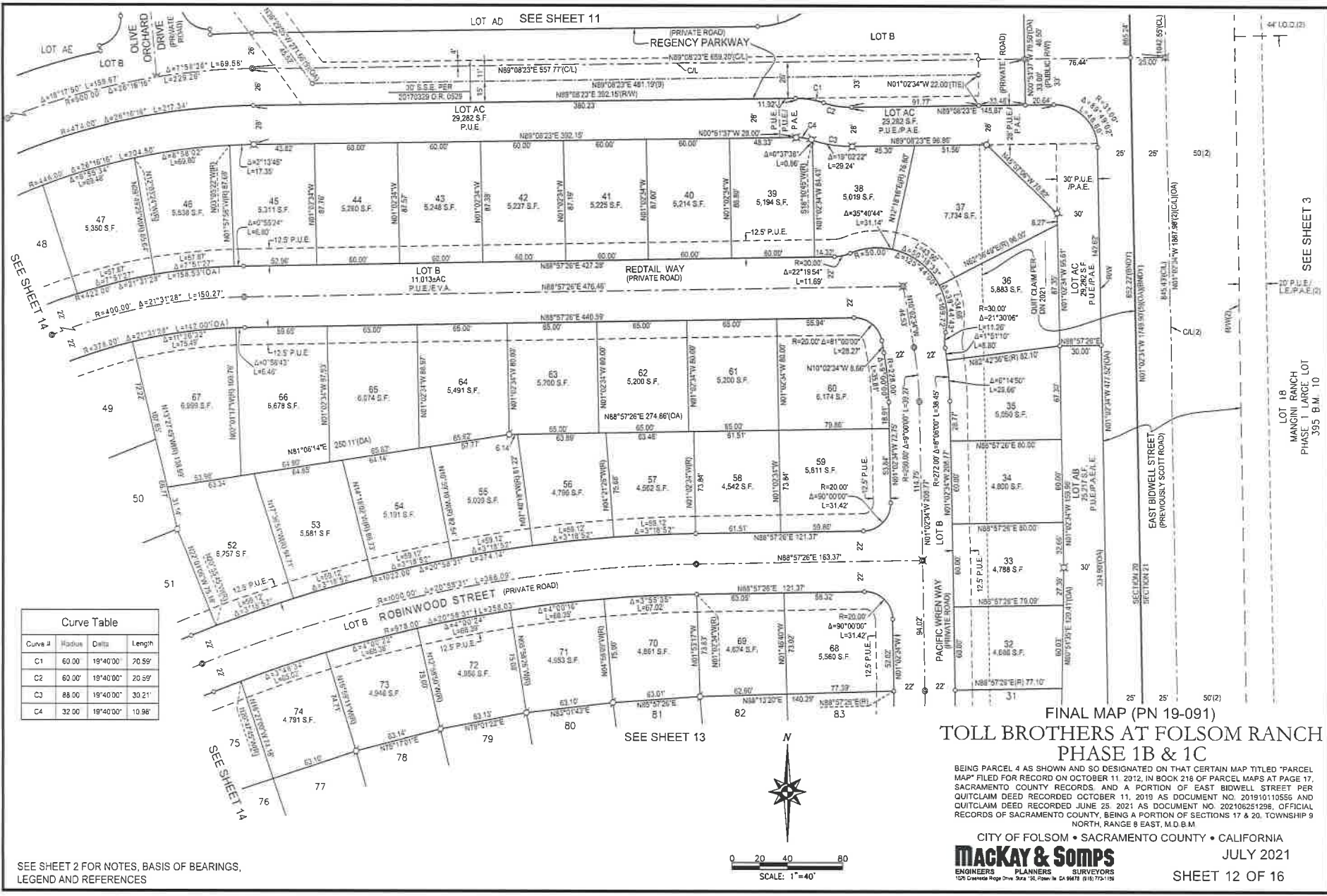
Line Table		
Line #	Bearing	Length
L1	N88°57'26"E	20.00'
L2	N34°08'27"W(R)	4.00'
L3	N05°21'37"W	6.49'

Curve Table			
Curve #	Radius	Delta	Length
C1	60.00'	19°47'42"	20.73'
C2	32.00'	6°37'11"	3.70'
C3	20.00'	88°46'50"	30.99'

**FINAL MAP (PN 19-091)
TOLL BROTHERS AT FOLSOM RANCH
PHASE 1B & 1C**

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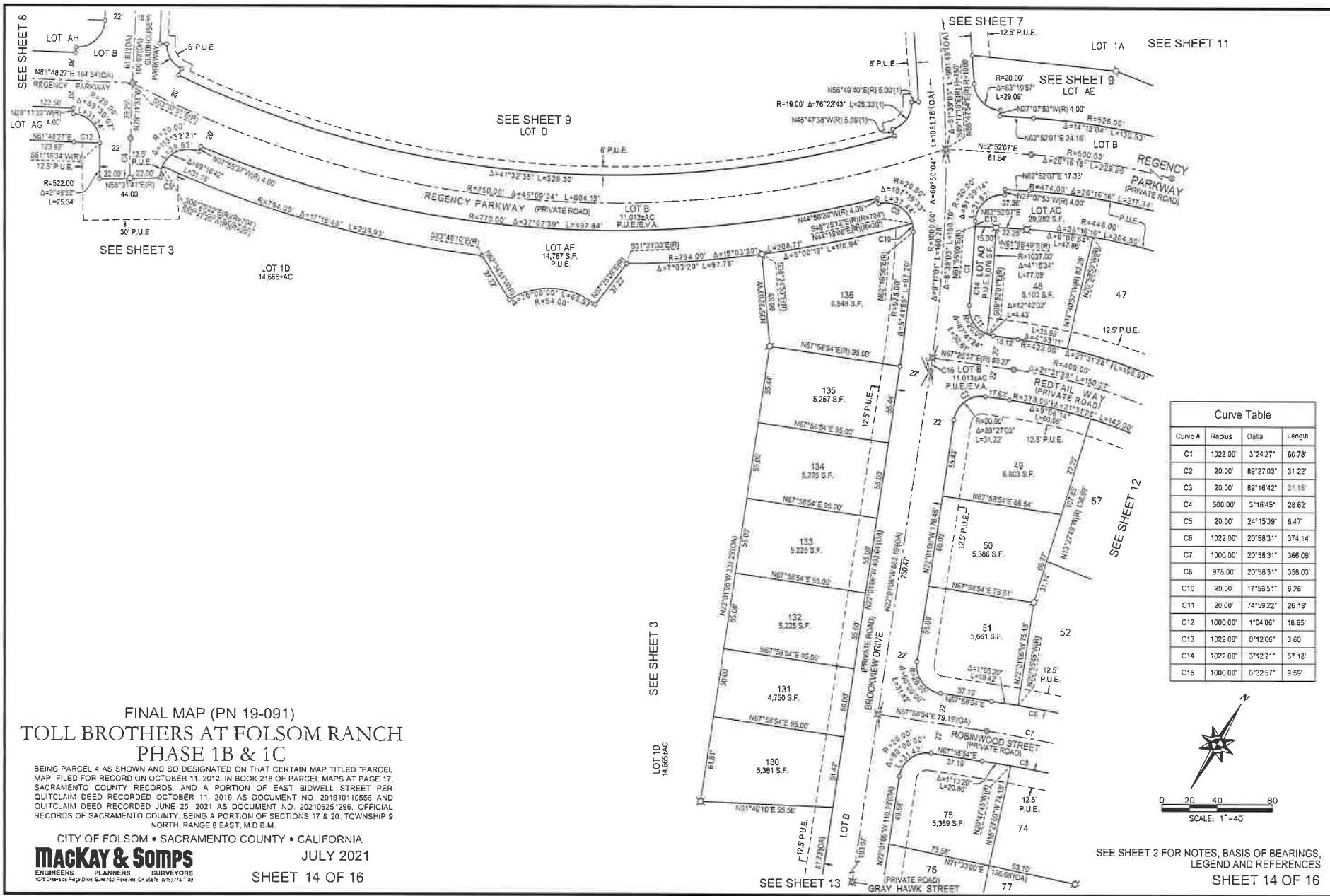
Curve #	Radius	Delta	Length
C1	60.00	19°40'00"	20.59'
C2	60.00	19°40'00"	20.59'
C3	88.00	19°40'00"	30.21'
C4	32.00	19°40'00"	10.98'

FINAL MAP (PN 19-091)
**TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C**

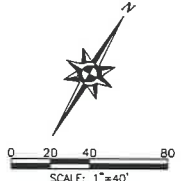
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 SHEET 12 OF 16

SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES



Curve Table			
Curve #	Radius	Delta	Length
C1	1022.00	3°24'27"	60.78'
C2	20.00	89°27'03"	31.22'
C3	20.00	89°16'42"	31.18'
C4	500.00	3°16'45"	28.62'
C5	20.00	24°15'39"	6.47'
C6	1022.00	20°58'31"	374.14'
C7	1000.00	20°58'31"	368.09'
C8	978.00	20°58'31"	358.03'
C10	20.00	17°58'51"	6.78'
C11	20.00	74°59'22"	26.18'
C12	1000.00	1°04'06"	16.65'
C13	1022.00	0°12'06"	3.60'
C14	1022.00	3°12'21"	57.18'
C15	1000.00	0°32'57"	9.59'

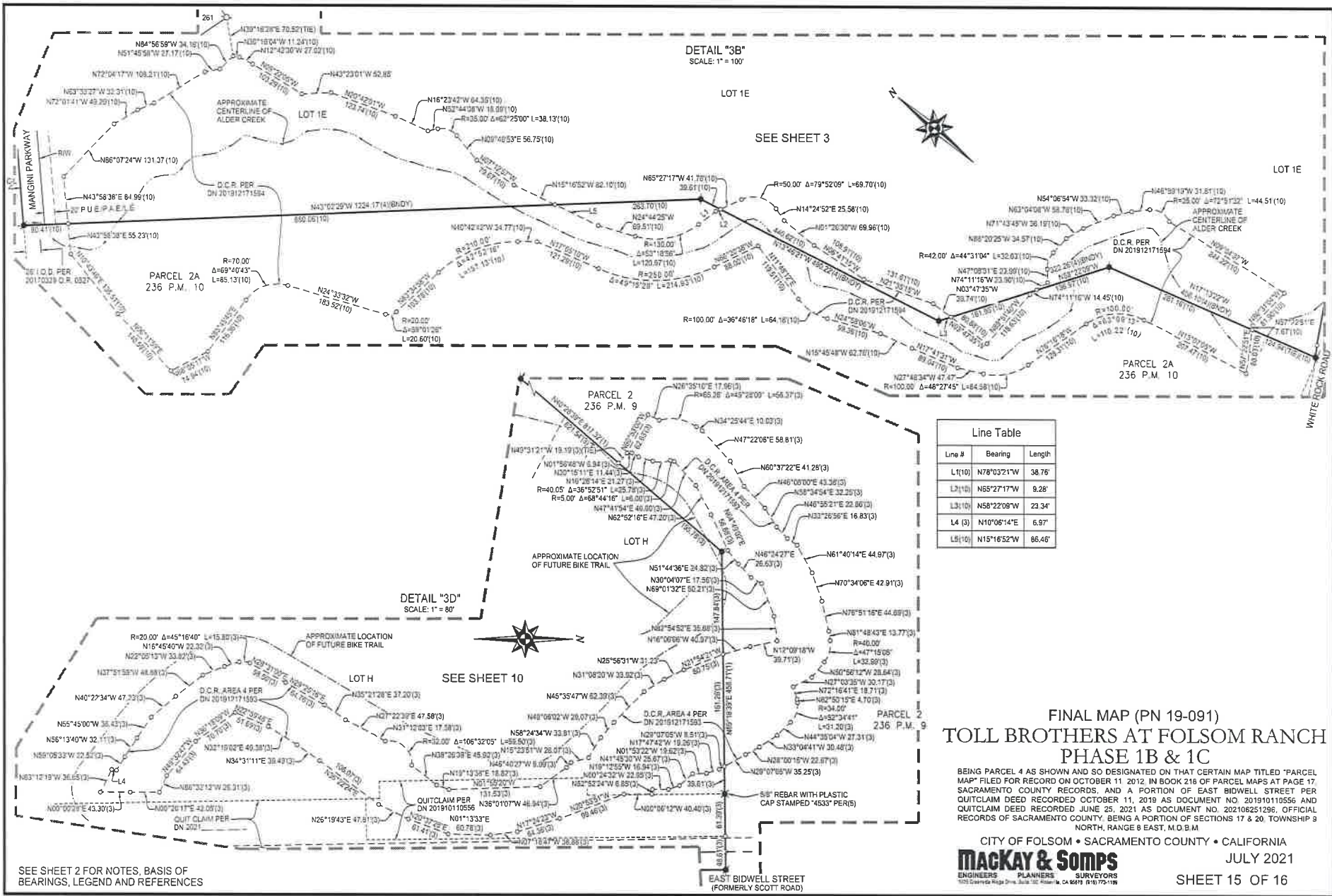


FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C

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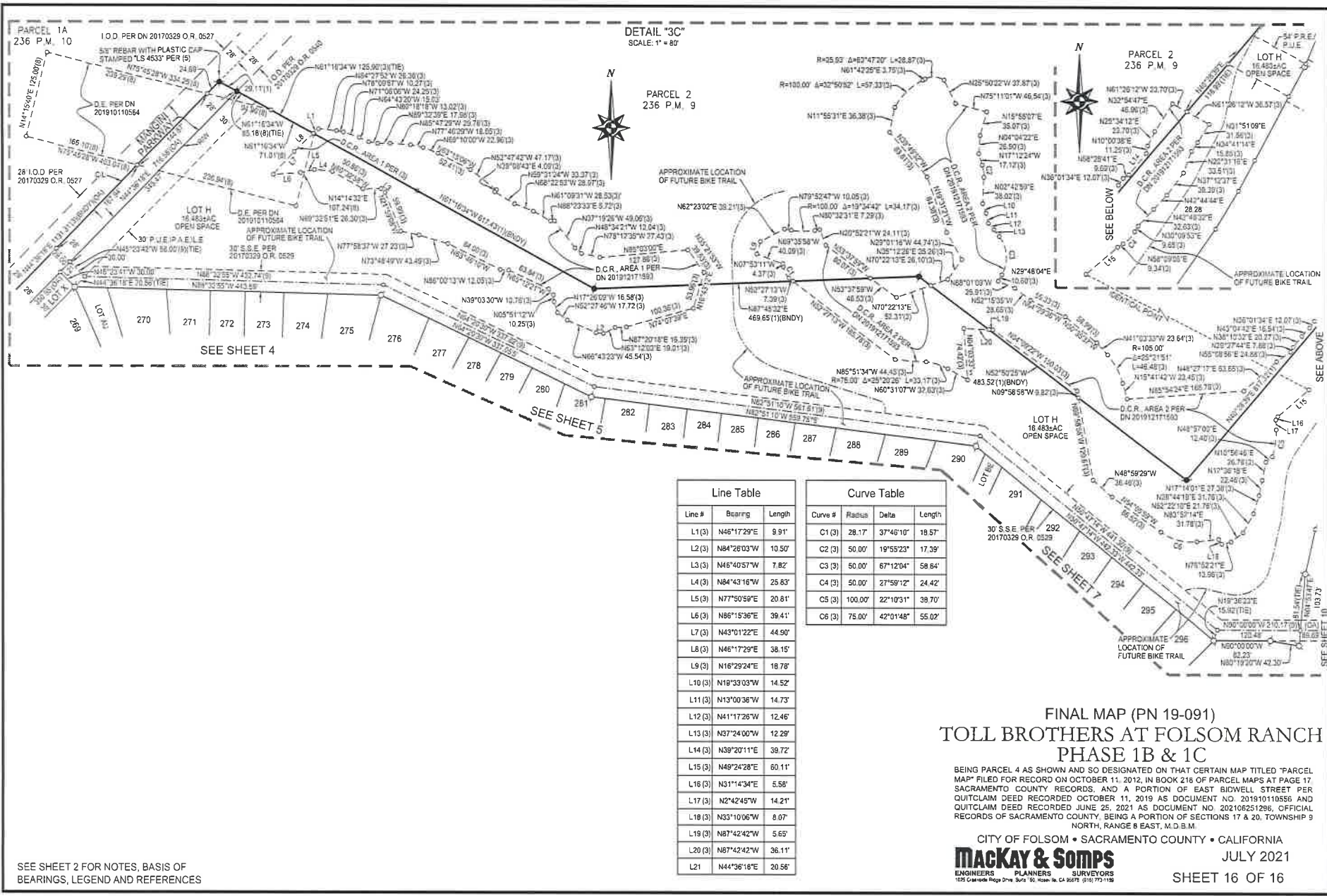
SEE SHEET 2 FOR NOTES, BASIS OF BEARINGS, LEGEND AND REFERENCES
 SHEET 14 OF 16



FINAL MAP (PN 19-091)
TOLL BROTHERS AT FOLSOM RANCH
PHASE 1B & 1C

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SHEET 15 OF 16



Line Table		
Line #	Bearing	Length
L1(3)	N46°17'29"E	9.91'
L2(3)	N84°26'03"W	10.50'
L3(3)	N46°40'57"W	7.82'
L4(3)	N84°43'16"W	25.83'
L5(3)	N77°50'59"E	20.81'
L6(3)	N86°15'36"E	39.41'
L7(3)	N43°01'22"E	44.90'
L8(3)	N46°17'29"E	38.15'
L9(3)	N16°29'24"E	18.78'
L10(3)	N19°33'03"W	14.52'
L11(3)	N13°00'36"W	14.73'
L12(3)	N41°17'26"W	12.46'
L13(3)	N37°24'00"W	12.29'
L14(3)	N39°20'11"E	39.72'
L15(3)	N49°24'28"E	60.11'
L16(3)	N31°14'34"E	5.58'
L17(3)	N2°42'45"W	14.21'
L18(3)	N33°10'06"W	8.07'
L19(3)	N87°42'42"W	5.65'
L20(3)	N87°42'42"W	36.11'
L21	N44°36'16"E	20.56'

Curve Table			
Curve #	Radius	Delta	Length
C1(3)	28.17'	37°46'10"	19.57'
C2(3)	50.00'	19°55'23"	17.39'
C3(3)	50.00'	67°12'04"	58.84'
C4(3)	50.00'	27°59'12"	24.42'
C5(3)	100.00'	22°10'31"	39.70'
C6(3)	75.00'	42°01'48"	55.02'

FINAL MAP (PN 19-091)
 TOLL BROTHERS AT FOLSOM RANCH
 PHASE 1B & 1C

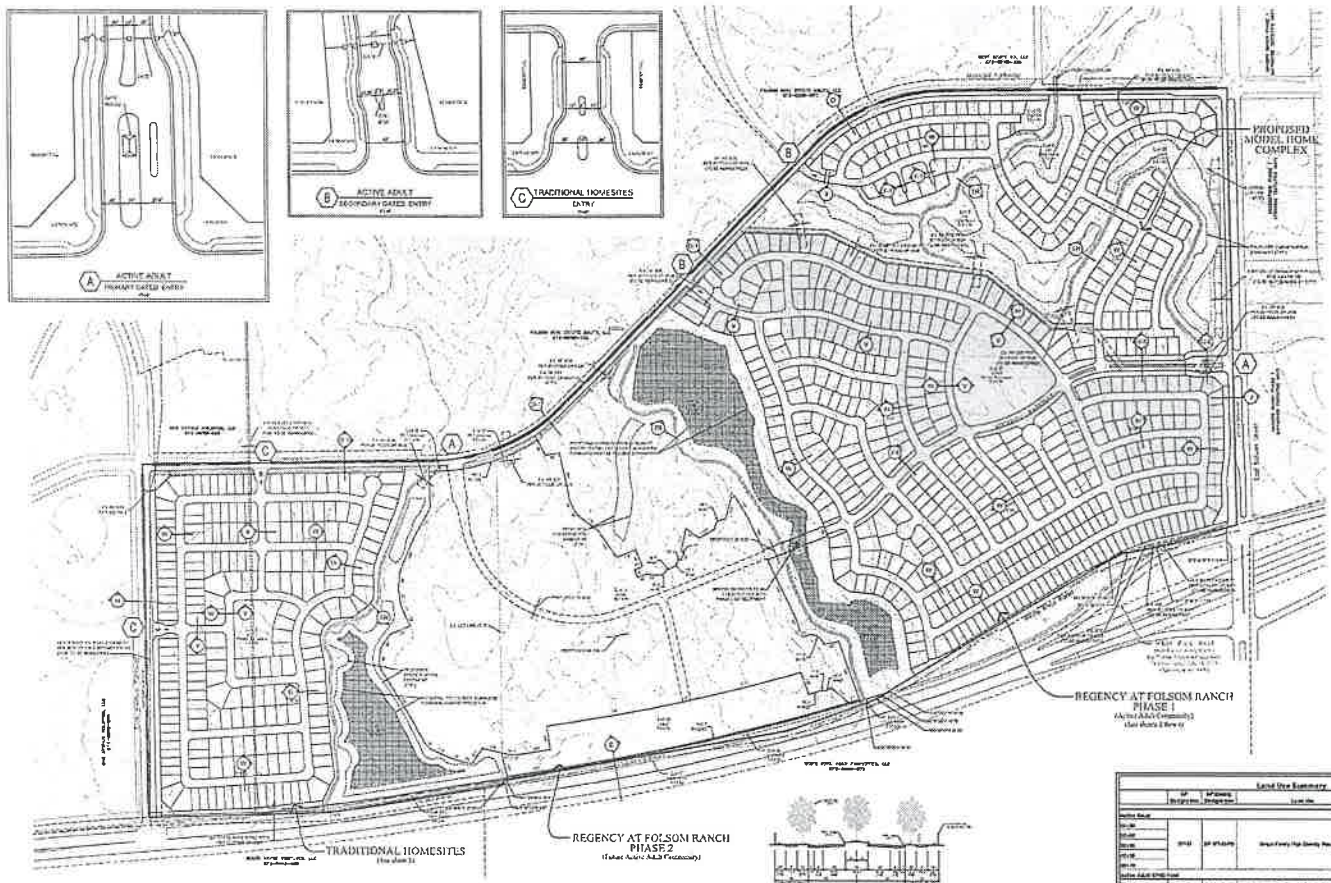
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ATTACHMENT 4

Toll Brothers at Folsom Ranch Phase 1B & 1C Vesting Tentative Subdivision Map



BENCHMARK

1. 10' FINISHED GRADE
2. 10' FINISHED GRADE
3. 10' FINISHED GRADE
4. 10' FINISHED GRADE
5. 10' FINISHED GRADE
6. 10' FINISHED GRADE
7. 10' FINISHED GRADE
8. 10' FINISHED GRADE
9. 10' FINISHED GRADE
10. 10' FINISHED GRADE

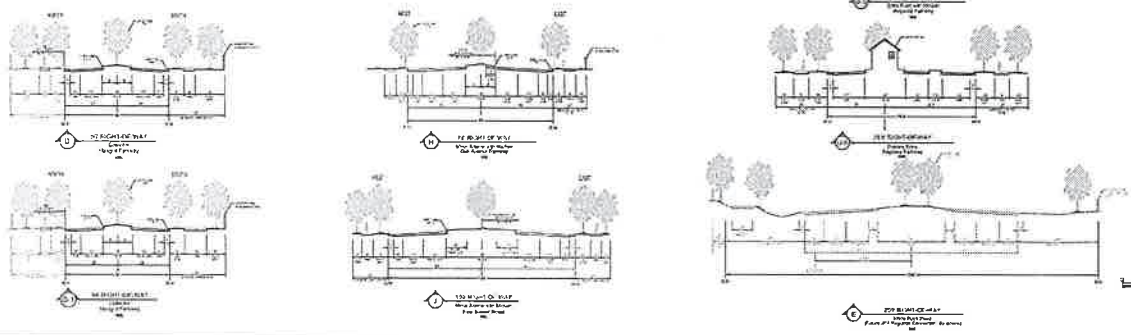
TENTATIVE MAP INFORMATION

1. 10' FINISHED GRADE
2. 10' FINISHED GRADE
3. 10' FINISHED GRADE
4. 10' FINISHED GRADE
5. 10' FINISHED GRADE
6. 10' FINISHED GRADE
7. 10' FINISHED GRADE
8. 10' FINISHED GRADE
9. 10' FINISHED GRADE
10. 10' FINISHED GRADE

NOTES

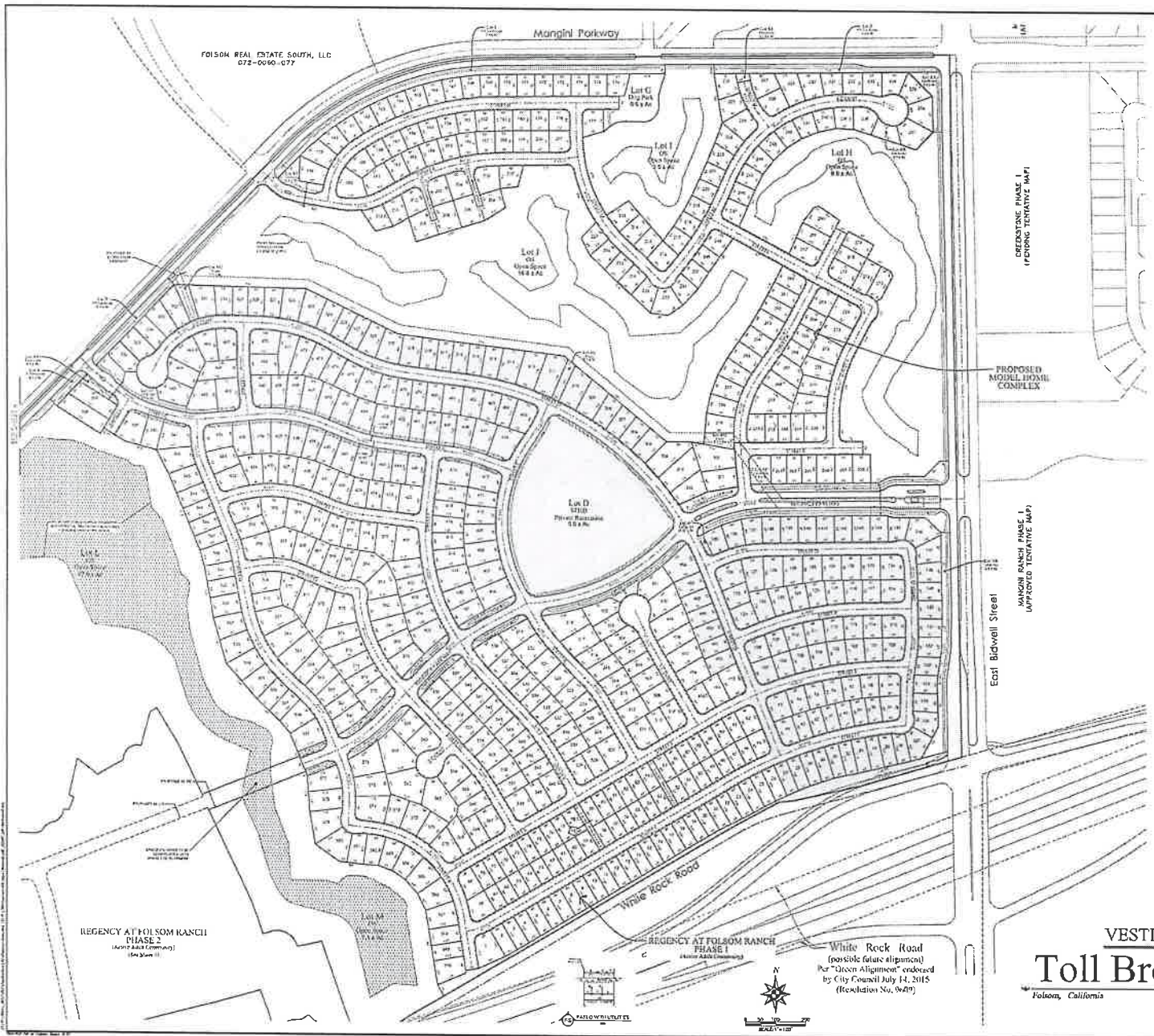
1. This map is a tentative map and is not intended to be used for any purpose other than to show the general location of the proposed project.
2. The project is subject to the approval of the local planning commission and the local planning board.
3. The project is subject to the approval of the local planning commission and the local planning board.
4. The project is subject to the approval of the local planning commission and the local planning board.
5. The project is subject to the approval of the local planning commission and the local planning board.
6. The project is subject to the approval of the local planning commission and the local planning board.
7. The project is subject to the approval of the local planning commission and the local planning board.
8. The project is subject to the approval of the local planning commission and the local planning board.
9. The project is subject to the approval of the local planning commission and the local planning board.
10. The project is subject to the approval of the local planning commission and the local planning board.

Lot	Area	Location	Area	Area	Area
101	101	101	101	101	101
102	102	102	102	102	102
103	103	103	103	103	103
104	104	104	104	104	104
105	105	105	105	105	105
106	106	106	106	106	106
107	107	107	107	107	107
108	108	108	108	108	108
109	109	109	109	109	109
110	110	110	110	110	110
111	111	111	111	111	111
112	112	112	112	112	112
113	113	113	113	113	113
114	114	114	114	114	114
115	115	115	115	115	115
116	116	116	116	116	116
117	117	117	117	117	117
118	118	118	118	118	118
119	119	119	119	119	119
120	120	120	120	120	120



COVER SHEET
VESTING TENTATIVE SUBDIVISION MAP
Toll Brothers at Folsom Ranch
 Folsom, California

Mackay & Somps
 CONSULTANTS
 Revised: February 5, 2020
 Approved: 02/05/2020
 Date: 02/05/2020
 Project: 2019-001
 Sheet: 1 of 1



LOTING PLAN
 VESTING TENTATIVE SUBDIVISION MAP
Toll Brothers at Folsom Ranch
 Folsom, California

Mackay & Soms
 ENGINEERS ARCHITECTS PLANNERS

REVISION: February 5, 2020
 AUGUST 13, 2019
 FEBRUARY 2019
 MAY 11, 2019

Sheet 2 of 2

ATTACHMENT 5

Table of Conditions of Approval for the Toll Brothers at Folsom Ranch Phase 1B & 1C Vesting Tentative Subdivision Map

RESOLUTION NO. 10400

A RESOLUTION TO ADOPT AN ADDENDUM TO THE FOLSOM PLAN AREA SPECIFIC PLAN EIR/EIS AND APPROVE A GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, SMALL-LOT VESTING TENTATIVE SUBDIVISION MAP, PLANNED DEVELOPMENT PERMIT, AND THE INCLUSIONARY HOUSING PLAN FOR THE TOLL BROTHERS AT FOLSOM RANCH PROJECT

WHEREAS, the Planning Commission on February 19, 2020, held a public hearing on the proposed General Plan Amendment, considered public comment and determined that the development of active-adult and traditional residential subdivisions on the project site is consistent with the goals, policies, and objectives of the City of Folsom General Plan and will not result in a net loss of residential capacity within the Folsom Plan Area; and

WHEREAS, the Planning Commission on February 19, 2020, held a public hearing on the proposed Specific Plan Amendment, considered public comment and determined that the development of active-adult and traditional residential subdivisions on the project site is consistent with the goals, policies, and objectives of the Folsom Plan Area Specific Plan and the City’s General Plan, as Amended, and will not result in a net loss of residential capacity within the Folsom Plan Area; and

WHEREAS, the Planning Commission on February 19, 2020, held a public hearing on the proposed Small-Lot Vesting Tentative Subdivision Map, considered public comment and based on the proposed configuration of the 804 single-family residential lots, determined the proposed subdivision complies with all City requirements, as well as with the requirements of the State Subdivision Map Act; and

WHEREAS, the Planning Commission on February 19, 2020 held a public hearing on the proposed Planned Development Permit, considered public comment and determined that based on the proposed site design, building heights, building setbacks, lot configuration, lot areas, building coverage, density, and parking, the project is consistent with the City’s General Plan, the Folsom Plan Area Specific Plan, and Chapter 17.38 “Planned Development District”, of the Folsom Municipal Code; and

WHEREAS, the Planning Commission on February 19, 2020 held a public hearing on the Inclusionary Housing Plan for the proposed Toll Brothers at Folsom Ranch Project, considered public comment and determined that the proposed Inclusionary Housing Plan is consistent with the City’s General Plan and Chapter 17.104 of the Folsom Municipal Code.

WHEREAS, notice has been given at the time and in the manner required by State Law and City Code; and

WHEREAS, an Environmental Checklist and Addendum to the 2011 Folsom Plan Area Specific Plan Environmental Impact Report/Environmental Impact Statement (FPASP EIR/EIS)

has been prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom hereby Approve and Adopt the Addendum to the Folsom Plan Area Specific Plan EIR/EIS for the Toll Brothers at Folsom Ranch Project, Amend the General Plan land use designations, Amend the Specific Plan land use designations, Approve a Small-Lot Vesting Tentative Subdivision Map creating 804 single-family residential lots, Approve a Planned Development Permit, and Approve the Inclusionary Housing Plan for the Toll Brothers at Folsom Ranch Project, as set forth in the General Plan and Specific Plan Amendment Exhibit attached as Exhibit "A" and as set forth in the conditions of approval attached as Exhibit "B" and the following findings:

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AS AMENDED, THE FOLSOM PLAN AREA SPECIFIC PLAN AS AMENDED, AND THE FOLSOM RANCH CENTRAL DISTRICT DESIGN GUIDELINES.

CEQA FINDINGS

- C. THE CITY, AS LEAD AGENCY, PREVIOUSLY CERTIFIED A FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE FOLSOM PLAN AREA SPECIFIC PLAN.
- D. THE CITY HAS DETERMINED THAT THE TOLL BROTHERS PROJECT IS CONSISTENT WITH THE FOLSOM PLAN AREA SPECIFIC PLAN AS AMENDED.
- E. THE CITY HAS DETERMINED THAT NONE OF THE CIRCUMSTANCES DESCRIBED IN PUBLIC RESOURCES CODE SECTION 21166 OR CEQA GUIDELINES SECTIONS 15162 AND 15163 REQUIRING THE PREPARATION OF A SUBSEQUENT EIR OR SUPPLEMENT TO AN EIR EXIST IN THIS CASE.
- F. THE CITY HAS PREPARED AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE FOLSOM PLAN AREA SPECIFIC PLAN AND HAS DETERMINED THAT THE PROJECT CREATES NO NEW IMPACTS AND DOES NOT REQUIRE NEW MITIGATION MEASURES IN ADDITION TO THOSE IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE FOLSOM PLAN AREA SPECIFIC PLAN.
- G. THE CITY HAS DETERMINED THAT THE ENVIRONMENTAL IMPACTS OF THE TOLL BROTHERS PROJECT ARE ADEQUATELY ADDRESSED BY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE FOLSOM PLAN AREA SPECIFIC PLAN AND THE ADDENDUM PREPARED THERETO.

- H. THE CITY COUNCIL HAS CONSIDERED THE ADDENDUM TO THE FINAL EIR AND THE FINAL EIR TO THE FOLSOM PLAN AREA SPECIFIC PLAN BEFORE MAKING A DECISION ON THE PROJECT.
- I. THE CITY, AS LEAD AGENCY HAS DETERMINED THAT ALL FEASIBLE MITIGATION MEASURES REQUIRED BY THE FINAL EIR AND THE ADDENDUM WITH RESPECT TO THE PROJECT WILL BE UNDERTAKEN.
- J. PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTION 21080.3.1, THE CITY SENT FORMAL NOTICE TO ALL CALIFORNIA NATIVE AMERICAN TRIBES TRADITIONALLY AND CULTURALLY AFFILIATED WITH THE PROPOSED PROJECT AREA. THE CITY RECEIVED ONE REQUEST FOR CONSULTATION AND CONSULTED WITH ONE CALIFORNIA NATIVE AMERICAN TRIBE IN ASSOCIATION WITH THIS PROJECT.

GENERAL PLAN AMENDMENT FINDINGS

- K. THE PROPOSED GENERAL PLAN AMENDMENT IS CONSISTENT WITH THE GOALS, POLICIES AND OBJECTIVES OF THE CITY OF FOLSOM GENERAL PLAN.
- L. THE PROPOSED AMENDMENT TO THE CITY'S GENERAL PLAN IS IN THE PUBLIC INTEREST.
- M. THE PROPOSED GENERAL PLAN AMENDMENT IS CONSISTENT WITH THE OBJECTIVES OF THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN AND DEVELOPMENT POLICIES.
- N. THE PROPOSED GENERAL PLAN AMENDMENT WILL NOT RESULT IN A NET LOSS OF RESIDENTIAL CAPACITY.
- O. PURSUANT TO GOVERNMENT CODE SECTION 65352.3, THE CITY CONTACTED ALL CALIFORNIA NATIVE AMERICAN TRIBES ON THE CONTACT LIST MAINTAINED BY THE NATIVE AMERICAN HERITAGE COMMISSION IN ASSOCIATION WITH THIS PROJECT. THE CITY DID NOT RECEIVE A REQUEST FOR CONSULTATION FROM ANY CALIFORNIA NATIVE AMERICAN TRIBE CONTACTED IN ASSOCIATION WITH THIS PROJECT.

FOLSOM PLAN AREA SPECIFIC PLAN AMENDMENT FINDINGS

- P. THE PROPOSED AMENDMENT TO THE FOLSOM PLAN AREA SPECIFIC PLAN IS CONSISTENT WITH THE CITY'S GENERAL PLAN (AS AMENDED).
- Q. THE PROPOSED AMENDMENT TO THE FPASP WILL NOT RESULT IN A NET LOSS OF RESIDENTIAL CAPACITY.

TENTATIVE SUBDIVISION MAP FINDINGS

- R. THE PROPOSED SMALL-LOT VESTING TENTATIVE SUBDIVISION MAP IS CONSISTENT WITH THE CITY'S SUBDIVISION ORDINANCE AND THE SUBDIVISION MAP ACT IN THAT THE PROJECT IS SUBJECT TO CONDITIONS OF APPROVAL THAT WILL ENSURE THAT THE PROJECT IS DEVELOPED IN COMPLIANCE WITH CITY STANDARDS.
- S. THE PROPOSED SUBDIVISION, TOGETHER WITH THE PROVISIONS FOR ITS DESIGN AND IMPROVEMENT, IS CONSISTENT WITH THE GENERAL PLAN (AS AMENDED), THE FOLSOM PLAN AREA SPECIFIC PLAN (AS AMENDED), AND ALL APPLICABLE PROVISIONS OF THE FOLSOM MUNICIPAL CODE.
- T. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT PROPOSED.
- U. THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF THE DEVELOPMENT.
- V. AS CONDITIONED, THE DESIGN OF THE SMALL-LOT VESTING TENTATIVE SUBDIVISION MAP AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.
- W. THE DESIGN OF THE SMALL-LOT VESTING TENTATIVE SUBDIVISION MAP AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.
- X. THE DESIGN OF THE SMALL-LOT VESTING TENTATIVE SUBDIVISION MAP AND THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.
- Y. SUBJECT TO SECTION 66474.4 OF THE SUBDIVISION MAP ACT, THE LAND IS NOT SUBJECT TO A CONTRACT ENTERED INTO PURSUANT TO THE CALIFORNIA LAND CONSERVATION ACT OF 1965 (COMMENCING WITH SECTION 51200 OF THE GOVERNMENT CODE).

DEVELOPMENT AGREEMENT AMENDMENT FINDINGS

- Z. THE PROPOSED AMENDMENTS TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENTS ARE CONSISTENT WITH THE OBJECTIVES, POLICIES, GENERAL LAND USES AND PROGRAMS SPECIFIED IN THE CITY GENERAL PLAN (AS AMENDED) AND THE FOLSOM PLAN AREA SPECIFIC PLAN (AS AMENDED).

- AA. THE PROPOSED AMENDMENTS TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENTS ARE IN CONFORMITY WITH PUBLIC CONVENIENCE, GENERAL WELFARE, AND GOOD LAND USE PRACTICES.
- BB. THE PROPOSED AMENDMENTS TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENTS WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS RESIDING IN THE IMMEDIATE AREA, NOR BE DETRIMENTAL OR INJURIOUS TO PROPERTY OR PERSONS IN THE GENERAL NEIGHBORHOOD OR TO THE GENERAL WELFARE OF THE RESIDENTS OF THE CITY AS A WHOLE.
- CC. THE PROPOSED AMENDMENTS TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENTS WILL NOT ADVERSELY AFFECT THE ORDERLY DEVELOPMENT OF PROPERTY OR THE PRESERVATION OF PROPERTY VALUES.
- DD. THE PROPOSED AMENDMENTS TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENTS ARE CONSISTENT WITH THE PROVISIONS OF GOVERNMENT CODE SECTIONS 65864 THROUGH 65869.5.

PLANNED DEVELOPMENT PERMIT FINDINGS

- EE. THE PROPOSED PROJECT COMPLIES WITH THE INTENT AND PURPOSES OF THE FOLSOM PLAN AREA SPECIFIC PLAN AS AMENDED AND OTHER APPLICABLE ORDINANCES OF THE CITY AND THE GENERAL PLAN.
- FF. THE PROPOSED PROJECT IS CONSISTENT WITH THE OBJECTIVES, POLICIES AND REQUIREMENTS OF THE DEVELOPMENT STANDARDS OF THE CITY. THE MINOR MODIFICATIONS TO THOSE STANDARDS PROPOSED AS PART OF THIS PROJECT WILL RESULT IN A DEVELOPMENT THAT IS SUPERIOR TO THAT OBTAINED BY THE RIGID APPLICATION OF THE STANDARDS.
- GG. THE PHYSICAL, FUNCTIONAL AND VISUAL COMPATIBILITY BETWEEN THE PROPOSED PROJECT AND EXISTING AND FUTURE ADJACENT USES AND AREA CHARACTERISTICS IS ACCEPTABLE.
- HH. AS CONDITIONED, THE PROJECT WILL MAKE AVAILABLE NECESSARY PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER AND DRAINAGE, AND THE PROJECT WILL ADQUATELY PROVIDE FOR THE FURNISHING OF SUCH FACILITIES.
- II. THE PROPOSED PROJECT WILL NOT CAUSE ADVERSE ENVIRONMENTAL IMPACTS WHICH HAVE NOT BEEN MITIGATED TO AN ACCEPTABLE LEVEL.

- JJ. THE PROPOSED PROJECT WILL NOT CAUSE UNACCEPTABLE VEHICULAR TRAFFIC LEVELS ON SURROUNDING ROADWAYS, AND THE PROPOSED PROJECT WILL PROVIDE ADEQUATE INTERNAL CIRCULATION, INCLUDING INGRESS AND EGRESS.
- KK. THE PROPOSED PROJECT WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PERSONS OR PROPERTY WITHIN THE VICINITY OF THE PROJECT SITE, AND THE CITY AS A WHOLE.
- LL. ADEQUATE PROVISION IS MADE FOR THE FURNISHING OF SANITATION SERVICES AND EMERGENCY PUBLIC SAFETY SERVICES TO THE DEVELOPMENT.

DESIGN REVIEW FINDINGS


- MM. THE PROJECT COMPLIES WITH THE GENERAL PLAN AS AMENDED, THE FOLSOM PLAN AREA SPECIFIC PLAN AS AMENDED, AND THE APPLICABLE ZONING ORDINANCES.
- NN. THE PROJECT IS IN CONFORMANCE WITH THE FOLSOM RANCH CENTRAL DISTRICT DESIGN GUIDELINES.
- OO. THE BUILDING MATERIALS, TEXTURES, AND COLORS OF THE PROJECT WILL BE COMPATIBLE WITH SURROUNDING DEVELOPMENT AND CONSISTENT WITH THE GENERAL DESIGN THEME OF THE NEIGHBORHOOD.

PASSED AND ADOPTED this 10th day of March, 2020, by the following roll-call vote:

AYES:	Council Member(s):	Gaylord, Howell, Kozlowski, Sheldon, Aquino
NOES:	Council Member(s):	None
ABSENT:	Council Member(s):	None
ABSTAIN:	Council Member(s):	None


 Sarah Aquino, MAYOR

ATTEST:



Christa Freemantle, CITY CLERK

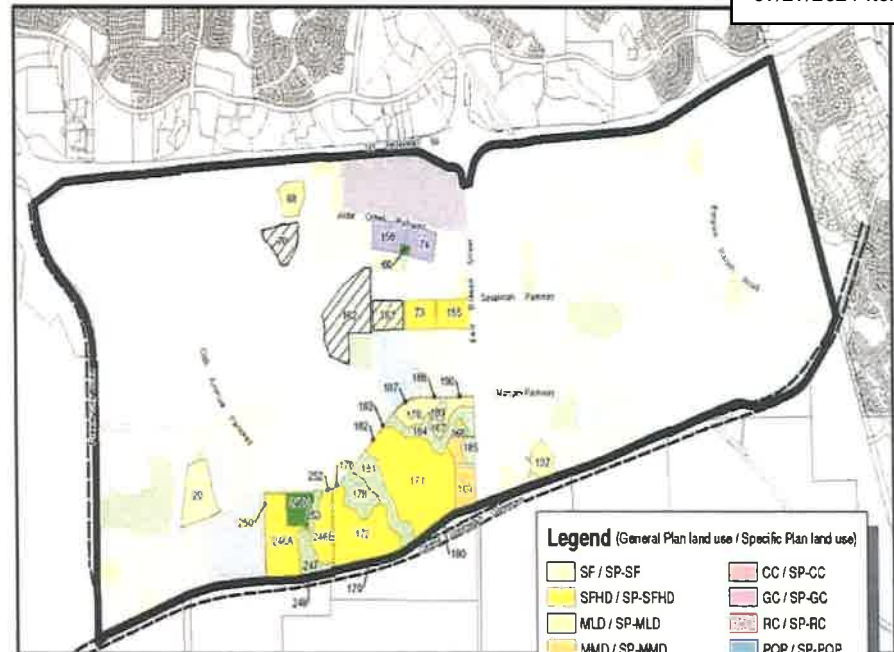
Exhibit A

TOLL BROTHERS AT FOLSOM RANCH - PROJECT AREA GPA SPA (FRESH LAND USE) DATA BY PARCEL

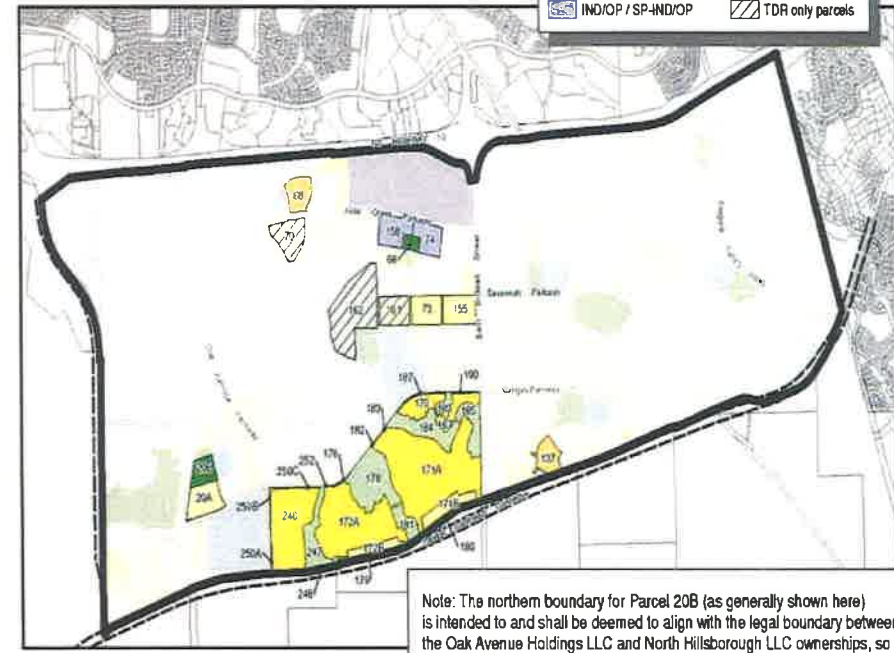
1/24/2020

EXISTING/APPROVED LAND USE PLAN							PROPOSED LAND USE PLAN						
PARCEL #	SUB-PLAN AREA	LU	AC	DU	DENSITY	POPULATION	PARCEL #	SUB-PLAN AREA	LU	AC	DU	DENSITY	POPULATION
240A	ALDER RANCH	SFHD	22.71	102	4.50	547	240	TOLL BROTHERS	SFHD	42.28	214	5.04	425
240B	ALDER RANCH	SPHD	15.33	91	5.79	268	240B	NOT USED					
240C	ALDER RANCH	F	30.80				240C	NOT USED					
247	ALDER RANCH	OS	10.29				247	TOLL BROTHERS	OS	12.90			
248	ALDER RANCH	OS-IC	2.54				248	TOLL BROTHERS	OS-IC	0.43			
250	ALDER RANCH	OS-IC	2.16				250A	TOLL BROTHERS	OS-IC	1.24			
							250B	TOLL BROTHERS	OS-IC	0.89			
							250C	TOLL BROTHERS	OS-IC	0.89			
250	ALDER RANCH	OS-IC	0.51				250	NOT USED					
250	ALDER RANCH	OS	3.42										
SUBTOTAL	ALDER RANCH		76.95	279		815	SUBTOTAL	TOLL BROTHERS		59.39	214		425
172	MANCINI WEST	SFHD	44.78	241	5.34	107	172A	TOLL BROTHERS	SFHD (P)	55.81	244	4.21	492
173	MANCINI WEST	OS	13.21				173	TOLL BROTHERS	MMD (P)	6.25	75	1.09	140
181	MANCINI WEST	OS	2.12				181	TOLL BROTHERS	OS	2.12			
171	MANCINI WEST	SFHD	78.63	451		1317	171A	TOLL BROTHERS	SFHD (P)	85.12	394	4.48	716
							171B	TOLL BROTHERS	MMD (P)	13.24	42	7.47	178
170	MANCINI WEST	MMD	10.48	16	6.79	104	170	TOLL BROTHERS	SFHD (P)	7.40	35	5.87	117
171	MANCINI WEST	MMD	7.71	71	8.19	128	167	TOLL BROTHERS	SFHD (P)	2.52	45	5.44	10
184	MANCINI WEST	OS	15.74				184	TOLL BROTHERS	OS	15.86			
181	MANCINI WEST	OS	2.30				111	TOLL BROTHERS	OS	3.84			
168	MANCINI WEST	MHD	2.23	102	14.50	237	168	NOT USED					
169	MANCINI WEST	MHD	11.00	140	12.73	247	169	NOT USED					
165	MANCINI WEST	OS-IC	3.31				165	TOLL BROTHERS	OS-IC	9.56			
174	MANCINI WEST	OS-IC	0.19				174	TOLL BROTHERS	OS-IC	0.21			
179	MANCINI WEST	OS-IC	1.45				179	TOLL BROTHERS	OS-IC	1.28			
180	MANCINI WEST	OS-IC	1.51				180	TOLL BROTHERS	OS-IC	0.21			
182	MANCINI WEST	OS-IC	0.42				182	TOLL BROTHERS	OS-IC	0.10			
163	MANCINI WEST	OS-IC	0.85				163	TOLL BROTHERS	OS-IC	0.26			
187	MANCINI WEST	OS-IC	0.41				187	TOLL BROTHERS	OS-IC	0.10			
162	MANCINI WEST	OS-IC	0.22				162	NOT USED					
190	MANCINI WEST	OS-IC	0.30				190	TOLL BROTHERS	OS-IC	0.44			
SUBTOTAL	MANCINI WEST		224.42	1,171		2,974	SUBTOTAL	TOLL BROTHERS		246.94	1,011		2,012
SS ROADS			10.71				SS ROADS			3.00			
TOTAL ALDER RANCH/MANCINI WEST			314.28	1,450		3,789	TOLL BROTHERS AT FOLSOM RANCH		314.28	1,225			2,437

Population Factors: SFHD 2.12 / SFSD-AA 2.8 / MLD 1.14 pp/ha
 Notes: Proposed 18 Project Nevada Recreation also seek no Quimby Creek and one closed SFHD.
 All F designated lands shown herein are public parks (100% Quimby Creek).
 All OS and OS-IC designated lands shown herein are Measure W Open Space.



Approved



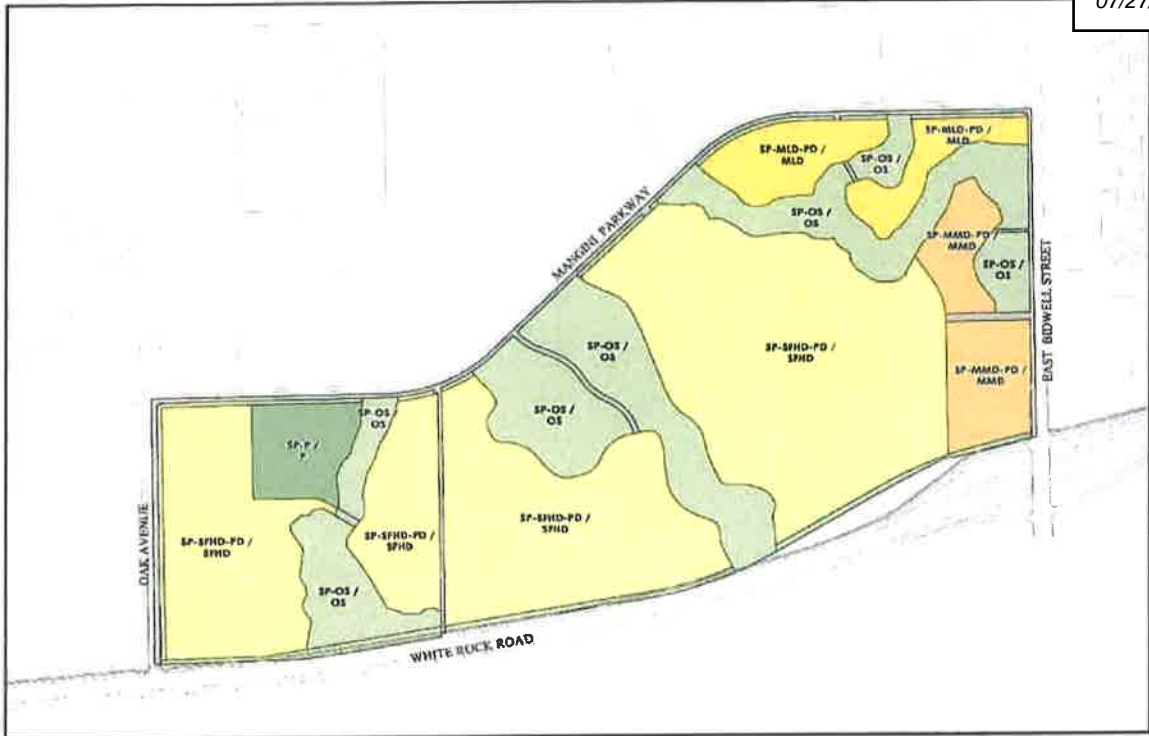
Proposed

Legend (General Plan land use / Specific Plan land use)

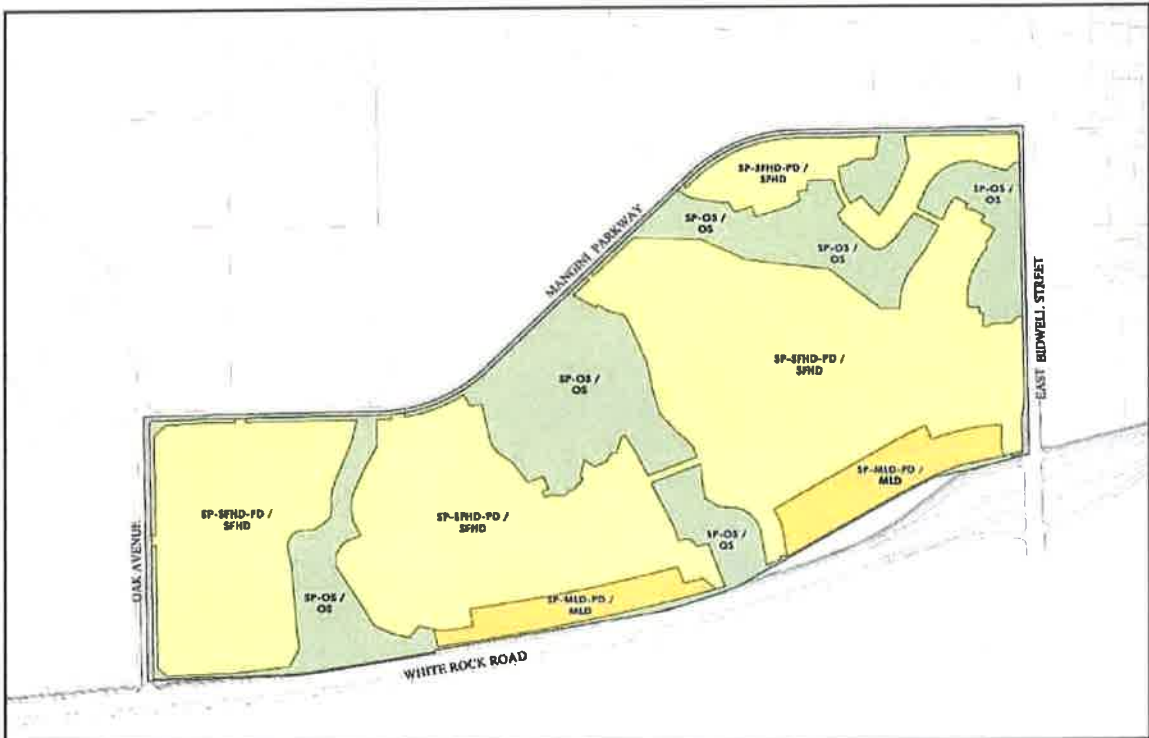
SF / SP-SF	CC / SP-CC
SFHD / SP-SFHD	GC / SP-GC
MLD / SP-MLD	RC / SP-RC
MMD / SP-MMD	PQP / SP-PQP
MHD / SP-MHD	P / SP-P
MU / SP-MU	OS / SP-OS
INO/OP / SP-INO/OP	TDR only parcels

Note: The northern boundary for Parcel 20B (as generally shown here) is intended to and shall be deemed to align with the legal boundary between the Oak Avenue Holdings LLC and North Hillsborough LLC ownerships, so that Oak Avenue Holdings LLC is the sole owner of Parcel 20B.

**Toll Brothers at Folsom Ranch
Specific Plan Amendment /
General Plan Amendment**



Approved Specific Plan / General Plan



Proposed Specific Plan / General Plan

KEY: SP DESIGNATION /
GP DESIGNATION



**SPECIFIC PLAN AMENDMENT /
GENERAL PLAN AMENDMENT**

TOLL BROTHERS AT FOLSOM RANCH
City of Folsom January 24, 2020



Exhibit B

CONDITIONS OF APPROVAL FOR THE TOLL BROTHERS AT FOLSOM RANCH PROJECT (PN 19-091) WEST OF EAST BIDWELL ROAD, NORTH OF WHITE ROCK ROAD, EAST OF OAK AVENUE PARKWAY, AND SOUTH OF MANGINI PARKWAY GPA, SPA, DA AMENDMENTS, SLVTSM, PD PERMIT, AND INCLUSIONARY HOUSING PLAN			
Condition No.	Condition of Approval	When Required	Responsible Department
1.	<p><i>Final Development Plans</i> The owner/applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits referenced below:</p> <ol style="list-style-type: none"> 1. General Plan/Specific Plan Amendment Exhibit, dated January 24, 2020 2. Illustrative Master Plan Exhibit, dated January 24, 2020 3. Small-Lot Vesting Tentative Subdivision Maps, dated February 5, 2020 4. Backbone Infrastructure Exhibit, dated February 5, 2020 5. Conceptual Phasing Exhibit, dated January 24, 2020 6. Preliminary Grading and Drainage Plan, dated February 5, 2020 7. Preliminary Utility Plan, dated February 5, 2020 8. Preliminary Tree Preservation/Removal Plan, dated February 5, 2020 9. Preliminary Landscape Plan and Details, dated January 24, 2020 10. Wall and Fence Exhibit and Details, dated January 24, 2020 11. Local Road Section Exhibit, dated January 24, 2020 12. Trail System Modification Exhibit, dated January 24, 2020 13. Walkability Exhibit, dated January 24, 2020 14. Trailhead and Signage Exhibit, dated January 24, 2020 15. Dog Park Exhibit, dated January 24, 2020 16. Model Home Complex Exhibit, dated January 24, 2020 17. Product Mix Exhibit, dated January 24, 2020 18. Streetscene Exhibit, dated August 30, 2019 19. Building Elevations and Floor Plans, dated August 30, 2019 20. Residential Design Details, dated August 30, 2019 21. Color and Materials Board, dated August 30, 2019 22. Inclusionary Housing Plan, dated March 7, 2019 <p>The General Plan Amendment, Specific Plan Amendment, Development Agreement Amendments, Planned Development Permit, Design Review, and Inclusionary Housing Plan are approved for the development of a 804-unit single-family residential subdivision (Toll Brothers at Folsom Ranch). Implementation of the project shall be consistent with the above referenced items and these conditions of approval.</p>	G, I, M, B	CD (P)(E)

CONDITIONS OF APPROVAL FOR THE TOLL BROTHERS AT FOLSOM RANCH PROJECT (PN 19-091) WEST OF EAST BIDWELL ROAD, NORTH OF WHITE ROCK ROAD, EAST OF OAK AVENUE PARKWAY, AND SOUTH OF MANGINI PARKWAY GPA, SPA, DA AMENDMENTS, SLVTSM, PD PERMIT, AND INCLUSIONARY HOUSING PLAN			
Condition No.	Condition of Approval	When Required	Responsible Department
2.	<p><i>Plan Submittal</i> All civil engineering, improvement, and landscape and irrigation plans, shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.</p>	G, I	CD (P)(E)
3.	<p><i>Validity</i> This approval of the Small-Lot Vesting Tentative Subdivision Map shall be valid for a period of twenty four months pursuant to Section 16.16.110A of the Folsom Municipal Code and the Subdivision Map Act. The term of the approved Inclusionary Housing Agreement shall track the term of the Small-Lot Vesting Tentative Subdivision Map, as may be extended from time to time pursuant to Section 16.16.110.A and 16.16.120 of the Folsom Municipal Code and the Subdivision Map Act.</p>	M	CD (P)
4.	<p><i>FMC Compliance</i> The Small-Lot Final Map shall comply with the Folsom Municipal Code and the Subdivision Map Act.</p>	M	CD (E)
5.	<p><i>Development Rights</i> The approval of this Small-Lot Vesting Tentative Subdivision Map conveys the right to develop. As noted in these conditions of approval for the Small-Lot Vesting Tentative Subdivision Map, the City has identified improvements necessary to develop the subject parcels. These improvements include on and off-site roadways, water, sewer, storm drainage, landscaping, sound-walls, and other improvements.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD
6.	<p><i>Public Right of Way Dedication</i> As provided for in the First Amended and Restated Development Agreement (ARDA) and the Amendments No. 1 and 2 thereto, and any approved amendments thereafter, the owner/applicant shall dedicate all public rights-of-way and corresponding public utility easements such that public access is provided to each and every lot within the traditional home portion of the Toll Brothers at Folsom Ranch project as shown on the Small-Lot Vesting Tentative Subdivision Map (Lots 1-214). In addition, public utility easements shall be provided for public utilities within private streets to the satisfaction of the Community Development Department.</p>	M	CD (E)(P)

**CONDITIONS OF APPROVAL FOR THE TOLL BROTHERS AT FOLSOM RANCH PROJECT (PN 19-091)
WEST OF EAST BIDWELL ROAD, NORTH OF WHITE ROCK ROAD, EAST OF OAK AVENUE PARKWAY, AND
SOUTH OF MANGINI PARKWAY
GPA, SPA, DA AMENDMENTS, SLVTSM, PD PERMIT, AND INCLUSIONARY HOUSING PLAN**

Condition No.	Condition of Approval	When Required	Responsible Department
7.	<p><i>Street Names</i></p> <p>The street names identified below shall be used for the Final Small-Lot Maps: Avazedo, Black Sage, Blue Oak, Blue Sky, Boulder Creek, Bridgeview, Brookview, Clearview, Clubhouse, Cold Creek, Copperwood, Coyote Ridge, Creekwood, Crestview, Dalea, Dawn Light, Deer Park, Eagle View, Edgewood, Emerald Glen, Fallen Leaf, Fountain Heights, Fox Hollow, Gateway, Glenbrook, Glenridge, Goldenrod, Granite Point, Grey Hawk, Gully, Heather Glen, Heritage Oaks, Iron Oak, Japanese Maple, Knollbrook, Lone Tree, Longview, Manzanita, Maple, Meadow Crest, Midway, Monument, Nettle, Oak Bridge, Oakridge, Olive Orchard, Pacific Wren, Panorama, Paradise, Patina, Pinyon Pine, Quail Run, Rainbow Ridge, Ravine, Redtail, Regency Parkway, Rimrock, Robinwood, Rock Ridge, Rocky Creek, Rocky Point, Sagewood, Salvia, Scenic, Skymeadow, Skyway, Springcreek, Starling, Sundown, Sunny Oaks, Sunnyview, Sweetwater, Timber, Upland, Vale, Valley View, White Cedar, Wildwood.</p>	M	CD (E)(P)

CONDITIONS OF APPROVAL FOR THE TOLL BROTHERS AT FOLSOM RANCH PROJECT (PN 19-091) WEST OF EAST BIDWELL ROAD, NORTH OF WHITE ROCK ROAD, EAST OF OAK AVENUE PARKWAY, AND SOUTH OF MANGINI PARKWAY GPA, SPA, DA AMENDMENTS, SLVTSM, PD PERMIT, AND INCLUSIONARY HOUSING PLAN			
Condition No.	Condition of Approval	When Required	Responsible Department
8.	<p><i>Indemnity for City</i> The owner/applicant shall protect, defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other applicable statutes of limitation. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. If the City should fail to cooperate fully in the defense, the owner owner/applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers, and employees, pursuant to this condition. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • The City bears its own attorney's fees and costs; and • The City defends the claim, action or proceeding in good faith <p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant. The owner/applicant's obligations under this condition shall apply regardless of whether a Final Map is ultimately recorded with respect to this project.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD
9.	<p><i>Small-Lot Vesting Tentative Subdivision Map</i> The Small-Lot Vesting Tentative Subdivision map is expressly conditioned upon compliance with all environmental mitigation measures identified in the Folsom Plan Area Specific Plan (FEIR/EIS) as amended by the Toll Brothers at Folsom Ranch CEQA Addendum dated February-2020 (Attachment 31 to the staff report)</p>	OG	CD

CONDITIONS OF APPROVAL FOR THE TOLL BROTHERS AT FOLSOM RANCH PROJECT (PN 19-091) WEST OF EAST BIDWELL ROAD, NORTH OF WHITE ROCK ROAD, EAST OF OAK AVENUE PARKWAY, AND SOUTH OF MANGINI PARKWAY GPA, SPA, DA AMENDMENTS, SLVTSM, PD PERMIT, AND INCLUSIONARY HOUSING PLAN				
Condition No.		Condition of Approval	When Required	Responsible Department
10.		<p><i>ARDA and Amendments</i> The owner/applicant shall comply with all provisions of Amendments No. 1 and 2 to the First Amended and Restated Tier 1 Development Agreement and any approved amendments thereafter by and between the City and the owner/applicant of the project including but not limited to Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Easton Valley Holdings, LLC, Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and West Scott Road, LLC/Toll West Coast, LLC, Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Oak Avenue Holdings, LLC, and Amendment No. 3 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Folsom Real Estate South, LLC/Toll West Coast, LLC.</p>	M	CD (E)
11.	✓	<p><i>Mitigation Monitoring</i> The owner/applicant shall participate in a mitigation monitoring and reporting program pursuant to City Council Resolution No. 2634 and Public Resources Code 21081.6. The mitigation monitoring and reporting measures identified in the Folsom Plan Area Specific Plan FEIR/EIS and the Toll Brothers at Folsom Ranch Addendum to the FPASP EIR/EIS have been incorporated into these conditions of approval in order to mitigate or avoid significant effects on the environment. These mitigation monitoring and reporting measures are identified in the mitigation measure column. Applicant shall fund on a Time and Materials basis all mitigation monitoring (e.g., staff and consultant time).</p>	OG	CD (P)

POLICE/SECURITY REQUIREMENT				
12.		<p>The owner/applicant shall consult with the Police Department in order to incorporate all reasonable crime prevention measures. The following security/safety measures shall be considered:</p> <ul style="list-style-type: none"> • A security guard on-duty at all times at the site or a six-foot security fence shall be constructed around the perimeter of construction areas. • Security measures for the safety of all construction equipment and unit appliances. • Landscaping shall not cover exterior doors or windows, block line-of-sight at intersections or screen overhead lighting. 	G, I, B	PD
DEVELOPMENT COSTS AND FEE REQUIREMENTS				
13.		<p><i>Taxes and Fees</i> The owner/applicant shall pay all applicable taxes, fees and charges for the project at the rate and amount required by the Public Facilities Financing Plan and Amendment No. 1 to the Amended and Restated Tier 1 Development Agreement.</p>	M	CD (P)(E)
14.		<p><i>Assessments</i> If applicable, the owner/applicant shall pay off any existing assessments against the property, or file necessary segregation request and pay applicable fees.</p>	M	CD (E)

15.		<p><i>FPASP Development Impact Fees</i> The owner/applicant shall be subject to all Folsom Plan Area Specific Plan Area development impact fees in place at the time of approval or subsequently adopted consistent with the Public Facilities Financing Plan (PFFP), Development Agreement and amendments thereto, unless exempt by previous agreement. The owner/applicant shall be subject to all applicable Folsom Plan Area plan-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, the Folsom Plan Area Specific Plan Fee, Specific Plan Infrastructure Fee (SPIF), Solid Waste Fee, Corporation Yard Fee, Transportation Management Fee, Transit Fee, Highway 50 Interchange Fee, General Park Equipment Fee, Housing Trust Fee, etc.</p> <p>Any protest to such for all fees, dedications, reservations or other exactions imposed on this project will begin on the date of final approval (March 10, 2020), or otherwise shall be governed by the terms of Amendments No. 1 and 2 to ARDA. The fees shall be calculated at the fee rate set forth in the PFFP and the ARDA.</p>	B	CD (P), PW, PK
16.		<p><i>Legal Counsel</i> The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the City shall provide notice to the owner/applicant of the outside counsel selected, the scope of work and hourly rates, and the owner/applicant shall reimburse the City for all outside legal fees and costs incurred and documented by the City for such services. The owner/applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The owner/applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	OG	CD (P)(E)
17.		<p><i>Consultant Services</i> If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the City shall provide notice to the owner/applicant of the outside consultant selected, the scope of work and hourly rates, and the owner/applicant shall reimburse the City for actual costs incurred and documented in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the Grading Plan, Final Map, improvement plans, or beginning inspection, whichever is applicable.</p>	G, I, M, B	CD (P)(E)

GRADING PERMIT REQUIREMENTS				
18.		<p><i>Walls/Fences/Gates</i> The final location, design, height, materials, and colors of the walls, fences, and gates shall consistent with the submitted Wall and Fence Exhibit and Details, dated January 24, 2020 subject to review and approval by the Community Development Department to ensure consistency with the Folsom Ranch Central District Design Guidelines.</p>	G, I, B	CD (P)(E)
19.		<p><i>Roadway Improvement Phasing</i> The owner/applicant shall construct the following improvements as shown on the Small-Lot Vesting Tentative Subdivision Map with each applicable phase. Roadways shall be to the ultimate horizontal and vertical alignment unless otherwise noted.</p> <p>For the purposes of these conditions, phasing of the project is defined per Figure ES-6 of the Transportation Impact Analysis dated November 20, 2019 (Attachment 31 to the staff report) and the following:</p> <ul style="list-style-type: none"> Phase 1 consists of the first 305 age-restricted dwelling units within Regency Phase 1, all located on the eastern portion of the Project site and labeled as “2021” on Figure ES-6 of the Transportation Impact Analysis dated November 20, 2019 (Attachment 31 to the staff report). Phase 1 also includes an additional 45 model home units that would be used for sales and marketing purposes initially. Conditions of approval for Phase 1 shall be met before issuance of the first building permit. 	B	CD (E), PW, FD
		<ul style="list-style-type: none"> Phase 2 consists of the next 377 dwelling units (240 age-restricted dwelling units located within Regency Phase 1 on the eastern portion of the Project site, and 137 Traditional Subdivision units located on the western portion of the project site.) These units are labeled as “2022” on Figure ES-6 of the Transportation Impact Analysis dated November 20, 2019 (Attachment 31 to the staff report). Conditions of approval for Phase 2 shall be met before issuance of the 306th Regency Phase 1 building permit (excludes 45 model home units) or the first building permit for the Traditional Subdivision within the project site. 		

- Phase 3 consists of the remaining 543 dwelling units (466 age-restricted dwelling units within Regency Phase 1 and 2 plus 77 Traditional Subdivision units) These units are labeled as “2023” and 2024 on Figure ES-6 of the Transportation Impact Analysis dated November 20, 2019 (Attachment 31 to the staff report). Conditions of approval for Phase 3 shall be met before issuance of the 546th age restricted building permit for Regency Phase 1/Phase 2 or the 138th building permit for the Traditional Subdivision within the Project site.

The following conditions defined the roadway improvements which shall be installed for each phase, as described above.

20.	<p><i>Phasing of Roadways</i></p> <p>Roadway construction shall be phased as described in the Transportation Impact Analysis and as shown on Figure ES-6 of the Transportation Impact Analysis dated November 20, 2019 (Attachment 31 to the staff report). Changes in the timing and/or progression of construction of homes may result in a change in the timing and/or sequencing of roadway construction subject to review and approval by the Community Development Department.</p> <p><u>Phase 1</u></p> <ul style="list-style-type: none">• Construct Mangini Parkway from East Bidwell Street to Driveway #4 located on the south side of Mangini Parkway as a two-lane roadway prior to issuance of the first building permit in Regency Phase 1.• Construct Regency Parkway as a two-lane roadway from East Bidwell Street to Street F.• Construct Mangini Parkway/Driveway #4 intersection, East Bidwell Street/Regency Parkway intersection, and internal project roads as required to access to new homes. <p><u>Phase 2</u></p> <ul style="list-style-type: none">• Construct Mangini Parkway from Driveway #4 to Oak Avenue Parkway as a two-lane roadway prior to issuance of the first Traditional Subdivision building permit within the project.• Construct Oak Avenue Parkway from Mangini Parkway to Driveway #1 prior to issuance of the first Traditional Subdivision building permit within the project.• Construct Oak Avenue Parkway from Driveway #1 to White Rock Road as an EVA access prior to issuance of the first Traditional Subdivision building permit within the Project.• Construct Oak Avenue Parkway/Driveway #1 intersection, Mangini Parkway Driveway #2 intersection, Mangini Parkway Driveway #4 intersection, and internal project roads as required to access new homes.• Construct Regency Parkway as a two-lane roadway from Street F to planned bridge over creek at the western of the Phase 2 active adult homes. <p><u>Phase 3</u></p>	B	CD (E), PW, FD
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	<ul style="list-style-type: none"> Construct Oak Avenue Parkway from Driveway #1 to White Rock Road as a two-lane roadway prior to issuance of the 138th Traditional Subdivision building permit within the project. Construct Regency Parkway from prior terminus to Mangini Parkway prior to issuance of the 546th Regency Phase 1 building permit within the project. <p>All driveway intersections and the Oak Avenue Parkway/Mangini Parkway intersection shall be constructed as the corresponding portions of those roads are built.</p>		
21.	<p><i>Phasing of Improvements to Specific Intersections</i></p> <p>Improvements to specific intersections identified in the November 20, 2019, Transportation Impact Study (Attachment 31 to staff report) shall be constructed as follows in Condition Nos. 22-52:</p>	B	CD (E), PW, FD
22.	<p><i>Mangini Parkway (Segment 1)</i></p> <p>Construct Mangini Parkway from East Bidwell Street westerly to Driveway #4 (“Street C”) as a two-lane roadway prior to issuance of the first Regency Phase 1 building permit.</p> <p>Timing: Prior to issuance of the first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
23.	<p><i>Mangini Parkway (Segment 2)</i></p> <p>Construct Mangini Parkway from Driveway #4 (“Street C”) to Oak Avenue Parkway as a two-lane roadway prior to issuance of the first Traditional Subdivision building permit within the project.</p> <p>Timing: Prior to issuance of the first Traditional Subdivision building permit.</p>	B	CD (E), PW, FD
24.	<p><i>Regency Parkway (Segment 1)</i></p> <p>Construct Regency Parkway as a two-lane roadway from East Bidwell Street to Street F.</p> <p>Timing: Prior to issuance of the first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD

25.		<p><i>Regency Parkway (Segment 2)</i></p> <p>Construct Regency Parkway as a two-lane roadway from Street F to the planned bridge over creek at the western edge of the Regency Phase 1 Small-Lot Vesting Tentative Subdivision Map.</p> <p>Timing: Prior to issuance of 306th Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
26.		<p><i>Regency Parkway (Segment 3)</i></p> <p>Construct Regency Parkway as a two-lane roadway from the eastern edge of the planned bridge over the creek bisecting the project site to Mangini Parkway.</p> <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase 1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD
27.		<p><i>Oak Avenue Parkway (Segment 1)</i></p> <p>Construct Oak Avenue Parkway as a two-lane roadway from Mangini Parkway to Driveway 1.</p> <p>Timing: Prior to issuance of the first Traditional Subdivision building permit.</p>	B	CD (E), PW, FD
28.		<p><i>Oak Avenue Parkway (Segment 2)</i></p> <p>Construct Oak Avenue Parkway as an EVA from Driveway 1 to White Rock Road.</p> <p>Timing: Prior to issuance of the first Traditional Subdivision building permit.</p>	B	CD (E), PW, FD
29.		<p><i>Oak Avenue Parkway (Segment 2)</i></p> <p>Construct Oak Avenue Parkway as a two-lane roadway from Driveway 1 to White Rock Road.</p> <p>Timing: Prior to issuance of the 138th Traditional Subdivision building permit.</p>	B	CD (E), PW, FD

30.		<p><i>Oak Avenue Parkway/Driveway 1 (Stage 1)</i></p> <p>Construct Driveway as shown in (Figure 43 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: Oak Ave Parkway shall be barricaded south of Driveway 1 and configured as an EVA; • Southbound: one shared through-left lane; • Westbound: one shared lane; • Control: side-street-stop-control. <p>Timing: Prior to issuance of first Traditional Subdivision building permit.</p>	B	CD (E), PW, FD
31.		<p><i>Oak Avenue Parkway/Driveway 1 (Stage 2)</i></p> <p>Construct driveway as shown in (Figure 44 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one shared through-right lane with a 150' right turn taper; • Southbound: one shared through-left lane; • Westbound: one shared lane; • Control: side-street-stop-control. <p>Timing: Prior to issuance of 138th Traditional Subdivision building permit.</p>	B	CD (E), PW, FD

<p>32.</p>	<p><i>Oak Avenue Parkway/Driveway 1 (Cumulative Right-of-Way)</i></p> <p>Applicant shall dedicate right-of-way to City of Folsom for future construction of the ultimate Driveway 1 intersection (Figure 45 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one left-turn lane with 150' pocket plus 60'taper, one through, and one shared through-right lane with a 150' right turn taper; • Southbound: one left-turn lane with 150' pocket plus 60'taper, one through, and one shared through-right lane with a 150 right turn taper; • Westbound: one shared lane; • Eastbound: one shared lane; • Control: side-street-stop-control. <p>Timing: Prior to issuance of first Traditional Subdivision building permit.</p>	<p>B</p>	<p>CD (E), PW, FD</p>
<p>33.</p>	<p><i>Mangini Parkway/Driveway 2</i></p> <p>Construct driveway as shown in (Figure 46 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one shared lane; • Westbound: one through lane and one left turn lane in a 60' pocket with 60'taper; • Eastbound: one through lane and one right turn lane in a 150' pocket with 60'taper; • Control: side-street-stop-control. <p>Timing: Prior to issuance of first Traditional Subdivision building permit.</p>	<p>B</p>	<p>CD (E), PW, FD</p>

34.		<p><i>Mangini Parkway/Regency Parkway (Driveway 3)</i></p> <p>Construct driveway as shown in (Figure 47 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one shared lane; • Westbound: one through lane and one left turn lane in a 60' pocket with 60'taper; • Eastbound: one through lane and one right turn lane in a 150' pocket with 60'taper; • Control: side-street-stop-control. <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase 1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD
35.		<p><i>Mangini Parkway/Driveway 4</i></p> <p>Construct driveway as shown in (Figure 48 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one shared lane; • Westbound: one through lane and one left turn lane in a 60' pocket with 60'taper; • Eastbound: one through lane and one right turn lane in a 150' pocket with 60'taper; • Control: side-street-stop-control. <p>Timing: Prior to issuance of first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD

36.		<p><i>Mangini Parkway/Driveway 5 (Stage 1)</i></p> <p>Construct driveway as shown in (Figure 49 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one shared lane; • Westbound: one shared through-left turn lane; • Eastbound: one shared through-right turn lane; • Control: side-street-stop-control. <p>Timing: Prior to issuance of 306th Regency Phase 1 building permit (excludes 45 model home unit building permits).</p>	B	CD (E), PW, FD
37.		<p><i>Mangini Parkway/Driveway 5 Right-of-Way</i></p> <p>Applicant shall dedicate right-of-way to City of Folsom for future construction of the ultimate Mangini Parkway/Driveway 5 intersection (Figure 50 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one shared lane; • Southbound: one right turn lane in a 150' pocket plus 60' taper and one shared through-left lane; • Westbound: one through-right lane and one left turn lane in a 60' pocket with 60'taper; • Eastbound: one through-right lane and one left turn lane in a 60' pocket with 60'taper; • Control: side-street-stop-control. <p>Timing: Prior to issuance of 306th Regency Phase 1 building permit (excludes 45 model home unit building permits).</p>	B	CD (E), PW, FD

38.		<p><i>East Bidwell Street/Regency Parkway (Driveway 6) Stage 1</i></p> <p>Construct driveway as follows:</p> <ul style="list-style-type: none"> • Northbound: one through lane and one left turn lane in a 150' pocket with 60' taper; • Southbound: one through lane and one right turn lane in a 150' pocket with 60'taper; • Eastbound: one shared lane; • Westbound departure: two lanes separated by a median for two access gates shall be subject to City Engineers prior approval. • Control: side-street-stop-control. <p>Timing: Prior to issuance of first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
39.		<p><i>East Bidwell Street/Regency Parkway (Driveway 6)</i></p> <p>Modify driveway as shown in (Figure 51 of the November 20, 2019, Transportation Impact Study), unless intersection has been signalized:</p> <ul style="list-style-type: none"> • Northbound: one through lane and one left turn lane in a 150' pocket with 60' taper; • Southbound: one through lane and one right turn lane in a 150' pocket with 60'taper; • Eastbound: one shared lane, plus a 300' northbound acceleration lane on East Bidwell Street to receive left-turns from Regency Parkway (a second NB lane on East Bidwell Street starting from Regency Parkway is equivalent to the 300' acceleration lane); • Westbound departure: two lanes separated by a median for two access gates shall be subject to City Engineers prior approval. • Control: side-street-stop-control. <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase 1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD

<p>40.</p>	<p><i>Mangini Parkway/Regency Parkway (Driveway 6) Right-of-Way</i></p> <p>The owner/applicant shall dedicate right-of-way to City of Folsom for future construction of the ultimate Mangini Parkway/Driveway 6 intersection (Figure 52 of the November 20, 2019, Transportation Impact Study):</p> <ul style="list-style-type: none"> • Northbound: one left turn lane in a 150' pocket with 60' taper, two through lanes, and a right turn lane in a 150' pocket with 60' taper; • Southbound: one right turn lane in a 150' pocket with 60' taper, two through lanes, and two left turn lanes in a 250' pocket with 120'taper. (Note that the FPASP assumed a single southbound left turn lane.); • Westbound: one shared left-through-right lane, and one right turn lane; • Westbound departure: two lanes separated by a median for two access gates shall be subject to City Engineers approval. • Eastbound: one shared lane <p>Timing: Prior to issuance of first Regency Phase 1 building permit</p>	<p>B</p>	<p>CD (E), PW, FD</p>
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41.	<p><i>Phase 1 Internal Stop Control</i></p> <p>Stop Control shall be installed at the following five locations within the Regency Phase 1 portion of the Toll Brothers at Folsom Ranch project:</p> <ul style="list-style-type: none"> • Regency Parkway/Street A (two-way-stop-control). Stop on A, no control on Regency. • Regency Parkway/Street D (two-way-stop-control). Stop on D, no control on Regency. • Regency Parkway/Street E (all-way-stop-control). • Regency Parkway/Street F (two-way-stop-control). Stop on F, no control on Regency. • Street D/Street S (all-way-stop-control). <p>Roundabouts may replace stop control at internal intersections with authorization from the City Engineer. Location of Stop Control is shown in Figure 24, page 73 of the November 20, 2019, Transportation Impact Study.</p> <p>Timing: prior to issuance of the first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
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<p>42.</p>	<p><i>Phase 1 Internal Stop Control (Regency Phase 1)</i></p> <p>Stop Control shall be installed at the following locations within the Regency Phase 1 portion of the Toll Brothers at Folsom Ranch project:</p> <ul style="list-style-type: none"> • Regency Parkway/Street G (two-way-stop-control). Stop on G, no control on Regency. • Regency Parkway/Street H (two-way-stop-control. Stop on H, no control on Regency. <p>Roundabouts may replace stop control at internal intersections with authorization from the City Engineer. Location of Stop Control is shown in Figure 24, Page 73 of the November 20, 2019, Transportation Impact Study.</p> <p>Timing: prior to issuance of the 306th Regency Phase 1 building permit (excludes 45 model home unit building permits).</p>	<p>B</p>	<p>CD (E), PW, FD</p>
<p>43.</p>	<p><i>Phase 2 Internal Stop Control (Traditional Subdivision)</i></p> <p>Stop Control shall be installed at the following locations:</p> <ul style="list-style-type: none"> • Street TA/Street TC (two-way-stop-control). Stop on TC, no control on TA. • Street TA/Street TG (two-way-stop-control). Stop on TG, no control on TA. • Street TB/Street TC (two-way-stop-control). Stop on TC, no control on TB. <p>Roundabouts may replace stop control at internal intersections with authorization from the City Engineer. Location of Stop Control is shown in preceding Figure 25, page 74.</p> <p>Timing: prior to issuance of the first Traditional Subdivision building permit.</p>	<p>B</p>	<p>CD (E), PW, FD</p>

44.	<p><i>Regency Phase 2 Internal Stop Control</i></p> <p>Stop Control shall be installed at any internal Regency Phase 2 intersections with four (or more) legs as directed by the City Engineer. Roundabouts may replace stop control at internal intersections with authorization from the City Engineer.</p> <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase 1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD
45.	<p><i>Oak Ave Parkway/White Rock Rd</i></p> <p>Implement either (A) or (B) below:</p> <p>(A) The Capital Southeast Connector Joint Powers Authority (JPA) has programmed to realign this portion of White Rock Road and building a partial signal to accommodate anticipated U-Turns. Expand or construct a signalized intersection as follows:</p> <ul style="list-style-type: none"> • SB: A single shared lane for left and right turns. • EB: A through lane and a left/U-turn in 300' pocket plus taper. • WB: A through lane and a right-turn in 300' pocket plus taper. • Signalize with protected phasing for left turns and U-turns. • Geometric design shall be consistent with Capital Southeast Connector Joint Powers Authority adopted standards. <p><i>OR</i></p> <p>(B) Channelize the intersection on the existing White Rock Road alignment to restrict turning movements to westbound right turns and southbound right turns. The westbound right turn requires a 365' deceleration lane, and the southbound right turn requires a 960' acceleration lane (Figure 53 of the November 20, 2019, Transportation Impact Study).</p> <p>Timing: Prior to opening the segment of Oak Avenue Parkway between Driveway 1 and White Rock Road, or prior to issuance of the 138th Traditional Subdivision building permit, whichever occurs first.</p>	B	CD (E), PW, FD

<p>46.</p>	<p><i>East Bidwell St./White Rock Road</i></p> <p>Signalize the existing White Rock Rd/East Bidwell Street intersection implementing either (A) or (B) below:</p> <p>(A) The Capital Southeast Connector Joint Powers Authority (JPA) project has programmed to relocate and signalize the East Bidwell Street/White Rock Road intersection as shown in the October 2017 geometric conceptual drawing , or equivalent improvements (i.e., three southbound approach lanes, four eastbound approach lanes, and three westbound approach lanes). Figure 54 of the November 20, 2019, Transportation Impact Study provides a conceptual intersection layout for this mitigation. Under option A, fair share is defined as the Toll Brothers at Folsom Ranch Project’s responsibility to the Sacramento County Transportation Development Fee. The Applicant is required to pay the Sacramento County Transportation Development Fee. Option A can be considered to be implemented once the JPA has let contracts for construction of the new intersection. This will ensure that the mitigation is constructed before project traffic adds 5 or more seconds of delay to the intersection.</p> <p><i>OR</i></p> <p>(B) Signalize the existing East Bidwell Street/White Rock Road intersection with the existing geometry. Figure 55 of the November 20, 2019, Transportation Impact Study provides a conceptual intersection layout for this mitigation.</p> <p>Timing: Prior to issuance of the first Regency Phase 1 building permit.</p>	<p>B</p>	<p>CD (E), PW, FD</p>
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47.		<p><i>East Bidwell St/Mangini Pkwy</i></p> <p>Signalize the intersection with the following geometry (Figure 56 of the November 20, 2019, Transportation Impact Study):</p> <ul style="list-style-type: none"> • NB: One left-turn lane in a 200' pocket with 60' taper, one through lane, and one right-turn lane in a 150' pocket with a 60' taper; • SB: One left-turn lane in a 200' pocket with 60' taper, one through lane, and one right-turn lane in a 150'pocket with 60'taper; • EB and WB: One left-turn lane in a 200' pocket with 60' taper, one through lane, and one right-turn lane in a 200'pocket with 60'taper. <p>Timing: prior to issuance of first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
48.		<p><i>East Bidwell St/Mangini Pkwy</i></p> <p>Expand the intersection and update signal configuration as follows (Figure 57 of the November 20, 2019 Transportation Impact Study):</p> <ul style="list-style-type: none"> • NB: One left-turn lane in a 200' pocket with 60' taper, two through lanes, and one right-turn lane in a 150' pocket with a 60' taper (the second through lane should be developed 300' south of the intersection); • SB: One left-turn lane in a 200' pocket with 60' taper, one through lane, and one right-turn lane in a 150'pocket with 60'taper; • EB and WB: One left-turn lane in a 200' pocket with 60' taper, one through lane, and one right-turn lane in a 200'pocket with 60'taper. <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase 1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD

49.		<p><i>East Bidwell St/Alder Creek Parkway</i></p> <p>Reconstruct and signalize the East Bidwell St/Alder Creek Parkway intersection as shown in Figure 58 of the November 20, 2019, Transportation Impact Study:</p> <ul style="list-style-type: none"> • NB Approach: One U-turn lane in a 150' pocket with a 60' taper, one through lane, and one right turn lane in a 150' pocket plus 60' taper. • SB Approach: One left turn lane in a 200' pocket plus 60' taper, and one through lane. • WB Approach: One right turn lane, plus one left-turn lane in a 200' pocket plus 60' taper. <p>Timing: Prior to issuance of the first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
50.		<p><i>East Bidwell St/Alder Creek Parkway</i></p> <p>Reconstruct and modify signal at the East Bidwell St/Alder Creek Parkway intersection as shown in Figure 59 of the November 20, 2019, Transportation Impact Study:</p> <ul style="list-style-type: none"> • NB Approach: One U-turn lane in a 150' pocket with a 60' taper, two through lanes, and one right turn lane in a 150' pocket plus 60' taper. • SB Approach: One left turn lane in a 240' pocket plus 60' taper, and two through lanes. The second SB through lane can be dropped south of Old Ranch Way, the estimated taper for merging the two southbound lanes into one should be 660 feet long based on a 55 mph design speed and 12-foot lane width. • WB Approach: One right turn lane, plus one left-turn lane in a 200' pocket plus 60' taper. <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase 1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD

51.		<p><i>East Bidwell St/Savannah Parkway</i></p> <p>Reconstruct the East Bidwell St/Savannah Pkwy intersection with the following geometry (Figure 60 of the November 20, 2019, Transportation Impact Study):</p> <ul style="list-style-type: none"> • NB Approach: One shared through-right lane with a 150' taper; • SB Approach: One left turn lane in a 150' pocket plus 60' taper, and one through lane; • WB Approach: One left turn lane in a 60' pocket plus 60' taper, and one through lane; • SB departure: Construct a southbound receiving and acceleration lane for westbound left turn traffic. The acceleration lane shall be in a 300' pocket plus an appropriate taper. <p>Timing: Prior to issuance of the first Regency Phase 1 building permit.</p>	B	CD (E), PW, FD
52.		<p><i>East Bidwell St/Savannah Parkway</i></p> <p>Reconstruct the East Bidwell St/Savannah Pkwy intersection with the following geometry (Figure 61 of the November 20, 2019, Transportation Impact Study):</p> <ul style="list-style-type: none"> • NB Approach: One through lane and one shared through-right lane with a 150' taper; • SB Approach: One left turn lane in a 150' pocket plus 60' taper, and one through lane; • WB Approach: One left turn lane in a 60' pocket plus 60' taper, and one through lane; • SB departure: Construct a southbound receiving and acceleration lane for westbound left turn traffic. The acceleration lane shall be in a 300' pocket plus an appropriate taper. <p>Timing: Prior to issuance of the first Regency Phase 2 building permit (546th overall Regency Phase1/2 building permit excluding the 45 model home building permits).</p>	B	CD (E), PW, FD

53.		<p><i>Utility Infrastructure</i></p> <ul style="list-style-type: none"> • Utilities shall be constructed concurrent with the roadway phasing, as deemed appropriate and necessary to support the particular phase by the City Engineer. • A particular development phase may be developed into sub-phases in which the roadway and utility phasing may change. If sub-phasing is proposed, the City Engineer shall determine what roadway and utility improvements are appropriate and necessary to serve the sub-phase. 	G, I, M	CD (E), PW, FD
54.		<p><i>Off-site improvements / Rights of Entry</i></p> <p>For any improvements constructed on private property that are not under the ownership or control of the owner/applicant, all rights-of-entry, and if necessary, a permanent easement shall be obtained and provided to the City. All rights of entry, construction easements, either permanent or temporary and other easements shall be obtained as set forth in Amendments No. 1 and 2 to ARDA, which shall be fully executed by all affected parties and shall be recorded with the Sacramento County Recorder, where applicable, prior to approval of grading and/or improvement plans.</p>	G, I	CD (E)
55.		<p><i>Mine Shaft Remediation</i></p> <p>The owner/applicant shall locate and remediate all antiquated mine shafts, drifts, open cuts, tunnels, and water conveyance or impoundment structures existing on the project site, with specific recommendations for the sealing, filling, or removal of each that meet all applicable health, safety and engineering standards. Recommendations shall be prepared by an appropriately licensed engineer or geologist. All remedial plans shall be reviewed and approved by the City prior to approval of grading plans.</p>	G	CD (E)

56.		<p>Prepare Traffic Control Plan. Prior to construction, a Traffic Control Plan for roadways and intersections affected by construction shall be prepared by the owner/applicant. The Traffic Control Plan prepared by the owner/applicant shall, at minimum, include the following measures:</p> <ul style="list-style-type: none"> • Maintaining the maximum amount of travel lane capacity during non-construction periods, possible, and advanced notice to drivers through the provision of construction signage. • Maintaining alternate one-way traffic flow past the lay down area and site access when feasible. • Heavy trucks and other construction transport vehicles shall avoid the busiest commute hours (7 a.m. to 8 a.m. and 5 p.m. to 6 p.m. on weekdays). • A minimum 72-hour advance notice of access restrictions for residents, businesses, and local emergency response agencies. This shall include the identification of alternative routes and detours to enable for the avoidance of the immediate construction zone. • A phone number and City contact for inquiries about the schedule of the construction throughout the construction period. This information will be posted in a local newspaper, via the City's web site, or at City Hall and will be updated on a monthly basis. 	G	CD (E)
57.		<p>State and Federal Permits The owner/applicant shall obtain all required State and Federal permits and provide evidence that said permits have been obtained, or that the permit is not required, subject to staff review prior to approval of any grading or improvement plan.</p>	G, I	CD (P)(E)
58.		<p>Water Quality Certification A water quality certification pursuant to Section 401 of the Clean Water Act is required before issuance of the record of decision and before issuance of the Section 404 permit. Before construction in any areas containing wetland features, the owner/applicant shall obtain water quality certification for the project. Any measures required as part of the issuance of water quality certification shall be implemented pursuant to the permit conditions.</p>	G	CD (E)
59.		<p>Landslide /Slope Failure The owner/applicant shall retain an appropriately licensed engineer during the grading activities to identify existing landslides and potential slope failure hazards. The said engineer shall be notified a minimum of two days prior to any site clearing or grading to facilitate meetings with the grading contractor in the field.</p>	G	CD (E) PW

IMPROVEMENT PLAN REQUIREMENTS				
60.		<p><i>Improvement Plans</i> The improvement plans for the required public and private subdivision improvements necessary to serve any and all phases of development shall be reviewed and approved by the Community Development Department prior to approval of a Final Map.</p>	M	CD (E)
61.		<p><i>Standard Construction Specifications and Details</i> Public and private improvements, including roadways, curbs, gutters, sidewalks, bicycle lanes and trails, streetlights, underground infrastructure and all other improvements shall be provided in accordance with the latest edition of the City of Folsom <u><i>Standard Construction Specifications and Details</i></u> and the <u><i>Design and Procedures Manual and Improvement Standards</i></u>.</p>	I	CD (P)(E)
62.		<p><i>Water and Sewer Infrastructure</i> All City-owned water and sewer infrastructure shall be placed within the street right of way. In the event that a City-maintained public water or sewer main needs to be placed in an area other than the public right of way, such as through an open space corridor, landscaped area, etc., the following criteria must be met;</p> <ul style="list-style-type: none"> • The owner/applicant shall provide public sewer and water main easements • An access road shall be designed and constructed to allow for the operations, maintenance and replacement of the public water or sewer line by the City along the entire water and/or sewer line alignment. However, no access road is required within the two pedestrian paseos (Lot BI and BJ) as shown on the Small-Lot Vesting Tentative Subdivision Map) • In no case shall a City-maintained public water or public sewer line be placed on private residential property. • The domestic water and irrigation system owned and maintained by the City shall be separately metered per City of Folsom <u><i>Standard Construction Specifications and Details</i></u>. 	I	CD (E)

63.		<p>Lighting Plan The owner/applicant of all project phases shall submit a lighting plan for the project to the Community Development Department. The lighting plan shall be consistent with the Folsom Ranch Central District Design Guidelines:</p> <ul style="list-style-type: none"> • Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties; • Place and shield or screen flood and area lighting needed for construction activities, nighttime sporting activities, and/or security so as not to disturb adjacent residential areas and passing motorists; • For public lighting in residential neighborhoods, prohibit the use of light fixtures that are of unusually high intensity or that blink or flash; • Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage in the office/commercial areas to prevent light and glare from adversely affecting motorists on nearby roadways; and • Design exterior on-site lighting as an integral part of the building and landscaping design in the Specific Plan Area. Lighting fixtures shall be architecturally consistent with the overall site design. Lights used on signage should be directed to light only the sign face with no off-site glare. 	I	CD (P)
64.		<p>Utility Coordination The owner/applicant shall coordinate the planning, development and completion of this project with the various utility agencies (i.e., SMUD, PG&E, etc.). The owner/applicant shall provide the City with written confirmation of public utility service prior to approval of all final maps.</p>	M	CD (P)(E)
65.		<p>Replacing Hazardous Facilities The owner/applicant shall be responsible for replacing any and all damaged or hazardous public sidewalk, curb and gutter, and/or bicycle trail facilities along the site frontage and/or boundaries, including pre-existing conditions and construction damage, to the satisfaction of the Community Development Department.</p>	I, OG	CD (E)
66.		<p>Future Utility Lines All future utility lines lower than 69 KV that are to be built within the project shall be placed underground within and along the perimeter of the project at the developer's cost. The owner/applicant shall dedicate to SMUD all necessary underground easements for the electrical facilities that will be necessary to service development of the project.</p>	M	CD (E)

67.		<i>Water Meter Fixed Network System</i> The owner owner/applicant shall pay for, furnish and install all infrastructure associated with the water meter fixed network system for any City-owned and maintained water meter within the project.	I	CD (E), EWR
68.		<i>Vertical Curb</i> All curbs located adjacent to landscaping, whether natural or manicured, and where parking is allowed shall be vertical.	I	CD (P)(B)
69.		<i>Class II Bike Lanes</i> All Class II bike lanes shall be striped, and the legends painted to the satisfaction of the Community Development Department. No parking shall be permitted within the Class II bike lanes.	I	CD (E)(P)

<p>70.</p>	<p>✓</p>	<p>Noise Barriers Based on the Environmental Noise Assessment (the “2019 Noise Assessment”) prepared by Bollard Acoustical Consultants on November 24, 2019, the following measures shall be implemented to the satisfaction of the Community Development Department:</p> <ul style="list-style-type: none"> • 6-foot-tall solid noise barriers, relative to backyard elevations, shall be constructed along all residential property boundaries adjacent to East Bidwell Street, Mangini Parkway, and Oak Avenue Parkway prior to occupancy of any residences adjacent to the aforementioned streets. • For the proposed Traditional Subdivision portion of the project located at the northeast corner of White Rock Road and Oak Avenue Parkway , a 7-foot-tall solid noise barrier, relative to backyard elevations, shall be constructed along all property boundaries adjacent to White Rock Road prior to occupancy of any residences adjacent to White Rock Road. • For the proposed Regency Phase 1 and Phase 2 portions of the project (which are located at the northwest corner of the intersection of White Rock Road and East Bidwell Street and north of White Rock Road in the central portion of the Toll Brothers at Folsom Ranch project site), an 8-foot-tall solid noise barrier, relative to backyard elevations, shall be constructed along all residential property boundaries adjacent to White Rock Road. • Suitable materials for the traffic noise barriers include masonry and precast concrete panels. The overall barrier height may be achieved by utilizing a barrier and earthen berm combination. Other materials may be acceptable but shall be reviewed by an acoustical consultant and approved by the Community Development Department prior to use. • Mechanical ventilation (air conditioning) shall be provided for all residences in this development to allow the occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria. • For the first row of homes located within the Traditional Subdivision portion of the project located along White Rock Road, the west-, south-, and east-facing second-floor building facades shall maintain minimum window assembly STC ratings of 34. 	<p>I, O</p>	<p>CD (E)(P)</p>
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71.	<p><i>Master Plan Updates</i></p> <p>The City has approved the Folsom Plan Area Storm Drainage Master Plan, Wastewater Master Plan, and Water Master Plan. The owner/applicant shall submit complete updates to the approved master plans, if applicable, for the proposed changes to the master plans as a result of the proposed project. The updates to the master plans for the proposed project shall be reviewed and approved by the City prior to approval of grading and/or improvement plans.</p> <p>The plans shall be accompanied by engineering studies supporting the sizing, location, and timing of the proposed facilities. Improvements shall be constructed in phases as the project develops in accordance with the approved master plans, including any necessary off-site improvements to support development of a particular phase or phases, subject to prior approval by the City. Off-site improvements may include roadways to provide secondary access, water transmission lines or distribution facilities to provide a looped water system, sewer trunk mains and lift stations, water quality facilities, non-potable water pipelines and infrastructure, and drainage facilities including on or off-site detention. No changes in infrastructure from that shown on the approved master plan shall be permitted unless and until the applicable master plan has been revised and approved by the City. Final lot configurations may need to be modified to accommodate the improvements identified in these studies to the satisfaction of the City.</p> <p>The owner/applicant shall provide sanitary sewer, water and storm drainage improvements with corresponding easements, as necessary, in accordance with these studies and the latest edition of the City of Folsom <u><i>Standard Construction Specifications and Details</i></u>, and the <u><i>Design and Procedures Manual and Improvement Standards</i></u>.</p> <p>The storm drainage design shall provide for no net increase in run-off under post-development conditions.</p>	G, I	CD(E), EWR, PW
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72.		<p>Best Management Practices</p> <p>The storm drain improvement plans shall provide for “Best Management Practices” that meet the requirements of the water quality standards of the City’s National Pollutant Discharge Elimination System Permit issued by the State Regional Water Quality Control Board.</p> <p>In addition to compliance with City ordinances, the owner/applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP), and implement Best Management Practices (BMPs) that comply with the General Construction Stormwater Permit from the Central Valley RWQCB, to reduce water quality effects during construction. Detailed information about the SWPPP and BMPs are provided in Chapter 3A.9, “Hydrology and Water Quality.”</p> <p>Each proposed project development shall result in no net change to peak flows into Alder Creek and associated tributaries, or to Buffalo Creek, Carson Creek, and Coyote Creek. The owner/applicant shall establish a baseline of conditions for drainage on-site. The baseline-flow conditions shall be established for 2-, 5-, and 100-year storm events. These baseline conditions shall be used to develop monitoring standards for the stormwater system on the Specific Plan Area. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to USACE and the City for their approval. Water quality and detention basins shall be designed and constructed to ensure that the performance standards, which are described in Chapter 3A.9, “Hydrology and Water Quality,” are met and shall be designed as off-stream detention basins.</p> <p>Discharge sites into Alder Creek and associated tributaries, as well as tributaries to Carson Creek, Coyote Creek, and Buffalo Creek, shall be monitored to ensure that pre-project conditions are being met. Corrective measures shall be implemented as necessary. The mitigation measures will be satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures to meet the performance standard.</p>	G, I	CD (E)
73.		<p>Litter Control</p> <p>During Construction, the owner/applicant shall be responsible for litter control and sweeping of all paved surfaces in accordance with City standards. All on-site storm drains shall be cleaned immediately before the commencement of the rainy season (October 15).</p>	OG	CD (E)

FIRE DEPT REQUIREMENTS				
74.		<p><i>Prepare fuel modification plan (FMP).</i> The owner/applicant shall submit a Fuel Modification Plan consistent with the FPA Open Space Management Plan to the City for review and approval by the City. Final approval of the plan shall occur prior to the issuance of a building permit for any new construction. A Fuel Modification Plan shall consist of a set of scaled plans showing fuel modification zones indicated with applicable assessment notes, a detailed landscape plan and an irrigation plan. A fuel modification plan submitted for approval shall be prepared by one of the following: a California state licensed landscape architect, or state licensed landscape contractor, or a landscape designed, or an individual with expertise acceptable to the Fire Code Official.</p> <p>Notification of fuel modification requirements are to be made upon sale to new property owners. Proposed changes to the approved Fuel Modification Plan shall be submitted to the City for approval prior to implementation.</p> <p>The owner/applicant shall dedicate a 30-foot-wide fuel modification easement(s) for all residential properties located adjacent to open space areas within the development. The owner/applicant shall dedicate easements, if applicable, for the required fuel modification buffer. The fuel modification easement(s) shall be shown on the Final Map. The owner/applicant shall be responsible for the maintenance of the fuel modification areas until such time that the City takes ownership of the open space areas that are to be deeded to the City within the project site.</p>	M, B	CD (P), FD

75.	<p>All-Weather Access and Fire Hydrants</p> <p>The owner/applicant shall provide all-weather access and fire hydrants before combustible materials are allowed on any project site or other approved alternative method as approved by the Fire Department. All-weather emergency access roads and fire hydrants (tested and flushed) shall be provided before combustible material or vertical construction is allowed on any project site or other approved alternative method as approved by the Fire Department. (All-weather access is defined as six inches of compacted aggregate base from May 1 to September 30 and two inches asphalt concrete over six inches aggregate base from October to April 30). The building shall have illuminated addresses visible from the street or drive fronting the property. Size and location of address identification shall be reviewed and approved by the Fire Department.</p> <ul style="list-style-type: none"> • Residential Fire-Flow with Automatic Fire Sprinkler System: The required fire-flow for the proposed residential portion of the project is determined to be 875 GPM for one hour. • All public streets shall meet City of Folsom Street Standards. • The maximum length of any dead-end street shall not exceed 500 feet in accordance with the Folsom Fire Code (unless approved by the Fire Department). • All-weather emergency access roads and fire hydrants (tested and flushed) shall be provided before combustible material storage or vertical construction is allowed. All-weather access is defined as 6" of compacted AB from May 1 to September 30 and 2"AC over 6" AB from October 1 to April 30 • The first Fire Station planned for the Folsom Plan Area may be required to be completed and operational at the time that the threshold of 1,500 occupied homes within the Folsom Plan Area is met. 	G, I, M, B	CD (P), FD
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LANDSCAPE/TREE PRESERVATION REQUIREMENTS				
76.		<p>The owner/applicant shall obtain a tree removal permit, mitigate for removal of protected and heritage trees in accordance with Chapter 12.16 of the City of Folsom Municipal Code for Tree Preservation, and minimize indirect impacts to trees to be preserved. This shall include the following:</p> <ul style="list-style-type: none"> • A Tree Permit Application containing an application form, justification statement, site map, preservation program, and arborist’s report shall be submitted to the City of Folsom by the owner/applicant for issuance of a Tree Permit prior to commencement of any grading or site improvement activities. • A Mitigation Plan shall be prepared by the owner/applicant to mitigate for the removal of the protected Canopy Oak Trees and Isolated Oak Trees within the development site. The Mitigation Plan for the Isolated Oak Trees shall consist of replacement trees and/or payment of “In-Lieu” fees on a diameter inch bases consistent with 10-14, 10-15 of the FPASP. Replacement trees may be located within the boundaries of the development parcel, a natural parkway, landscape corridor or passive or preserve open space zone, preferably within the Folsom Plan Area. The Mitigation Plan for the Isolated Oak Trees shall be subject to review and approval by the City. The Mitigation Plan for the Canopy Oak Trees shall be consistent with the mitigation requirements established by the Folsom Plan Area Specific Plan. • The Conservation Areas shall be fenced prior to construction. In addition, oak trees to be preserved within the Passive Recreation Open Spaces shall be fenced with high-visibility fencing prior to starting construction. The fencing shall be installed outside the tree preservation zone of oak trees, and shall surround the entirety of the tree preservation zone area. Parking of vehicles, equipment, or storage of materials is prohibited within the Tree Protection Zone of Protected Trees at all times. Signs shall be posted on exclusion fencing stating that the enclosed trees are to be preserved. Signs shall state the penalty for damage to, or removal of, the protected tree. 	G, I	CD (P)(E)

77.		<ul style="list-style-type: none"> The owner/applicant shall retain an ISA certified project arborist for implementation of the project. The project arborist shall be responsible for overseeing onsite tree removal and tree preservation. Oak trees located adjacent to construction areas that may be indirectly impacted due to work within or near the Tree Protection Zone shall be identified and tagged by the project arborist during construction activities. The indirectly impacted trees shall be monitored by the project arborist for five years in accordance with the Conceptual Oak Plan and FPASP EIR/EIS Mitigation Measure 3A.3-5. Trees that appear to be dead or dying within five years of project implementation will be replaced as per the requirements of this Plan. 	G	CD (P)(E)
78.		<p>Landscaping Plans Final landscape plans and specifications shall be prepared by a registered landscape architect and approved by the City prior to the approval of the first building permit. Said plans shall include all on-site landscape specifications and details including a tree planting exhibit demonstrating sufficient diversity and appropriate species selection to the satisfaction of the Community Development Department. The tree exhibit shall include all street trees, accent trees, parking lot shading trees, and mitigation trees proposed within the development. Said plans shall comply with all State and local rules, regulations, Governor's declarations and restrictions pertaining to water conservation and outdoor landscaping.</p> <p>Landscaping shall meet shade requirements as outlined in the Folsom Plan Area Specific Plan where applicable. The landscape plans shall comply and implement water efficient requirements as adopted by the State of California (Assembly Bill 1881) (State Model Water Efficient Landscape Ordinance) until such time the City of Folsom adopts its own Water Efficient Landscape Ordinance at which time the owner/applicant shall comply with any new ordinance. Shade and ornamental trees shall be maintained according to the most current American National Standards for Tree Care Operations (ANSI A-300) by qualified tree care professionals. Tree topping for height reduction, view protection, light clearance or any other purpose shall not be allowed. Specialty-style pruning, such as pollarding, shall be specified within the approved landscape plans and shall be implemented during a 5-year establishment and training period. The owner/applicant shall comply with city-wide landscape rules or regulations on water usage. Owner/applicant shall comply with any state or local rules and regulations relating to landscape water usage and landscaping requirements necessitated to mitigate for drought conditions on all landscaping in the Toll Brothers project.</p>	B	CD (P)(E)

79.		<i>Right of Way Landscaping</i> Landscaping along all road rights of way and in public open space lots shall be installed when the adjoining road or lots are constructed.	I, OG	CD (P)
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MAP REQUIREMENTS				
80.		<p><i>Subdivision Improvement Agreement</i> Prior to the approval of any Final Map, the owner/applicant shall enter into a subdivision improvement agreement with the City, identifying all required improvements, if any, to be constructed with each proposed phase of development. The owner/applicant shall provide security acceptable to the City, guaranteeing construction of the improvements.</p>	M	CD (E)
81.		<p><i>The Final Inclusionary Housing Plan</i> The Final Inclusionary Housing Plan shall be approved by the City Council, and the Inclusionary Housing Agreement approved by the City Attorney shall be executed prior to recordation of the first Small-Lot Final Map for the Toll Brothers at Folsom Ranch project.</p>	M	CD (P)(E)

<p>82.</p>		<p>Department of Real Estate Public Report The owner/applicant shall disclose to the homebuyers in the Department of Real Estate Public Report and the CC&R's for the Toll Brothers at Folsom Ranch project the following items:</p> <ol style="list-style-type: none"> 1) Future public parks and public schools are located in relatively close proximity to the proposed subdivision, and that the public parks may include facilities (basketball courts, a baseball field, softball fields, soccer fields, and playground equipment) that may generate noise impacts during various times, including but not limited to evening and nighttime hours. The owner/applicant shall also disclose that the existing public parks include nighttime sports lighting that may generate lighting impacts during evening and nighttime hours. 2) The soil in the subdivision may contain naturally occurring asbestos and naturally occurring arsenic. 3) The collecting, digging, or removal of any stone, artifact, or other prehistoric or historic object located in public or open space areas, and the disturbance of any archaeological site or historic property, is prohibited. 4) The project site is located within close proximity to the Mather Airport flight path and that overflight noise may be present at various times. 5) That all properties located within one mile of an on- or off-site area zoned or used for agricultural use (including livestock grazing) shall be accompanied by written disclosure from the transferor, in a form approved by the City of Folsom, advising any transferee of the potential adverse odor impacts from surrounding agricultural operations which disclosure shall direct the transferee to contact the County of Sacramento concerning any such property within the County zoned for agricultural uses within one mile of the subject property being transferred. 6) The project site is located adjacent to the future JPA Connector which may generate noise impacts during various times including but not limited to evening and nighttime hours. 	<p>M</p>	<p>CD (P) PK</p>
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83.		<p>Public Utility Easements The owner/applicant shall dedicate public utility easements for underground facilities on properties adjacent to the public and private streets. A minimum of twelve and one-half-foot (12.5') wide Public Utility Easements for underground facilities (i.e., SMUD, Pacific Gas and Electric, cable television, telephone) shall be dedicated adjacent to all public and private street rights-of-way. The owner/applicant shall dedicate additional width to accommodate extraordinary facilities as determined by the City. The width of the public utility easements adjacent to public and private right of way may be reduced with prior approval from public utility companies.</p>	M	CD (E)
84.		<p>Final Map Phasing Should multiple Final Maps be filed by the owner/applicant, the phasing of maps shall be to the satisfaction of the Community Development Department.</p>	M	CD (E)
85.		<p>Backbone Infrastructure As provided for in the ARDA and the Amendment No. 1 thereto, the owner/applicant shall provide fully executed grant deeds, legal descriptions, and plats for all necessary Infrastructure to serve the project, including but not limited to lands, public rights of way, public utility easements, public water main easements, public sewer easements, irrevocable offers of dedication and temporary construction easements. All required easements as listed necessary for the Infrastructure shall be reviewed and approved by the City and recorded with the Sacramento County Recorder pursuant to the timing requirements set forth in Section 3.8 of the ARDA, and any amendments thereto.</p>	M	CD (E)
86.		<p>New Permanent Benchmarks The owner/applicant shall provide and establish new permanent benchmarks on the (NAVD 88) datum in various locations within the subdivision or at any other locations in the vicinity of the project/subdivision as directed by the City Engineer. The type and specifications for the permanent benchmarks shall be provided by the City. The new benchmarks shall be placed by the owner/applicant within 6 months from the date of approval of the vesting tentative subdivision map.</p>	M	CD (E)
87.		<p>Centralized Mail Delivery Units All Final Maps shall show easements or other mapped provisions for the placement of centralized mail delivery units. The owner/applicant shall provide a concrete base for the placement of any centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the U. S. Postal Service and the City of Folsom Community Development Department, with due consideration for street light location, traffic safety, security, and consumer convenience.</p>	M	CD (E)

88.		<p><i>Recorded Final Map</i> Prior to the issuance of building permits, the owner/applicant shall provide a digital copy of the recorded Final Map (in AutoCAD format) to the Community Development Department. The exception to this requirement are model homes; subject to approval of the Community Development Department, building permits for model homes only may be issued prior to recording of the Final Map.</p>	B	CD (E)
89.		<p><i>Recorded Final Map</i> Prior to issuance of building permits, the owner/applicant shall provide the Folsom-Cordova Unified School District with a copy of the recorded Final Map.</p>	B	CD (P), FCUSD
90.		<p><i>Credit Reimbursement Agreement</i> Prior to the recordation of the first Small-Lot Final Map, the owner/applicant and City shall enter into a credit and reimbursement agreement for constructed improvements that are included in the Folsom Plan Area's Public Facilities Financing Plan.</p>	M	CD (E)

ARCHITECTURE/SITE DESIGN REQUIREMENTS				
91.		<p>The Regency Phase 1 portion of the Toll Brothers at Folsom Ranch project (Lots 1-590 as shown on the Small-Lot Vesting Tentative Subdivision Map) shall comply with the following architecture and design requirements:</p> <ol style="list-style-type: none"> 1. This approval is for five, one-story master plans in four architectural styles with three color and material options each for the Regency portion of the Toll Brothers project. The applicant shall submit building plans that comply with this approval and the attached building elevations dated August 30, 2019. 2. The design, materials, and colors of the proposed Regency single-family and townhome residential units shall be consistent with the submitted building elevations, materials samples, and color scheme to the satisfaction of the Community Development Department. 3. The Community Development Department shall approve the individual lot permits to assure no duplication or repetition of the same house, same roof-line, same elevation style, side-by-side, or across the street from each other. 4. All mechanical equipment shall be ground-mounted and concealed from view of public streets, neighboring properties and nearby higher buildings. For lots abutting the open space areas, mechanical equipment shall be located out of view from open space areas. 5. Decorative light fixtures, consistent with the Folsom Ranch Central District Design Guidelines and unique to each architectural design theme, shall be added to the front building elevation of each Master Plan to the satisfaction of the Community Development Department. 6. A minimum of one street shall be planted in the front yard of each residential lot within the subdivision. A minimum of two trees are required along the street-side of all corner lots. All front yard irrigation and landscaping shall be installed prior to a Building Permit Final. 7. A maximum of 25% of the townhome product located on interior lots shall be permitted to have a side entry at the primary entrance location to the residence. 	B	CD (P) (B)

92.		<p>Design Review Approval Prior to issuance of a building permit for any residential units within the traditional Subdivisions (Lots 1-214 as shown on the Small-Lot Vesting Tentative Subdivision Map) and Regency Phase 2 (421 unmapped residential units) portions of the Toll Brothers at Folsom Ranch project, the owner/applicant shall obtain Design Review and/or Planned Development approval from the Planning Commission for all residences to be built within the aforementioned portions of the project area. If the architecture is not consistent with the Folsom Ranch Central District Design Guidelines, the owner applicant may modify the plans or apply for a modification to the Design Guidelines to be reviewed by the Planning Commission.</p> <p>In addition, the final design of the clubhouse within the Regency Phase 1 portion of the project shall be subject to review and approval by the Planning Commission. If other clubhouse structures are proposed with the Regency Phase 2 portion of the project or the traditional Subdivision portion of the project, they will also be subject to review and approval by the Planning Commission.</p>	B	CD (P) PR
93.		<p>Mechanical Equipment Screening All mechanical equipment shall be concealed from view of public and private streets, neighboring properties and nearby higher buildings where practicable to the satisfaction of the Community Development Department.</p>	B	CD (P) (E)
PARKS AND RECREATION REQUIREMENTS				
94.		<p>The owner/applicant shall modify the FPASP Land Use Plan and Parks Plan to identify the relocated public park lands that are outside of the project area prior to issuance of the first building permit for Regency Phase 1. The relocated parklands shall include 8 acres adjacent to the planned Local Park No. 4 (LP4) which is 2.3 acres in size, resulting in a 10.3-acre park site. The remaining 2 acres shall be relocated adjacent to Local Park No. 2 (LP2) which is 1.1 acres in size, resulting in a 3.1-acre park site. Final parkland location and size shall be approved by the Parks and Recreation Director.</p>	B	CD (E) (P), PR
95.		<p>The owner/applicant shall provide 7.5-acres of private recreation facilities within the "Regency" Phase 1 Subdivision (Lot D: 5.0-acres)(Lot G: 0.5-acres)(Lot F: 0.5-acres) and "Traditional Homes" Subdivision (Lot E: 1.5-acres) portions of the proposed project as shown on the Small Lot Vesting Tentative Subdivision Maps. The final size and location of the private amenity within the "Regency" Phase 2 Subdivision as shown on the Toll Brothers at Folsom Ranch Master Plan Exhibit will be determined with approval of the future entitlements associated with "Regency" Phase 2.</p>	M, OG	CD (E) (P), PR

96.		Prior to issuance of the last building permit (342nd building permit) within Phase 1B of the Regency Phase 1 Active-Adult Community as shown on the Conceptual Phasing Exhibit, dated January 24, 2020, the owner/applicant shall begin construction of the private amenity and maintain continual progress until completion.	B, OG	CD (E) (P), PR
97.		Prior to issuance of the last building permit (590th building permit) in Phase 1C of the Regency Phase 1 Active-Adult Community as shown on the Conceptual Phasing Exhibit, dated January 24, 2029, the owner/applicant shall begin construction of the two private dog-park amenities and maintain continual progress until completion.	B, OG	CD (E) (P), PR
98.		Prior to issuance of the 137 th building permit within Traditional Subdivision portion of the Toll Brothers at Folsom Ranch project, the owner/applicant shall begin construction of the private amenity and maintain continual progress until completion.	B, OG	CD (E) (P), PR
99.		Prior to the issuance of the last building permit within Regency Phase 1, the owner/applicant shall complete grading of the public trails on Lots H, I, J, and N, and the Class 1 trail parallel to Mangini Parkway on Lots Q and R, as shown on the Toll Brothers Public Trails System Modification Exhibit and Vesting Tentative Subdivision Map, dated January 24, 2020.	B	CD (E) (P), PR
100.		The owner/applicant shall include the maintenance of all graded subdivision trails and completed Class I trail parallel to Mangini Parkway within the responsibility of the development Homeowner's Association (HOA) until the Open Space is deeded to the City. The City shall not incur any maintenance responsibility or expense as a result of these trails until the transfer of Open Space ownership to the City is complete.	G, I, OG	CD (E) (P), PR
101.		The owner/applicant shall include the maintenance of all private trail connections within the responsibility of the development Homeowner's Association (HOA) in perpetuity. The City shall not incur any maintenance responsibility or expense as a result of these private trail connections to the public trails within the subdivision.	G, I, OG	CD (E) (P), PR
102.		The owner/applicant shall include the maintenance of all 86.1-acres of Open Space (Measure W Open Space) and fuel modification buffers, in accordance with the Folsom Plan Area Open Space Master Plan, within the responsibility of the development Homeowner's Association (HOA) until the Open Space is deeded to the City. The City shall not incur any maintenance responsibility or expense as a result of this Open Space until the transfer of Open Space ownership to the City is complete. In addition, the Open Space shall not be deeded to the City until development on both sides adjacent to the Open Space are complete and at such a time the City is ready to take ownership.	OG	CD (E) (P), PR
103.		Parkland dedications shall be calculated as net acreage.	G, I	CD (E) (P), PR
MISCELLANEOUS REQUIREMENTS				

104.		The owner/applicant shall update the Folsom Plan Area Specific Plan to reflect all changes and modifications to the General Plan Land Use and Specific Plan Land Use diagrams, tables, and exhibits to reflect changes resulting from the Toll Brothers at Folsom Ranch project prior to issuance of the first building permit to the satisfaction of the Community Development Department.	B	CD (E) (P), PR
105.		The Regency Phase 1 (Lots 1-590 as shown on the Small-Lot Vesting Tentative Subdivision Map dated October 17, 2019) and the Regency Phase 2 unmapped portions of the Toll Brothers at Folsom Ranch project shall be limited to age-restricted (Age 55+) residential units.	OG	CD (E) (P)

Mitigation Measures				
106.	<i>Toll Brothers at Folsom Ranch Project Mitigation Monitoring Reporting Program (MMRP)</i> . Table 1 below describes the mitigation measures from the FPASP (May 2011) MMRP, as amended by the Revised Proposed Water Supply Facility Alternative (November 2012), Folsom South of U.S. Highway 50 Backbone Infrastructure Mitigated Negative Declaration (December 2014), the Westland Eagle Specific Plan Amendment (September 2015), and the Toll Brothers at Folsom Ranch Project.			
Condition No.	Mitigation Number (Source)	Mitigation Measures	Timing	Responsible Agency
Aesthetics				
106-1	3A.1-1 (FPASP EIR/EIS)	Construct and Maintain a Landscape Corridor Adjacent to U.S. 50. The project applicant(s) for any particular discretionary development application adjacent to U.S. 50 shall fund, construct, and maintain a landscaped corridor within the SPA, south of U.S. 50. This corridor shall be 50 feet wide, except that the landscaped corridor width shall be reduced to 25 feet adjacent to the proposed regional mall. Landscaping plans and specifications shall be approved by Caltrans and the City of Folsom, and constructed by the project applicant(s) before the start of earthmoving activities associated with residential or commercial units. Landscaped areas would not be required within the preserved oak woodlands. As practicable, landscaping shall primarily contain native and/or drought tolerant plants. Landscaped corridors shall be maintained in perpetuity to the satisfaction of the City of Folsom.	1. Plans and specifications: before approval of grading plans and building permits 2. Construction: before the approval of occupancy permits associated with residential and commercial units 3. Maintenance: in perpetuity	City of Folsom Community Development Department
106-2	3A.1-4 (FPASP EIR/EIS)	Screen Construction Staging Areas. The project applicant(s) for any particular discretionary development application shall locate staging and material storage areas as far away from sensitive biological resources and sensitive land uses (e.g., residential areas, schools, parks) as feasible. Staging and material storage areas shall be approved by the appropriate agency (identified below) before the approval of grading plans for all project phases and shall be screened from adjacent occupied land uses in earlier development phases to the maximum extent practicable. Screens may include, but are not limited to, the use of such visual barriers such as berms or fences. The screen design shall be approved by the appropriate agency to further reduce visual effects to the extent possible. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries shall be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, and Caltrans) to reduce to the extent feasible	Before approval of grading plans and during construction for all project phases.	City of Folsom Community Development Department.

		<p>the visual effects of construction activities on adjacent project land uses that have already been developed.</p>		
<p>106-3</p>	<p>3A.1-5 (FPASP EIR/EIS)</p>	<p>Establish and Require Conformance to Lighting Standards and Prepare and Implement a Lighting Plan.</p> <p>To reduce impacts associated with light and glare, the City shall:</p> <ul style="list-style-type: none"> ▶ Establish standards for on-site outdoor lighting to reduce high-intensity nighttime lighting and glare as part of the Folsom Specific Plan design guidelines/standards. Consideration shall be given to design features, namely directional shielding for street lighting, parking lot lighting, and other substantial light sources, that would reduce effects of nighttime lighting. In addition, consideration shall be given to the use of automatic shutoffs or motion sensors for lighting features to further reduce excess nighttime light. ▶ Use shielded or screened public lighting fixtures to prevent the light from shining off of the surface intended to be illuminated. <p>To reduce impacts associated with light and glare, the project applicant(s) of all project phases shall:</p> <ul style="list-style-type: none"> ▶ Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties. ▶ Flood and area lighting needed for construction activities, nighttime sporting activities, and/or security shall be screened or aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway. ▶ For public lighting in residential neighborhoods, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash. ▶ Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage in the office/commercial areas to prevent light and glare from adversely affecting motorists on nearby roadways. ▶ Design exterior on-site lighting as an integral part of the building and landscape design in the Folsom Specific Plan area. Lighting fixtures shall be architecturally consistent with the overall site design. 	<p>Before approval of building permits.</p>	<p>City of Folsom Community Development Department</p>

		<ul style="list-style-type: none"> ▶ Lighting of off-site facilities within the City of Folsom shall be consistent with the City’s General Plan standards. ▶ Lighting of the off-site detention basin shall be consistent with Sacramento County General Plan standards. ▶ Lighting of the two local roadway connections from Folsom Heights off-site into El Dorado Hills shall be consistent with El Dorado County General Plan standards. <p>A lighting plan for all on- and off-site elements within the each agency’s jurisdictional boundaries (specified below) shall be submitted to the relevant jurisdictional agency for review and approval, which shall include the above elements. The lighting plan may be submitted concurrently with other improvement plans, and shall be submitted before the installation of any lighting or the approval of building permits for each phase. The project applicant(s) for any particular discretionary development application shall implement the approved lighting plan.</p> <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties).</p>		
Air Quality				
106-4	3A.2-1a (FPASP EIR/EIS)	<p>Implement Measures to Control Air Pollutant Emissions Generated by Construction of On-Site Elements. To reduce short-term construction emissions, the project applicant(s) for any particular discretionary development application shall require their contractors to implement SMAQMD’s list of Basic Construction Emission Control Practices, Enhanced Fugitive PM Dust Control Practices, and Enhanced Exhaust Control Practices (list below) in effect at the time individual portions of the site undergo construction. In addition to SMAQMD-recommended measures, construction operations shall comply with all applicable SMAQMD rules and regulations.</p> <p>Basic Construction Emission Control Practices</p> <ul style="list-style-type: none"> ▶ Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads. 	Before the approval of all grading plans by the City and throughout project construction, where applicable, for all project phases.	City of Folsom Community Development Department

		<ul style="list-style-type: none"> ▶ Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered. ▶ Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited. ▶ Limit vehicle speeds on unpaved roads to 15 miles per hour (mph). ▶ All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. ▶ Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site. ▶ Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated. <p>Enhanced Fugitive PM Dust Control Practices – Soil Disturbance Areas</p> <ul style="list-style-type: none"> ▶ Water exposed soil with adequate frequency for continued moist soil. However, do not overwater to the extent that sediment flows off the site. ▶ Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 mph. ▶ Plant vegetative ground cover (fast-germinating native grass seed) in disturbed areas as soon as possible. Water appropriately until vegetation is established. <p>Enhanced Fugitive PM Dust Control Practices – Unpaved Roads</p> <ul style="list-style-type: none"> ▶ Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site. ▶ Treat site accesses to a distance of 100 feet from the paved road with a 6 to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads. 		
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		<ul style="list-style-type: none"> ▶ Post a publicly visible sign with the telephone number and person to contact at the construction site regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of SMAQMD and the City contact person shall also be posted to ensure compliance. <p>Enhanced Exhaust Control Practices</p> <ul style="list-style-type: none"> ▶ The project shall provide a plan, for approval by the City of Folsom Community Development Department and SMAQMD, demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOX reduction and 45% particulate reduction compared to the most current California Air Resources Board (ARB) fleet average that exists at the time of construction. Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The project applicant(s) of each project phase or its representative shall submit to the City of Folsom Community Development Department and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. SMAQMD's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction (SMAQMD 2007a). The project shall ensure that emissions from all off-road diesel powered equipment used on the SPA do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City and SMAQMD shall be notified within 48 hours of identification of noncompliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results 		
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		<p>shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. SMAQMD staff and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other SMAQMD or state rules or regulations.</p> <ul style="list-style-type: none"> ▶ If at the time of construction, SMAQMD has adopted a regulation or new guidance applicable to construction emissions, compliance with the regulation or new guidance may completely or partially replace this mitigation if it is equal to or more effective than the mitigation contained herein, and if SMAQMD so permits. 		
<p>106-5</p>	<p>3A.2-1b (FPASP EIR/EIS)</p>	<p>Pay Off-site Mitigation Fee to SMAQMD to Off-Set NO_x Emissions Generated by Construction of On-Site Elements.</p> <p>Implementation of the project or the other four other action alternatives would result in construction-generated NO_x emissions that exceed the SMAQMD threshold of significance, even after implementation of the SMAQMD Enhanced Exhaust Control Practices (listed in Mitigation Measure 3A.2-1a). Additionally, Mitigation Measure 3A.4-1 (Implement Additional Measures to Control Construction-Generated GHG Emissions, pages 3A.4-14 to 15) has the potential to both reduce and increase NO_x emissions, depending on the types of alternative fuels and engine types employed. Therefore, the project applicant(s) shall pay SMAQMD an off-site mitigation fee for implementation of any of the five action alternatives for the purpose of reducing NO_x emissions to a less-than-significant level (i.e., less than 85 lb/day). All NO_x emission reductions and increases associated with GHG mitigation shall be added to or subtracted from the amount above the construction threshold to determine off-site mitigation fees, when possible. The specific fee amounts shall be calculated when the daily construction emissions can be more accurately determined: that is, if the City/USACE select and certify the EIR/EIS and approves the Proposed Project or one of the other four other action alternatives, the City and the applicants must establish the phasing by which development would occur, and the applicants must develop a detailed construction schedule. Calculation of fees associated with each project development phase shall be conducted by the project applicant(s) in consultation with SMAQMD staff before the approval of grading plans by the City. The project applicant(s) for any particular discretionary development application shall pay into SMAQMD's off-site construction mitigation fund to further mitigate</p>	<p>Before the approval of all grading plans by the City and throughout project construction for all project phases.</p>	<p>The City of Folsom Community Development Department shall not grant any grading permits to the respective project applicant(s) until the respective project applicant(s) have paid the appropriate off-site mitigation fee to SMAQMD.</p>

		<p>construction generated emissions of NO_x that exceed SMAQMD's daily emission threshold of 85 lb/day. The calculation of daily NO_x emissions shall be based on the cost rate established by SMAQMD at the time the calculation and payment are made. At the time of writing this EIR/EIS the cost rate is \$16,000 to reduce 1 ton of NO_x plus a 5% administrative fee (SMAQMD 2008c). The determination of the final mitigation fee shall be conducted in coordination with SMAQMD before any ground disturbance occurs for any project phase. Based on information available at the time of writing this EIR/EIS, and assuming that construction would be performed at a consistent rate over a 19-year period (and averaging of 22 work days per month), it is estimated that the off-site construction mitigation fees would range from \$517,410 to \$824,149, depending on which alternative is selected. Because the fee is based on the mass quantity of emissions that exceed SMAQMD's daily threshold of significance of 85 lb/day, total fees would be substantially greater if construction activity is more intense during some phases and less intense during other phases of the 19-year build out period, and in any event, based on the actual cost rate applied by SMAQMD. (This fee is used by SMAQMD to purchase off-site emissions reductions. Such purchases are made through SMAQMD's Heavy Duty Incentive Program, through which select owners of heavy-duty equipment in Sacramento County can repower or retrofit their old engines with cleaner engines or technologies.)</p>		
<p>106-6</p>	<p>3A.2-1c (FPASP EIR/EIS)</p>	<p>Analyze and Disclose Projected PM₁₀ Emission Concentrations at Nearby Sensitive Receptors Resulting from Construction of On-Site Elements. Prior to construction of each discretionary development entitlement of on-site land uses, the project applicant shall perform a project-level CEQA analysis (e.g., supporting documentation for an exemption, negative declaration, or project-specific EIR) that includes detailed dispersion modeling of construction-generated PM₁₀ to disclose what PM₁₀ concentrations would be at nearby sensitive receptors. The dispersion modeling shall be performed in accordance with applicable SMAQMD guidance that is in place at the time the analysis is performed. At the time of writing this EIR/EIS, SMAQMD's most current and most detailed guidance for addressing construction-generated PM₁₀ emissions is found in its Guide to Air Quality Assessment in Sacramento County (SMAQMD 2009a). The project-level analysis shall incorporate detailed parameters of the construction equipment and activities, including the year during which construction would be performed, as well as the proximity of potentially affected receptors, including receptors proposed by the project that exist at the time the construction activity would occur.</p>	<p>Before the approval of all grading plans by the City.</p>	<p>City of Folsom Community Development Department</p>

106-7	3A.2-2 (FPASP EIR/EIS)	<p>Implement All Measures Prescribed by the Air Quality Mitigation Plan to Reduce Operational Air Pollutant Emissions. To reduce operational emissions, the project applicant(s) for any particular discretionary development application shall implement all measures prescribed in the SMAQMD-approved Folsom Plan Area Specific Plan Air Quality Mitigation Plan (AQMP) (Torrence Planning 2008), a copy of which is included in Appendix C2. The AQMP is intended to improve mobility, reduce vehicle miles traveled, and improve air quality as required by AB 32 and SB 375. The AQMP includes, among others, measures designed to provide bicycle parking at commercial land uses, an integrated pedestrian/bicycle path network, transit stops with shelters, a prohibition against the use the wood-burning fireplaces, energy star roofing materials, electric lawnmowers provided to homeowners at no charge, and on-site transportation alternatives to passenger vehicles (including light rail) that provide connectivity with other local and regional alternative transportation networks.</p>	Before issuance of subdivision maps or improvement plans.	City of Folsom Community Development Department
106-8	3A.2-4a (FPASP EIR/EIS)	<p>Develop and Implement a Plan to Reduce Exposure of Sensitive Receptors to Construction-Generated Toxic Air Contaminant Emissions. The project applicant(s) for any particular discretionary development application shall develop a plan to reduce the exposure of sensitive receptors to TACs generated by project construction activity associated with buildout of the selected alternative. Each plan shall be developed by the project applicant(s) in consultation with SMAQMD. The plan shall be submitted to the City for review and approval before the approval of any grading plans.</p> <p>The plan may include such measures as scheduling activities when the residences are the least likely to be occupied, requiring equipment to be shut off when not in use, and prohibiting heavy trucks from idling. Applicable measures shall be included in all project plans and specifications for all project phases.</p> <p>The implementation and enforcement of all measures identified in each plan shall be funded by the project applicant(s) for the respective phase of development.</p>	Before the approval of all grading plans by the City and throughout project construction, where applicable, for all project phases.	City of Folsom Community Development Department
106-9	3A.2-4b (FPASP EIR/EIS)	<p>Implement Measures to Reduce Exposure of Sensitive Receptors to Operational Emissions of Toxic Air Contaminants. The following measures shall be implemented to reduce exposure of sensitive receptors to Toxic Air Contaminants.</p> <ul style="list-style-type: none"> ▶ Proposed commercial and industrial land uses that have the potential to emit TACs or host TAC-generating activity (e.g., loading docks) shall be located away from existing and proposed on-site sensitive receptors such that they do not expose sensitive receptors to TAC emissions that exceed an incremental 	Before the approval of all grading plans by the SMAQMD and throughout project construction, where applicable, for all project phases.	City of Folsom Community Development Department

		<p>increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0.</p> <ul style="list-style-type: none"> ▶ The multi-family residences planned across from the off-site corporation yard near the southwest corner of the SPA shall be set back as far as possible from the boundary of the corporation yard and/or relocated to another area. ▶ Where necessary to reduce exposure of sensitive receptors to an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0, proposed commercial and industrial land uses that would host diesel trucks shall incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs, to allow diesel engines to be completely turned off. ▶ Signs shall be posted in at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by the California Office of Administrative Law in January 2005. ▶ Implement the following additional guidelines, which are recommended in ARB's Land Use Handbook: A Community Health Perspective (ARB 2005) and are considered to be advisory and not regulatory: <ul style="list-style-type: none"> ▪ Sensitive receptors, such as residential units and daycare centers, shall not be located in the same building as dry-cleaning operations that use perchloroethylene. Dry-cleaning operations that use perchloroethylene shall not be located within 300 feet of any sensitive receptor. A setback of 500 feet shall be provided for operations with two or more machines. ▪ Large gasoline stations (defined as facilities with a throughput of 3.6 million gallons per year or greater) and sensitive land uses shall not be sited within 300 feet of each other. Small gasoline-dispensing facilities (less than 3.6 million gallons of throughput per year) and sensitive land uses shall not be sited within 50 feet of each other. 		
106-10	3A.2-5 (FPASP EIR/EIS)	<p>Implement A Site Investigation to Determine the Presence of NOA and, if necessary, Prepare and Implement an Asbestos Dust Control Plan. A site investigation shall be performed to determine whether and where NOA is present in the soil and rock on the SPA. The site investigation shall include the collection</p>	Before the approval of all grading plans by the City and throughout project	City of Folsom Community Development Department

		<p>of soil and rock samples by a qualified geologist. If the site investigation determines that NOA is present on the SPA then the project applicant shall prepare an Asbestos Dust Control Plan for approval by SMAQMD as required in Title 17, Section 93105 of the California Code of Regulations, "Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations." The Asbestos Dust Control Plan shall specify measures, such as periodic watering to reduce airborne dust and ceasing construction during high winds. Measures in the Asbestos Dust Control Plan may include but shall not be limited to dust control measures required by Mitigation Measure 3A.2-1a. The project applicant shall submit the plan to the Folsom Community Development Department for review and SMAQMD for review and approval before construction of the first project phase. SMAQMD approval of the plan must be received before any asbestos-containing rock (serpentine) can be disturbed. Upon approval of the Asbestos Dust Control Plan by SMAQMD, the applicant shall ensure that construction contractors implement the terms of the plan throughout the construction period.</p>	<p>construction, where applicable, for all project phases.</p>	
<p>106-11</p>	<p>3A.2-6 (FPASP EIR/EIS)</p>	<p>Implement Measures to Control Exposure of Sensitive Receptors to Operational Odorous Emissions. The project applicant(s) for any particular discretionary development application shall implement the following measures:</p> <ul style="list-style-type: none"> ▶ The odor-producing potential of land uses shall be considered when the exact type of facility that would occupy areas zoned for commercial, industrial, or mixed-use land uses is determined. Facilities that have the potential to emit objectionable odors shall be located as far away as feasible from existing and proposed sensitive receptors. ▶ The multi-family residences planned across from the off-site corporation yard near the southwest corner of the SPA shall be set back as far as possible from the boundary of the corporation yard and/or relocated to another area. (This measure is also required by Mitigation Measure 3A.2-4b to limit exposure to TAC emissions.) ▶ Before the approval of building permits, odor control devices shall be identified to mitigate the exposure of receptors to objectionable odors if a potential odor-producing source is to occupy an area zoned for commercial, industrial, or mixed-use land uses. The identified odor control devices shall be installed before the issuance of certificates of occupancy for the potentially odor-producing use. The odor producing potential of a source and control devices shall be determined in coordination with SMAQMD and 	<p>Before the approval of building permits by the City and throughout project construction, where applicable, for all project phases.</p>	<p>City of Folsom Community Development Department</p>

		<p>based on the number of complaints associated with existing sources of the same nature.</p> <ul style="list-style-type: none"> ▶ The deeds to all properties located within the plan area that are within one mile of an on- or off-site area zoned or used for agricultural use (including livestock grazing) shall be accompanied by a written disclosure from the transferor, in a form approved by the City of Folsom, advising any transferee of the potential adverse odor impacts from surrounding agricultural operations, which disclosure shall direct the transferee to contact the County of Sacramento concerning any such property within the County zoned for agricultural uses within one mile of the subject property being transferred. ▶ Truck loading docks and delivery areas shall be located as far away as feasible from existing and proposed sensitive receptors. ▶ Signs shall be posted at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by California's Office of Administrative Law in January 2005. (This measure is also required by Mitigation Measure 3A.2-4b to limit TAC emissions.) ▶ Proposed commercial and industrial land uses that have the potential to host diesel trucks shall incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs, to allow diesel engines to be completely turned off. (This measure is also required by Mitigation Measure 3A.2-4b to limit TAC emissions.) 		
Biological Resources				
106-12	3A.3-1a (FPASP EIR/EIS)	<p>Design Stormwater Drainage Plans and Erosion and Sediment Control Plans to Avoid and Minimize Erosion and Runoff to All Wetlands and Other Waters That Are to Remain on the SPA and Use Low Impact Development Features.</p> <p>To minimize indirect effects on water quality and wetland hydrology, the project applicant(s) for any particular discretionary development application shall include stormwater drainage plans and erosion and sediment control plans in their improvement plans and shall submit these plans to the City Public Works Department for review and approval. For off-site elements within Sacramento</p>	Before approval of improvement and drainage plans, and on an ongoing basis throughout and after project construction, as required for all project phases.	City of Folsom Public Works Department

County or El Dorado County jurisdiction (e.g., off-site detention basin and off-site roadway connections to El Dorado Hills), plans shall be submitted to the appropriate county planning department. Before approval of these improvement plans, the project applicant(s) for any particular discretionary development application shall obtain a NPDES MS4 Municipal Stormwater Permit and Grading Permit, comply with the City's Grading Ordinance and County drainage and stormwater quality standards, and commit to implementing all measures in their drainage plans and erosion and sediment control plans to avoid and minimize erosion and runoff into Alder Creek and all wetlands and other waters that would remain on-site. Detailed information about stormwater runoff standards and relevant City and County regulation is provided in Chapter 3A.9, "Hydrology and Water Quality."

The project applicant(s) for any particular discretionary development entitlement shall implement stormwater quality treatment controls consistent with the Stormwater Quality Design Manual for Sacramento and South Placer Regions in effect at the time the application is submitted. Appropriate runoff controls such as berms, storm gates, off-stream detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants. Development plans shall incorporate Low Impact Development (LID) features, such as pervious strips, permeable pavements, bioretention ponds, vegetated swales, disconnected rain gutter downspouts, and rain gardens, where appropriate. Use of LID features is recommended by the EPA to minimize impacts on water quality, hydrology, and stream geomorphology and is specified as a method for protecting water quality in the proposed specific plan. In addition, free spanning bridge systems shall be used for all roadway crossings over wetlands and other waters that are retained in the on-site open space. These bridge systems would maintain the natural and restored channels of creeks, including the associated wetlands, and would be designed with sufficient span width and depth to provide for wildlife movement along the creek corridors even during high-flow or flood events, as specified in the 404 permit.

In addition to compliance with City ordinances, the project applicant(s) for any particular discretionary development application shall prepare a Stormwater Pollution Prevention Plan (SWPPP), and implement Best Management Practices (BMPs) that comply with the General Construction Stormwater Permit from the Central Valley RWQCB, to reduce water quality effects during construction. Detailed information about the SWPPP and BMPs are provided in Chapter 3A.9, "Hydrology and Water Quality."

		<p>Each project development shall result in no net change to peak flows into Alder Creek and associated tributaries, or to Buffalo Creek, Carson Creek, and Coyote Creek. The project applicant(s) shall establish a baseline of conditions for drainage on-site. The baseline-flow conditions shall be established for 2-, 5-, and 100-year storm events. These baseline conditions shall be used to develop monitoring standards for the stormwater system on the SPA. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to USACE and the City for their approval. Water quality and detention basins shall be designed and constructed to ensure that the performance standards, which are described in Chapter 3A.9, "Hydrology and Water Quality," are met and shall be designed as off-stream detention basins. Discharge sites into Alder Creek and associated tributaries, as well as tributaries to Carson Creek, Coyote Creek, and Buffalo Creek, shall be monitored to ensure that pre-project conditions are being met. Corrective measures shall be implemented as necessary. The mitigation measures will be satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures to meet the performance standard.</p> <p>See FEIR/FEIS Appendix S showing that the detention basin in the northeast corner of the SPA has been moved off stream.</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado County for the roadway connections, Sacramento County for the detention basin west of Prairie City Road, and Caltrans for the U.S. 50 interchange improvements) such that the performance standards described in Chapter 3A.9, "Hydrology and Water Quality," are met.</p>		
<p>106-13</p>	<p>3A.3-1b (FPASP EIR/EIS)</p>	<p>Secure Clean Water Act Section 404 Permit and Implement All Permit Conditions; Ensure No Net Loss of Functions and Values of Wetlands, Other Waters of the U.S., and Waters of the State.</p> <p>Before the approval of grading and improvement plans and before any groundbreaking activity associated with each distinct discretionary development entitlement, the project applicant(s) for any particular discretionary development application requiring fill of wetlands or other waters of the U.S. or waters of the state shall obtain all necessary permits under Sections 401 and 404 of the CWA or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured before</p>	<p>Before the approval of grading or improvement plans or any ground disturbing activities for any project development phase containing wetland features or other waters of the U.S. The MMP must be approved before any</p>	<p>City of Folsom Community Development Department</p>

	<p>implementation of any grading activities within 250 feet of waters of the U.S. or wetland habitats or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS, including waters of the state, that potentially support Federally listed species. The project applicant(s) shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with USACE and the Central Valley RWQCB) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with implementation of project plans for that development increment. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes. As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) shall be developed for the project on behalf of the project applicant(s). Before any ground-disturbing activities in an area that would adversely affect wetlands and before engaging in mitigation activities associated with each discretionary development entitlement, the project applicant(s) shall submit the draft wetland MMP to USACE, the Central Valley RWQCB, Sacramento County, El Dorado County, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized prior to impacting any wetlands. Once the final MMP is approved and implemented, mitigation monitoring shall continue for a minimum of 5 years from completion of mitigation, or human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.</p> <p>As part of the MMP, the project applicant(s) shall prepare and submit plans for the creation of aquatic habitat in order to adequately offset and replace the aquatic functions and services that would be lost at the SPA, account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands shall be a priority of the MMP for offsetting losses of aquatic functions on the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions and values that would be lost through project implementation will be replaced.</p> <p>The habitat MMP for jurisdictional wetland features shall be consistent with USACE’s and EPA’s April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230) and USACE’s October 26, 2010 Memorandum Re: Minimum Level of</p>	<p>impact on wetlands can occur.</p> <p>Mitigation shall be implemented on an ongoing basis throughout and after construction, as required.</p>	
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	<p>Documentation Required for Permit Decisions. According to the Final Rule, mitigation banks should be given preference over other types of mitigation because a lot of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before credits can be sold. The use of mitigation credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA, 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a “watershed approach” in selecting locations for compensatory mitigation project locations, that mitigation selection must be “appropriate and practicable” and that mitigation banks must address watershed needs based on criteria set forth in the Final Rule. The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee. The SPA includes portions of the Alder Creek, Buffalo Creek, Coyote Creek, and Carson Creek Watersheds. The majority of the SPA is within the Alder Creek Watershed. Alder Creek and Buffalo Creek are part of the Lower American River Watershed. Carson Creek and Coyote Creek are part of the Cosumnes River Watershed. Mitigation credits may be available within the Cosumnes Watershed, but not within the American River Watershed and not within the sub-watersheds of the SPA. Therefore, aquatic habitats may need to be restored or created on the SPA and adjacent off-site lands, preferably within the affected watersheds, in order to successfully replace lost functions at the appropriate watershed scale where loss of function would occur. It is not likely feasible to provide compensatory mitigation for all aquatic resource impacts on site.</p> <p>Therefore, a combination of on-site and off-site permittee-responsible mitigation and mitigation banking would likely be necessary to achieve the no-net-loss standard.</p> <p>The SPA is located within the service areas of several approved mitigation banks (e.g., Bryte Ranch, Clay Station, Fitzgerald Ranch, and Twin City Mitigation</p>		
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Bank). The majority of compensatory mitigation for wetland impacts is proposed to be accomplished at an agency approved mitigation bank or banks authorized to sell credits to offset impacts in the SPA. The applicants' biological consultant, ECORP, has identified availability of approximately 31 vernal pool credits and 228 seasonal wetland credits at mitigation banks whose service area includes the SPA. Additional credits may also be available from pending, but not yet approved, mitigation banks. However, availability is subject to change and, as noted above, a combination of mitigation bank credits and permittee-responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the U.S. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 Memorandum Re: Minimum Level of Documentation Required for Permit Decisions requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Compensatory mitigation for losses of stream and intermittent drainage channels shall follow the Final Rule Guidelines, which specify that compensatory mitigation should be achieved through in-kind preservation, restoration, or enhancement within the same watershed, subject to practicability considerations. The wetland MMP shall address how to mitigate impacts on vernal pool, seasonal swale, seasonal wetland, seep, marsh, pond, and intermittent and perennial stream habitat, and shall describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP shall include the following:

- ▶ Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
 - located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;
 - located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, and compatibility with adjacent land uses, and the likelihood for success and sustainability;

		<ul style="list-style-type: none"> ▶ A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), or other appropriate wetland assessment protocol as determined through consultation with USACE and the USFWS, to establish baseline conditions; ▶ Specific creation and restoration plans for each mitigation site; ▶ Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores shall be compared against the highest quality wetland of each type from the SPA; ▶ CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands shall be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced; ▶ Monitoring protocol, including schedule and annual report requirements, and the following elements: <ul style="list-style-type: none"> ▪ ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable; ▪ assessments conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of preserved, restored, or created wetlands over time. ▪ assessments results for compensatory wetlands shall also be compared against scores for reference wetlands assessed in the same year; ▪ assessments analysis conducted annually for 5 years after any construction adjacent to wetlands preserved on the SPA to determine whether these areas are retaining functions and values. Assessments results for wetlands preserved on site shall also be compared against scores for reference wetlands assessed in the same year; ▪ analysis of assessments data, including assessment of potential stressors, to determine whether any remedial activities may be necessary; 		
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		<ul style="list-style-type: none">▪ corrective measures if performance standards are not met;▪ monitoring of plant communities as performance criteria (annual measure of success, during monitoring period) and success criteria (indicative of achievement of mitigation habitat requirement at end of monitoring period) for hydrologic function have become established and the creation site “matures” over time;▪ GIS analysis of compensatory wetlands to demonstrate actual acreage of functioning wetland habitat;▪ adaptive management measures to be applied if performance standards and acreage requirements are not being met;▪ responsible parties for monitoring and preparing reports; and▪ responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. <p>A final operations and management plan (OMP) for all on- and off-site permittee-sponsored wetland preservation and mitigation areas shall be prepared and submitted to USACE and USFWS for review, comment and preliminary approval prior to the issuance of any permits under Section 404 of the CWA. The plan shall include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). A final OMP for each discretionary development entitlement affecting wetlands must be approved prior to construction.</p> <p>USACE has determined that the project will require an individual permit. In its final stage and once approved by USACE, the MMP for the project is expected to detail proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net loss of aquatic functions in the project vicinity. Approval and implementation of the wetland MMP shall aim to fully mitigate all unavoidable impacts on jurisdictional waters of the U.S., including jurisdictional wetlands. In addition to USACE approval, approval by the City, Sacramento County, El Dorado County, and the Central Valley RWQCB, as appropriate depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, will also be required. Approvals from Sacramento County and El Dorado County shall be required for impacts resulting from off-site project elements occurring in these counties, such as the off-site detention basin in Sacramento County and the roadway connections into El</p>		
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		<p>Dorado County. To satisfy the requirements of the City and the Central Valley RWQCB, mitigation of impacts on the nonjurisdictional wetlands beyond the jurisdiction of USACE shall be included in the same MMP. All mitigation requirements determined through this process shall be implemented before grading plans are approved. The MMP shall be submitted to USACE and approved prior to the issuance of any permits under Section 404 of the CWA. Water quality certification pursuant to Section 401 of the CWA will be required before issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicant(s) shall obtain water quality certification for the project. Any measures required as part of the issuance of water quality certification shall be implemented.</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., Caltrans, El Dorado and/or Sacramento Counties).</p>		
106-14	3A.3-2a (FPASP EIR/EIS)	<p>Avoid Direct Loss of Swainson's Hawk and Other Raptor Nests. To mitigate impacts on Swainson's hawk and other raptors (including burrowing owl), the project applicant(s) of all project phases shall retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows on the SPA. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.</p> <p>If active nests are found, impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined in consultation with DFG that reducing the buffer would not result in nest abandonment. DFG guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified</p>	Before the approval of grading and improvement plans, before any ground disturbing activities, and during project construction as applicable for all project phases.	California Department of Fish and Game and City of Folsom Community Development Department.

		<p>biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.</p> <p>If active burrows are found, a mitigation plan shall be submitted to the City for review and approval before any ground-disturbing activities.</p> <p>The City shall consult with DFG. The mitigation plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrow owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction shall occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans), such that the performance criteria set forth in DFG's guidelines are determined to be met.</p>		
106-15	3A.3-2b (FPASP EIR/EIS)	<p>Mitigation Measure 3A.3-2b: Prepare and Implement a Swainson's Hawk Mitigation Plan.</p> <p>To mitigate for the loss of Swainson's hawk foraging habitat, the project applicant(s) of all project phases shall prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.</p> <p>Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicant(s) shall preserve, to the satisfaction of the City or Sacramento County, as appropriate depending on agency jurisdiction, suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City, or Sacramento County, after consultation with DFG and a qualified biologist.</p> <p>The 1:1 habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area, or Sacramento County jurisdiction. The mitigation ratio shall be consistent with the 1994 DFG Swainson's Hawk Guidelines included in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (<i>Buteo swainsoni</i>) in the Central Valley of California, which call for the following mitigation ratios for loss of foraging habitat in these categories: 1:1 if within 1 mile of an active nest site, 0.75:1 if over 1 mile but less than 5 miles, and 0.5:1 if over 5 miles but less than</p>	Before the approval of grading, improvement, or construction plans and before any ground disturbing activity in any project development phase that would affect Swainson's hawk foraging habitat.	City of Folsom Community Development Department

	<p>10 miles from an active nest site. Such mitigation shall be accomplished through credit purchase from an established mitigation bank approved to sell Swainson's hawk foraging habitat credits to mitigate losses in the SPA, if available, or through the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area and within Sacramento County. The City, or Sacramento County if outside City jurisdiction, after consultation with DFG, will determine the appropriateness of the mitigation land.</p> <p>Before approval of such proposed mitigation, the City, or Sacramento County for the off-site detention basin, shall consult with DFG regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement shall ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat.</p> <p>The project applicant(s) shall transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City or County, after consultation with DFG. The City, or County, after consultation with DFG and the Conservation Operator, shall approve the content and form of the conservation easement. The City, or County, DFG, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement.</p> <p>The project applicant(s), after consultation with the City, or County of jurisdiction, DFG, and the Conservation Operator, shall establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds shall be submitted to the City for impacts on lands within the City's jurisdiction or Sacramento County for the off-site detention basin to be distributed to an</p>		
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		<p>appropriate third-party nonprofit conservation agency, or they shall be submitted directly to the third-party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator shall not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and DFG. Mitigation lands established or acquired for impacts incurred at the off-site detention basin shall require approval from Sacramento County prior to sale or transfer of mitigation lands or conservation easement.</p> <p>If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest shall be transferred to another entity acceptable to the City and DFG, or Sacramento County and DFG depending on jurisdiction of the affected habitat. The City Planning Department shall ensure that mitigation habitat established for impacts on habitat within the City’s planning area is properly established and is functioning as habitat by reviewing regular monitoring reports prepared by the Conservation Operator of the mitigation site(s). Monitoring of the mitigation site(s) shall continue for the first 10 years after establishment of the easement and shall be funded through the endowment, or other appropriate funding mechanism, established by the project applicant(s). Sacramento County shall review the monitoring reports for impacts on habitat at the off-site detention basin.</p> <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County and Caltrans).</p>		
106-16	3A.3-2c (FPASP EIR/EIS)	<p>Avoid and Minimize Impacts to Tricolored Blackbird Nesting Colonies. To avoid and minimize impacts to tricolored blackbird, the project applicant(s) of all project phases shall conduct a preconstruction survey for any project activity that would occur during the tricolored blackbird’s nesting season (March 1–August 31). The preconstruction survey shall be conducted by a qualified biologist before any activity occurring within 500 feet of suitable nesting habitat, including freshwater marsh and areas of riparian scrub vegetation. The survey shall be conducted within 14 days before project activity begins.</p> <p>If no tricolored blackbird colony is present, no further mitigation is required. If a colony is found, the qualified biologist shall establish a buffer around the nesting colony. No project activity shall commence within the buffer area until a qualified biologist confirms that the colony is no longer active. The size of the buffer shall be determined in consultation with DFG. Buffer size is anticipated to range from</p>	Before the approval of any ground-disturbing activity within 500 feet of suitable nesting habitat as applicable for all project phases.	City of Folsom Community Development Department

		<p>100 to 500 feet, depending on the nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances.</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries (i.e., U.S. 50 interchange improvements) must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., Caltrans) and must be sufficient to achieve the performance criteria described above.</p>		
106-17	3A.3-2d (FPASP EIR/EIS)	<p>Avoid and Minimize Impacts to Special-Status Bat Roosts. The project applicant of all project phases containing potential bat roosting habitat shall retain a qualified biologist to conduct surveys for roosting bats. Surveys shall be conducted in the fall to determine if the mine shaft is used as a hibernaculum and in spring and/or summer to determine if it is used as a maternity or day roost. Surveys shall consist of evening emergence surveys to note the presence or absence of bats and could consist of visual surveys at the time of emergence. If evidence of bat use is observed, the number and species of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no bat roosts are found, then no further study shall be required.</p> <p>If roosts of pallid bat or Townsend's big-eared bats are determined to be present and must be removed, the bats shall be excluded from the roosting site. A mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed in consultation with DFG before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with DFG and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the mine shaft may be removed.</p>	Before the approval of any ground-disturbing activity within 500 feet of suitable nesting habitat as applicable for all project phases.	City of Folsom Community Development Department
106-18	3A.3-2g (FPASP EIR/EIS)	<p>Secure Take Authorization for Federally Listed Vernal Pool Invertebrates and Implement All Permit Conditions. No project construction shall proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until a biological opinion (BO) or Not Likely to Adversely Affect (NLAA) letter has been issued by</p>	Before the approval of any grading or improvement plans, before any ground disturbing activities within 250 feet of	U.S. Army Corps of Engineers, Sacramento District; U.S. Fish and Wildlife Service; and City of Folsom Community Development Department

	<p>USFWS and the project applicant(s) for any particular discretionary development entitlements affecting such areas have abided by conditions in the BO (including conservation and minimization measures) intended to be completed before on-site construction. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements.</p> <p>As described under Mitigation Measure 3A.3-1a, an MMP shall be developed that describes details how loss of vernal pool and other wetland habitats shall be offset, including details on creation of habitat, account for the temporal loss of habitat, contain performance standards to ensure success, and outline remedial actions if performance standards are not met.</p> <p>The project applicant(s) for any particular discretionary development application potentially affecting vernal pool habitat shall complete and implement a habitat MMP that will result in no net loss of acreage, function, and value of affected vernal pool habitat. The final habitat MMP shall be consistent with guidance provided in Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans within the Jurisdiction of the Sacramento Field Office, California (USFWS 1996) or shall provide an alternative approach that is acceptable to the City, USACE, and USFWS and accomplishes no net loss of habitat acreage, function, and value.</p> <p>The project applicant(s) for any particular discretionary development application “potentially affecting vernal pool habitat” shall ensure that there is sufficient upland habitat within the target areas for creation and restoration of vernal pools and vernal pool complexes to provide ecosystem health. This standard shall be accomplished by requiring the project applicant(s) for any discretionary development application affecting vernal pool or seasonal wetland habitat to identify the extent of indirectly affected vernal pool and seasonal wetland habitat, either by identifying all such habitat within 250 feet of project construction activities or by providing an alternative technical evaluation. If a lesser distance is pursued, this distance shall be approved by USFWS. The project applicant(s) shall preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation. This mitigation shall occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS, and before any ground disturbing</p>	<p>said habitat or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS, and on an ongoing basis throughout construction as applicable for all project phases as required by the mitigation plan, BO, and/or BMPs.</p>	
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		<p>activity within 250 feet of the habitat or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS. The project applicant(s) will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan (i.e., if impacts on specific habitat acreage are mitigated by one project phase or element, the project applicant(s) will not be required to mitigate for it again in another phase of the project).</p> <p>A standard set of BMPs shall be applied to construction occurring in areas within 250 feet of off-site vernal pool habitat, or within any lesser distance deemed adequate by a qualified biologist (with approval from USFWS) to constitute a sufficient buffer from such habitat. Refer to Section 3A.9, "Hydrology and Water Quality - Land" for the details of BMPs to be implemented.</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).</p>		
106-19	3A.3-4a (FPASP EIR/EIS)	<p>Mitigation Measure 3A.3-4a: Secure and Implement Section 1602 Streambed Alteration Agreement. The project applicant(s) for any particular discretionary development application shall obtain a Section 1602 streambed alteration agreement from DFG for all construction activities that would occur in the bed and bank of Alder Creek and other drainage channels and ponds on the SPA. As a condition of issuance of the streambed alteration agreement, the project applicant(s) for any particular discretionary development application affecting riparian habitat shall hire a qualified restoration ecologist to prepare a riparian habitat MMP. The draft MMP shall describe specific method(s) to be implemented to avoid and/or compensate for impacts on the stream channel of Alder Creek and other drainage channels within DFG jurisdiction, and the bed and banks of the on-site ponds. Mitigation measures may include establishment or restoration of riparian habitat within the project's open space areas along preserved stream corridors, riparian habitat restoration off-site, or preservation and enhancement of existing riparian habitat either on or off the SPA. The compensation habitat shall be similar in composition and structure to the habitat to be removed and shall be at ratios adequate to offset the loss of riparian habitat functions and services at the SPA. The riparian habitat compensation section of the habitat MMP shall include the following:</p> <ul style="list-style-type: none"> ▶ compensatory mitigation sites and criteria for selecting these mitigation sites; 	<p>Before the approval of grading or improvement plans or any construction activities (including clearing and grubbing) that affect the bed and bank or riparian and freshwater marsh habitat associated with Alder Creek and other on-site or off-site drainage channels and ponds.</p>	<p>California Department of Fish and Game and City of Folsom Community Development Department</p>

		<ul style="list-style-type: none"> ▶ complete assessment of the existing biological resources in both the on-site and off-site preservation and restoration areas; ▶ site-specific management procedures to benefit establishment and maintenance of native riparian plant species, including black willow, arroyo willow, white alder, and Fremont cottonwood; ▶ a planting and irrigation program if needed for establishment of native riparian trees and shrubs at strategic locations within each mitigation site (planting and irrigation may not be necessary if preservation of functioning riparian habitat is chosen as mitigation or if restoration can be accomplished without irrigation or planting); ▶ in kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success; ▶ monitoring protocol, including schedule and annual report requirements (compensatory riparian habitats shall be monitored for a minimum period of five years); ▶ ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80% survival of planted riparian trees and shrubs by the end of the five-year maintenance and monitoring period or dead and dying trees shall be replaced and monitoring continued until 80% survivorship is achieved; ▶ corrective measures if performance standards are not met; ▶ responsible parties for monitoring and preparing reports; and ▶ responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. <p>Any conditions of issuance of the Streambed Alteration Agreement shall be implemented as part of project construction activities that adversely affect the bed and bank and riparian habitat associated with Alder Creek and other drainage channels and ponds that are within the project area that is subject to DFG jurisdiction. The agreement shall be executed by the project applicant(s) and DFG before the approval of any grading or improvement plans or any construction activities in any project phase that could potentially affect the bed and bank of</p>		
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		Alder Creek and other on-site or off-site drainage channels under DFG jurisdiction and their associated freshwater marsh and riparian habitat. Mitigation for the U.S. 50 interchange improvements must be coordinated by the project applicant(s) of each applicable project phase with the Caltrans.		
106-20	3A.3-4b (FPASP EIR/EIS)	Conduct Surveys to Identify and Map Valley Needlegrass Grassland; Implement Avoidance and Minimization Measures or Compensatory Mitigation. The project applicant(s) of all project phases shall retain a qualified botanist to conduct preconstruction surveys to determine if valley needlegrass grassland is present on the SPA. This could be done concurrently with any special-status plant surveys conducted on site as special-status plant surveys are floristic in nature, i.e. require that all species encountered be identified, and require preparation of a plant community map. If valley needlegrass grassland is not found on the SPA, the botanist shall document the findings in a letter report to the City of Folsom, and no further mitigation shall be required. Valley needlegrass grassland was not found in any of the off-site project elements. If valley needlegrass grassland is found on the SPA, the location and extent of the community shall be mapped and the acreage of this community type, if any, that would be removed by project implementation shall be calculated. The project applicant(s) for any particular discretionary development application affecting valley needlegrass grassland shall consult with DFG and the City of Folsom to determine appropriate mitigation for removal of valley needlegrass grassland resulting from project implementation. Mitigation measures shall include one or more of the following components sufficient to achieve no net loss of valley needlegrass grassland acreage: establishment of valley needlegrass grassland within project's open space areas currently characterized by annual grassland, establishment of valley needlegrass grassland off-site, or preservation and enhancement of existing valley needlegrass grassland either on or off the SPA. The applicant(s) shall compensate for any loss of valley needlegrass grassland resulting from project implementation at a minimum 1:1 replacement ratio.	Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, for any project phase.	California Department of Fish and Game, and City of Folsom Community Development Department
106-21	3A.3-5 (FPASP EIR/EIS)	Conduct Tree Survey, Prepare and Implement an Oak Woodland Mitigation Plan, Replace Native Oak Trees Removed, and Implement Measures to Avoid and Minimize Indirect Impacts on Oak Trees Retained On Site. The project applicant(s) shall prepare an oak woodland mitigation and monitoring plan. The project applicant(s) of all on- and off-site project phases containing oak woodland habitat or individual trees shall adhere to the requirements described below, which are consistent with those outlined in California Public Resources Code 21083.4. Pursuant to Sacramento County General Plan policy, the acreage	Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, for any project phase	City of Folsom Community Development Department

	<p>of oak woodland habitat for determining impacts and mitigation requirements was calculated as the oak tree canopy area within stands of oak trees having greater than 10% cover plus a 30-foot-radius buffer measured from the outer edge of the tree canopy. Oak trees located in areas greater than 30 feet from stands meeting the greater than 10% tree canopy cover criterion were considered isolated trees and not part of the blue oak woodland community. Mitigation for impacts on isolated oak trees is discussed separately below.</p> <ul style="list-style-type: none"> ▶ Preserve approximately 399 acres of existing oak woodland habitat in the SPA (this acreage is based on the extent of oak woodland habitat as determined from aerial photograph interpretation; however, following completion of ground verification by a qualified arborist, the actual amount of oak woodland present within impact areas could be slightly greater or lesser than the amount calculated from aerial photograph and, therefore, the amount preserved could also be slightly greater or lesser than 399 acres). ▶ Create 243 acres of oak woodland habitat in the SPA by planting a combination of blue oak acorns, seedlings, and trees in the following SPA locations: <ul style="list-style-type: none"> ▪ Non-wooded areas that are adjacent to or contiguous with the existing oak woodland habitat. ▪ Preserve and passive open space zones throughout the SPA. ▪ Open space areas that are adjacent to existing oak woodlands that will be impacted by project grading (i.e. catch slopes). ▪ Other practical locations within the SPA in or adjacent to open space. ▪ Oak Woodlands Mitigation Planting Criteria <p>The following oak woodland mitigation planting criteria shall be used to create oak woodland habitat:</p> <ul style="list-style-type: none"> ▶ A minimum of 55 planting sites per acre (with a total of 70 units, as defined below) will mitigate for one acre of oak woodland impacts. A combination of acorns, seedlings, and various sizes of container trees (#1 container, #5 container, #15 container) or transplanted trees shall be incorporated into the planting design. Mitigation acreage that is planted solely with larger oak trees (no acorns) shall have a minimum of 35 planting sites per acre. The units are defined as follows: 	<p>containing protected trees or oak woodland.</p>	
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		<ul style="list-style-type: none"> ▪ One established acorn equals one unit (acorns will be over planted to maximize potential germination). ▪ One oak seedling equals one unit. ▪ One #1 container oak tree equals two units. ▪ One #5 container oak tree equals three units. ▪ One #15 container oak tree equals four units. ▪ One 24-inch boxed oak tree equals six units. ▪ One transplanted oak tree equals four units per trunk diameter inch (dbh). ▪ Native non oak species characteristic of oak woodlands shall be included in the mitigation planting plan to augment overall habitat values. Each non oak tree species shall represent unit values described above for oak trees, but non oak species shall comprise no more than 10% of the mitigation plantings. ▶ Preserve and protect existing off-site oak woodland habitat. Existing, unprotected oak woodland habitat within Sacramento and El Dorado Counties may be secured and placed under conservation easement in lieu of onsite mitigation measures if necessary. The off-site locations would be managed as oak woodland habitat in perpetuity. ▶ Create oak woodlands off site. Plant a combination of blue oak acorns, seedlings, and trees at off-site location(s), if needed to achieve the creation goal of 243 acres of new blue oak woodland habitat. This measure would only be needed if 243 acres of blue oak woodland could not be created in the SPA. Off-site creation shall follow the same guidelines as outlined in the Mitigation Planting Criteria for onsite creation. Off-site tree planting shall occur at sites within Sacramento County that should naturally support blue oak woodland and shall be used to restore former blue oak woodland habitat that has been degraded or removed through human activities. Restoration shall be designed to result in species composition and densities similar to those in the SPA prior to project development. Planted areas shall be placed under conservation easement and managed as oak woodland habitat in perpetuity. ▶ The oak woodland mitigation plan prepared by the project applicant(s) shall include a maintenance and monitoring program for any replacement trees. The program shall include monitoring and reporting requirements, schedule, and success criteria. Replacement oak trees shall be maintained and 		
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monitored for a minimum of eight years from the date of planting and irrigation shall be provided to planted trees for the first five years after planting. Any replacement trees that die during the monitoring period shall be replaced in sufficient numbers to achieve 80% survival rate for planted trees by the end of the eight-year maintenance and monitoring period. Dead and dying trees shall be replaced and monitoring continued until 80% survivorship is achieved. Security acceptable to the City and sufficient to cover maintenance and monitoring costs for eight years shall be provided to the City Planning Department. The security will be forfeited if the project applicant or designated responsible party fails to provide maintenance and monitoring and meet the success criteria.

Isolated Oak Tree Mitigation

The project applicant(s) of all on-site project phases containing oak woodland habitat or isolated trees and the off-site Prairie City Road and Oak Avenue interchange improvements to U.S. 50; Rowberry Drive Overcrossing; and the underground sewer force main shall develop a map depicting the tree canopy of all oak trees in the survey area and identifying the acreage of tree canopy that would be preserved and the acreage that would be removed. A tree permit for removal of isolated oak trees (those not located within the delineated boundary of oak woodland habitat) shall be obtained from the City Planning Director. As a condition of the tree removal permit, project applicant(s) shall be required to develop a Planting and Maintenance Agreement. The City's Tree Preservation Code requires compensatory mitigation and the City and the project applicants have developed a plan, as set forth Section 10 of the Folsom Plan Area Specific Plan (attached to this EIR/EIS as Appendix N) specifically to avoid and minimize adverse effects on isolated oak trees from project development and to provide compensatory mitigation for removal of protected trees in the SPA. In addition to the language contained in the Folsom Plan Area Specific Plan, the following elements shall be included in a protected tree mitigation plan to be developed by the project applicants and agreed upon by the City:

- ▶ Project applicant(s) of projects containing isolated oak trees shall retain a certified arborist or registered professional forester to perform a determinate survey of tree species, size (dbh), condition, and location for all areas of the project site proposed for tree removal and encroachment of development. The condition of individual trees shall be assessed according to the American

		<p>Society of Consulting Arborists rating system with the following added explanations:</p> <ul style="list-style-type: none"> ▪ 5 = Excellent; No problems – tree has no structural problems, branches are properly spaced and tree characteristics are nearly perfect for the species. ▪ 4 = Good; No apparent problems – tree is in good condition and no apparent problems from visual inspection. If potential structural or health problems are tended at this stage, future hazard can be reduced and more serious health problems can be averted. ▪ 3 = Fair; Minor problems – There are some minor structural or health problems that pose no immediate danger. When the recommended actions in an arborist report are completed correctly the defect(s) can be minimized or eliminated. ▪ 2 = Poor; Major problems – the tree is in poor condition, but the condition could be improved with correct arboricultural work including, but not limited to: pruning, cabling, bracing, bolting, guying, spraying, mistletoe removal, vertical mulching, and fertilization. If the recommended actions are completed correctly, hazard can be reduced and the rating can be elevated to a 3. If no action is taken the tree is considered a liability and should be removed. ▪ 1 = Hazardous or non correctable condition – the tree is in extremely poor condition and in non-reversible decline. This rating is assigned to a tree that has structural and/or health problems that no amount of tree care work or effort can change. The issues may or may not be considered a dangerous situation. The tree may also be infested with a disease or pest(s) that is non-controllable at this time and is causing an unacceptable risk of spreading the disease or pests(s) to other trees. ▪ 0 = Dead – the tree has no significant signs of life (dead or very close to being dead). <p>Isolated Oak Tree Mitigation Planting Criteria</p> <ul style="list-style-type: none"> ▶ The determination for whether an isolated tree shall be preserved, removed without compensation, or removed with compensatory mitigation shall be based on the condition and size of the tree as follows: <ul style="list-style-type: none"> ▪ Trees rated 0 or 1 may be removed with no mitigation. 		
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- Trees rated 2 may be removed at 50% of the normal Folsom Municipal Code mitigation.
- Trees rated 3, 4, and/or 5 may be removed at the normal Folsom Municipal Code mitigation.
- Native isolated oaks measuring 24 inches or greater dbh for a single trunk or 40 inches or more for a multi-trunked tree and rated a 3 to 5 shall be retained, unless retaining wall(s) higher than 4 feet tall (from bottom of footing to the top of the wall) would be required to protect the tree(s) from mass grading of the SPA properties.
- Native oaks measuring between 12 and 24 inches dbh and rated a 4 or 5 shall not be removed or mitigated unless wall(s) higher than 4 feet tall (from bottom of footing to the top of the wall) would be required to protect the tree(s) from mass grading of the SPA properties. Trees in this size class but rated 2 or 3 shall not be removed unless unreasonable costs to save the tree(s) (greater than the cost of implementing the isolated oak tree mitigation planting criteria described here) would result.
- Native oaks measuring 5 inches or greater dbh but less than 12 inches dbh shall not be removed unless unreasonable costs to save the tree(s) (greater than the cost of implementing the isolated oak tree mitigation planting criteria described here) would result.
- Native oak trees measuring 1 inch or greater dbh but less than 5 inches dbh may be preserved to receive a Small Tree Preservation Credit (STPC). Any tree that is to be considered for preservation credit shall be evaluated, included in the arborist report, and shall have been found to be rated a 3, 4, or a 5. Credits shall only be accepted if the tree protection zone (TPZ) (i.e., the outer edge of the tree canopy drip line) is protected with fencing in the exact manner that 5 inches dbh and greater trees are protected on a construction site, and the spacing is equal to the proper tree spacing dictated by the Folsom Master Tree List. STPC shall not count if they the tree is in a poor growing space due to its position within the TPZ of another protected tree to be preserved. The City shall accept the preservation of native oak trees in this size class as credit towards the total removed inches based on the following STPC criteria:
 - ▶ Folsom Municipal Code requires one of the following be planted as compensation for each diameter inch of protected tree removed:

		<ul style="list-style-type: none"> ▪ half of a 24-inch box tree; ▪ one #15 container tree; ▪ two #5 container trees; or ▪ \$150 in-lieu payment or other fee set by City Council Resolution. <ul style="list-style-type: none"> ▶ The Planting and Maintenance Agreement shall include a planting plan, planting and irrigation design details, and a weaning schedule for the establishment period. The plan shall include a 5-year establishment period for trees and 8 years for planted acorns with an annual monitoring report that includes corrections needed with proposed work plan, and notice of compliance within 90-days of annual monitoring report. Security in a form acceptable to the City and sufficient to cover maintenance and monitoring costs for eight years shall be provided to the City Planning Department. The security will be forfeited if the project applicant or designated responsible party fails to fulfill the Planting and Maintenance Agreement. ▶ To avoid and minimize indirect impacts on protected trees to remain on the SPA, the project applicant(s) of all affected project phases shall install high visibility fencing outside the outer edge of the drip lines of all trees to be retained on the SPA during project construction. The fencing may be installed around groups or stands of trees or whole wooded areas but must be installed so that the drip lines of all trees are protected. Grading, trenching, equipment or materials storage, parking, paving, irrigation, and landscaping shall be prohibited within the fenced areas (i.e. drip lines of protected trees). If the activities listed cannot be avoided within the drip line of a particular tree, that tree shall be counted as an affected tree and compensatory mitigation shall be provided, or the tree in question shall be monitored for a period of five years and replaced only if the tree appears to be dead or dying within five years of project implementation. <p>Through a combination of the mitigation options presented above along with the proposed on-site preservation of blue oak woodland habitat in the open space areas, the project applicant(s) can satisfy the mitigation requirements for removal of trees protected under the Folsom Municipal Code while also mitigating the impacts on oak woodland habitat, as determined through consultation with the Sacramento County Planning Department (for County off-site impacts only) and/or the City of Folsom.</p>		
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		Mitigation for the U.S. 50 interchange improvements must be coordinated by the project applicant(s) of each applicable project phase with Caltrans.		
106-22	WS-1 (Addendum)	<p>Conduct Environmental Awareness Training for Construction Employees. Prior to beginning construction activities, the Project Applicant shall employ a qualified biologist to develop and conduct environmental awareness training for construction employees. The training shall describe the importance of onsite biological resources, including special-status wildlife habitats; potential nests of special-status birds; and roosting habitat for special-status bats. The biologist shall also explain the importance of other responsibilities related to the protection of wildlife during construction such as inspecting open trenches and looking under vehicles and machinery prior to moving them to ensure there are no lizards, snakes, small mammals, or other wildlife that could become trapped, injured, or killed in construction areas or under equipment.</p> <p>The environmental awareness program shall be provided to all construction personnel to brief them on the life history of special-status species in or adjacent to the project area, the need to avoid impacts on sensitive biological resources, any terms and conditions required by State and federal agencies, and the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the project, the contractor's superintendent shall ensure that the personnel receive the mandatory training before starting work. An environmental awareness handout that describes and illustrates sensitive resources to be avoided during project construction and identifies all relevant permit conditions shall be provided to each person.</p>	Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, for any project phase.	City of Folsom Community Development Department
106-23	WS-2 (Addendum)	<p>Conduct Preconstruction Western Spadefoot Survey. The Project Applicant(s) shall retain a qualified biologist to conduct a preconstruction western spadefoot survey within 48 hours of the initiation of construction activity within suitable tadpole habitat (e.g., vernal pools, seasonal wetlands, and drainages with standing water) for western spadefoot. If no western spadefoot individuals are found during the preconstruction survey, the biologist shall document the findings in a letter report to CDFW and the City, and no further mitigation shall be required. If western spadefoot individuals are found, the qualified biologist shall consult with CDFW to determine appropriate avoidance measures.</p>	Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, within suitable tadpole habitat.	California Department of Fish and Game, and City of Folsom Community Development Department
106-24	NWPT-1 (Addendum)	<p>Conduct Preconstruction Northwestern Pond Turtle Survey. The Project Applicant(s) shall retain a qualified biologist to conduct a preconstruction northwestern pond turtle survey within 48 hours of the initiation</p>	Before approval of grading or improvement plans or any ground	California Department of Fish and Game, and City of Folsom Community Development Department

		of construction activity within suitable habitat for northwestern pond turtle. If no northwestern pond turtles are found during the preconstruction survey, the biologist shall document the findings in a letter report to CDFW and the City, and no further mitigation shall be required. If northwestern pond turtles are found, the qualified biologist shall capture and relocate the turtles to a suitable preserved location in the vicinity of the project.	disturbing activities, including grubbing or clearing, within suitable northwestern pond turtle habitat.	
106-25	NB-1 (Addendum)	Preconstruction Nesting Bird Survey. The Project Applicant shall conduct a preconstruction nesting bird survey of all areas associated with construction activities on the project site within 14 days prior to commencement of construction during the nesting season (1 February through 31 August). If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFW. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary. Pre-construction nesting surveys are not required for construction activity outside of the nesting season.	Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, for any project phase.	California Department of Fish and Game, and City of Folsom Community Development Department
Cultural and Tribal Cultural Resources				
106-26	3A.5-1a (Addendum)	Comply with the Programmatic Agreement. The PA for the project is incorporated by reference. The PA provides a management framework for identifying historic properties, determining adverse effects, and resolving those adverse effects as required under Section 106 of the National Historic Preservation Act. This document is incorporated by reference. The PA is available for public inspection and review at the California Office of Historic Preservation 1725 23rd Street Sacramento, CA 95816.	During all construction phases	City of Folsom Community Development Department; U.S. Army Corp of Engineers;
106-27	3A.5-1b (Addendum)	Perform an Inventory and Evaluation of Cultural Resources for the California Register of Historic Places, Minimize or Avoid Damage or Destruction, and Perform Treatment Where Damage or Destruction Cannot be Avoided. These steps may be combined with deliverables and management steps performed for Section 106 provided that management documents prepared for the PA also clearly reference the California Register of Historical Resources (CRHR) listing criteria and significance thresholds that apply under CEQA. Prior to ground disturbing work for each individual development phase or off-site element, the applicable oversight agency (City of Folsom, El Dorado County, Sacramento	Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, for any project phase.	City of Folsom Community Development Department

		<p>County, or Caltrans), or the project applicant(s) of all project phases, with applicable oversight agency, shall perform the following actions:</p> <ul style="list-style-type: none"> ▶ The project applicant shall retain the services of a qualified archaeologist to perform an inventory of cultural resources within each individual development phase or off-site element subject to approval under CEQA. Identified resources shall be evaluated for listing on the CRHR. The inventory report shall also identify locations that are sensitive for undiscovered cultural resources based upon the location of known resources, geomorphology, and topography. The inventory report shall specify the location of monitoring of ground-disturbing work in these areas by a qualified archaeologist and monitoring in the vicinity of identified resources that may be damaged by construction, if appropriate. ▶ The identification of any sensitive locations subject to monitoring during construction of each individual development phase shall be performed in concert with monitoring activities performed under the PA to minimize the potential for conflicting requirements. ▶ For each resource that is determined eligible for the CRHR, the applicable agency or the project applicant(s) for any particular discretionary development (under the agency’s direction) shall obtain the services of a qualified archaeologist who shall determine if implementation of the individual project development would result in damage or destruction of “significant” (under CEQA) cultural resources. These findings shall be reviewed by the applicable agency for consistency with the significance thresholds and treatment measures provided in this EIR/EIS. ▶ Where possible, the project shall be configured or redesigned to avoid impacts on eligible or listed resources. Alternatively, these resources may be preserved in place if possible, as suggested under California Public Resources Code Section 21083.2. Avoidance of historic properties is required under certain circumstances under the Public Resource Code and 36 CFR Part 800. ▶ Where impacts cannot be avoided, the applicable agency or the project applicant(s) of all project phases (under the applicable agency’s direction) shall prepare and implement treatment measures that are determined to be necessary by a qualified archaeologist. These measures may consist of data recovery excavations for resources that are eligible for listing because of the data they contain (which may contribute to research). Alternatively, for 		
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		<p>historical architectural, engineered, or landscape features, treatment measures may consist of a preparation of interpretive, narrative, or photographic documentation. These measures shall be reviewed by the applicable oversight agency for consistency with the significance thresholds and standards provided in this EIR/EIS.</p> <ul style="list-style-type: none"> ▶ To support the evaluation and treatment required under this Mitigation Measure, the archaeologist retained by either the applicable oversight agency or the project applicant(s) of all project phases shall prepare an appropriate prehistoric and historic context that identifies relevant prehistoric, ethnographic, and historic themes and research questions against which to determine the significance of identified resources and appropriate treatment. ▶ These steps and documents may be combined with the phasing of management and documents prepared pursuant to the FAPA to minimize the potential for inconsistency and duplicative management efforts. <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries shall be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).</p>		
<p>106-28</p>	<p>3A.5-2 (Addendum)</p>	<p>Conduct Construction Personnel Education, Conduct On-Site Monitoring If Required, Stop Work if Cultural Resources are Discovered, Assess the Significance of the Find, and Perform Treatment or Avoidance as Required.</p> <p>To reduce potential impacts to previously undiscovered cultural resources, the project applicant(s) of all project phases shall do the following:</p> <ul style="list-style-type: none"> ▶ Before the start of ground-disturbing activities, the project applicant(s) of all project phases shall retain a qualified archaeologist to conduct training for construction workers as necessary based upon the sensitivity of the project APE, to educate them about the possibility of encountering buried cultural resources and inform them of the proper procedures should cultural resources be encountered. ▶ As a result of the work conducted for Mitigation Measures 3A.5-1a and 3A.5-1b, if the archaeologist determines that any portion of the SPA or the off-site elements should be monitored for potential discovery of as-yet-unknown cultural resources, the project applicant(s) of all project phases shall implement such monitoring in the locations specified by the archaeologist. 	<p>Before approval of grading or improvement plans or any ground disturbing activities, including grubbing or clearing, for any project phase.</p>	<p>City of Folsom Community Development Department; U.S. Army Corp of Engineers</p>

	<p>USACE should review and approve any recommendations by archaeologists with respect to monitoring.</p> <ul style="list-style-type: none"> ▶ Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during any construction activities, work shall be suspended in the vicinity of the find and the appropriate oversight agency(ies) (identified below) shall be notified immediately. The appropriate oversight agency(ies) shall retain a qualified archaeologist who shall conduct a field investigation of the specific site and shall assess the significance of the find by evaluating the resource for eligibility for listing on the CRHR and the NRHP. If the resource is eligible for listing on the CRHR or NRHP and it would be subject to disturbance or destruction, the actions required in Mitigation Measures 3A.5-1a and 3A.5-1b shall be implemented. The oversight agency shall be responsible for approval of recommended mitigation if it is determined to be feasible in light of the approved land uses and shall implement the approved mitigation before resuming construction activities at the archaeological site. <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).</p> <p>The project applicant, in coordination with USACE, shall ensure that an archaeological sensitivity training program is developed and implemented during a pre-construction meeting for construction supervisors. The sensitivity training program shall provide information about notification procedures when potential archaeological material is discovered, procedures for coordination between construction personnel and monitoring personnel, and information about other treatment or issues that may arise if cultural resources (including human remains) are discovered during project construction. This protocol shall be communicated to all new construction personnel during orientation and on a poster that is placed in a visible location inside the construction job trailer. The phone number of the USACE cultural resources staff member shall also be included.</p> <p>The on-site sensitivity training shall be carried out each time a new contractor will begin work in the APE and at the beginning of each construction season by each contractor.</p>		
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		<p>If unanticipated discoveries of additional historic properties, defined in 36 CFR 800.16 (l), are made during the construction of the project, the USACE shall ensure that they will be protected by implementing the following measures:</p> <ul style="list-style-type: none"> ▶ The Construction Manager, or archaeological monitor, if given the authority to halt construction activities, shall ensure that work in that area is immediately halted within a 100-foot radius of the unanticipated discovery until the find is examined by a person meeting the professional qualifications standards specified in Section 2.2 of Attachment G of the HPMP. The Construction Manager, or archaeological monitor, if present, shall notify the USACE within 24 hours of the discovery. ▶ The USACE shall notify the State Historic Preservation Officer (SHPO) within one working day of an unanticipated discovery and may initiate interim treatment measures in accordance with this HPTP. Once the USACE makes a formal determination of eligibility for the resource, the USACE will notify the SHPO within 48 hours of the determination and afford the SHPO an opportunity to comment on appropriate treatment. The SHPO shall respond within 72 hours of the request to consult. Failure of the SHPO to respond within 72 hours shall not prohibit the USACE from implementing the treatment measures. <p>The project applicants shall be required to submit to the City proof of compliance in the form of a completed training roster and copy of training materials.</p>		
106-29	3A.5-3 (Addendum)	<p>Suspend Ground-Disturbing Activities if Human Remains are Encountered and Comply with California Health and Safety Code Procedures.</p> <p>In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, including those associated with off-site elements, the project applicant(s) of all project phases shall immediately halt all ground-disturbing activities in the area of the find and notify the Sacramento County Coroner and a professional archaeologist skilled in osteological analysis to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or public lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]).</p>	During all ground disturbing activities, for any project phase.	Sacramento County Coroner; Native American Heritage Commission; City of Folsom Community Development Department

After the coroner's findings are complete, the project applicant(s), an archaeologist, and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting on notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code.

Upon the discovery of Native American remains, the procedures above regarding involvement of the applicable county coroner, notification of the NAHC, and identification of an Most Likely Descendant shall be followed. The project applicant(s) of all project phases shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place. The Most Likely Descendant shall have 48 hours after being granted access to the site to inspect the site and make recommendations. A range of possible treatments for the remains may be discussed: nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment. As suggested by AB 2641 (Chapter 863, Statutes of 2006), the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the project applicant(s) shall comply with one or more of the following requirements:

- ▶ record the site with the NAHC or the appropriate Information Center,
- ▶ use an open-space or conservation zoning designation or easement, or
- ▶ record a reinternment document with the county.

The project applicant(s) or its authorized representative of all project phases shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify an Most Likely Descendant or if the Most Likely Descendant fails to make a recommendation within 48 hours after being granted access to the site. The project applicant(s) or its authorized representative may also reinter the remains in a location not subject to further disturbance if it rejects the recommendation of the Most Likely Descendant and mediation by the NAHC fails to provide measures acceptable to the landowner. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

		<p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).</p> <p>The project applicants shall be required to submit to the City proof of compliance in the form of a completed training roster and copy of training materials.</p>		
Geology and Soils				
106-30	3A.7-1a (FPASP EIR/EIS)	<p>Prepare Site-Specific Geotechnical Report per CBC Requirements and Implement Appropriate Recommendations. Before building permits are issued and construction activities begin any project development phase, the project applicant(s) of each project phase shall hire a licensed geotechnical engineer to prepare a final geotechnical subsurface investigation report for the on- and off-site facilities, which shall be submitted for review and approval to the appropriate City or county department (identified below). The final geotechnical engineering report shall address and make recommendations on the following:</p> <ul style="list-style-type: none"> ▶ site preparation; ▶ soil bearing capacity; ▶ appropriate sources and types of fill; ▶ potential need for soil amendments; ▶ road, pavement, and parking areas; ▶ structural foundations, including retaining-wall design; ▶ grading practices; ▶ soil corrosion of concrete and steel; ▶ erosion/winterization; ▶ seismic ground shaking; ▶ liquefaction; and ▶ expansive/unstable soils. <p>In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant(s) of each project phase. Special recommendations contained in the geotechnical</p>	Before issuance of building permits and ground-disturbing activities.	City of Folsom Community Development Department

		engineering report shall be noted on the grading plans and implemented as appropriate before construction begins. Design and construction of all new project development shall be in accordance with the CBC. The project applicant(s) shall provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the geotechnical report.		
106-31	3A.7-1b (FPASP EIR/EIS)	Monitor Earthwork during Earthmoving Activities. All earthwork shall be monitored by a qualified geotechnical or soils engineer retained by the project applicant(s) of each project phase. The geotechnical or soils engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on both on- and off-site construction areas. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).	Before issuance of building permits and ground-disturbing activities.	City of Folsom Community Development Department
106-32	3A.7-3 (FPASP EIR/EIS)	Prepare and Implement the Appropriate Grading and Erosion Control Plan. Before grading permits are issued, the project applicant(s) of each project phase that would be located within the City of Folsom shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the City Public Works Department before issuance of grading permits for all new development. The plan shall be consistent with the City's Grading Ordinance, the City's Hillside Development Guidelines, and the state's NPDES permit, and shall include the site-specific grading associated with development for all project phases. For the two off-site roadways into El Dorado Hills, the project applicant(s) of that phase shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the El Dorado County Public Works Department and the El Dorado Hills Community Service District before issuance of grading permits for roadway construction in El Dorado Hills. The plan shall be consistent with El Dorado County's Grading, Erosion, and Sediment Control Ordinance and the state's NPDES permit, and shall include the site-specific grading associated with roadway development. For the off-site detention basin west of Prairie City Road, the project applicant(s) of that phase shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the Sacramento County Public Works Department before issuance of	Before the start of construction activities.	City of Folsom Community Development Department

		<p>a grading permit. The plan shall be consistent with Sacramento County's Grading, Erosion, and Sediment Control Ordinance and the state's NPDES permit, and shall include the site-specific grading associated with construction of the detention basin.</p> <p>The plans referenced above shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction-site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and covering or watering of stockpiled soils to reduce wind erosion. Stabilization on steep slopes could include construction of retaining walls and reseeded with vegetation after construction. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The project applicant(s) shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties).</p> <p>Implementation of Mitigation Measure 3A.9-1 (discussed in Section 3A.9, "Hydrology and Water Quality – Land") would also help reduce erosion-related impacts.</p>		
106-33	3A.7-5 (FPASP EIR/EIS)	<p>Divert Seasonal Water Flows Away from Building Foundations. The project applicant(s) of all project phases shall either install subdrains (which typically consist of perforated pipe and gravel, surrounded by nonwoven geotextile fabric), or take such other actions as recommended by the geotechnical or civil engineer for the project that would serve to divert seasonal flows caused by surface infiltration, water seepage, and perched water during the winter months away from building foundations.</p>	Before and during earthmoving activities.	City of Folsom Community Development Department
106-34	3A.7-10 (FPASP EIR/EIS)	<p>Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan as Required.</p> <p>To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources, the project applicant(s) of all</p>	During earthmoving activities in the Ione and Mehrten Formations.	City of Folsom Community Development Department

		<p>project phases where construction would occur in the Ione and Mehrten Formations shall do the following:</p> <ul style="list-style-type: none"> ▶ Before the start of any earthmoving activities for any project phase in the Ione or Mehrten Formations, the project applicant(s) shall retain a qualified paleontologist or archaeologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. ▶ If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the appropriate lead agency (identified below). The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County).</p>		
Greenhouse Gas Emissions and Climate Change				
106-35	3A.4-1 (FPASP EIR/EIS)	<p>Implement Additional Measures to Control Construction-Generated GHG Emissions.</p> <p>To further reduce construction-generated GHG emissions, the project applicant(s) any particular discretionary development application shall implement all feasible measures for reducing GHG emissions associated with construction that are recommended by SMAQMD at the time individual portions of the site undergo construction. Such measures may reduce GHG exhaust emissions from the use of on-site equipment, worker commute trips, and truck trips carrying materials and equipment to and from the SPA, as well as GHG emissions embodied in the materials selected for construction (e.g., concrete). Other measures may pertain to the materials used in construction. Prior to releasing each request for bid to</p>	Before approval of small-lot final maps and building permits for all discretionary development project, including all on- and off-site elements and implementation throughout project construction.	City of Folsom Community Development Department

contractors for the construction of each discretionary development entitlement, the project applicant(s) shall obtain the most current list of GHG reduction measures that are recommended by SMAQMD and stipulate that these measures be implemented in the respective request for bid as well as the subsequent construction contract with the selected primary contractor. The project applicant(s) for any particular discretionary development application may submit to the City and SMAQMD a report that substantiates why specific measures are considered infeasible for construction of that particular development phase and/or at that point in time. The report, including the substantiation for not implementing particular GHG reduction measures, shall be approved by the City, in consultation with SMAQMD prior to the release of a request for bid by the project applicant(s) for seeking a primary contractor to manage the construction of each development project. By requiring that the list of feasible measures be established prior to the selection of a primary contractor, this measure requires that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.

SMAQMD's recommended measures for reducing construction-related GHG emissions at the time of writing this EIR/EIS are listed below and the project applicant(s) shall, at a minimum, be required to implement the following:

- ▶ Improve fuel efficiency from construction equipment:
 - reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort);
 - perform equipment maintenance (inspections, detect failures early, corrections);
 - train equipment operators in proper use of equipment;
 - use the proper size of equipment for the job; and
 - use equipment with new technologies (repowered engines, electric drive trains).
- ▶ Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power.
- ▶ Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. (Emissions of oxides of nitrogen [NO_x] emissions from the use of low carbon fuel must be reviewed and increases mitigated.) Additional information about low carbon fuels is available from ARB's Low Carbon Fuel Standard Program (ARB 2009b).

		<ul style="list-style-type: none"> ▶ Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes. ▶ Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones. ▶ Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75% by weight). ▶ Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). ▶ Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option. ▶ Produce concrete on-site if determined to be less emissive than transporting ready mix. ▶ Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available from ARB's Heavy-Duty Vehicle Greenhouse Gas Measure (ARB 2009c) and EPA (EPA 2009). ▶ Develop a plan in consultation with SMAQMD to efficiently use water for adequate dust control. This may consist of the use of nonpotable water from a local source. <p>In addition to SMAQMD-recommended measures, construction activity shall comply with all applicable rules and regulations established by SMAQMD and ARB.</p>		
106-36	3A.4-2b (FPASP EIR/EIS)	<p>Participate in and Implement an Urban and Community Forestry Program and/or Off-Site Tree Program to Off-Set Loss of On-Site Trees. The trees on the project site contain sequestered carbon and would continue to provide future carbon sequestration during their growing life. For all harvestable trees that are subject to removal, the project applicant(s) for any particular discretionary development application shall participate in and provide necessary funding for urban and community forestry program (such as the UrbanWood program managed by the Urban Forest Ecosystems Institute [Urban Forest Ecosystems Institute 2009]) to ensure that wood with an equivalent carbon sequestration value to that of all harvestable removed trees is harvested for an end-use that would retain its carbon sequestration (e.g., furniture building, cabinet making). For all nonharvestable trees that are subject to removal, the</p>	Before approval of final maps and/or building permits for all project phases requiring discretionary approval, including all on- and off-site elements.	City of Folsom Community Development Department

		<p>project applicant(s) shall develop and fund an off-site tree program that includes a level of tree planting that, at a minimum, increases carbon sequestration by an amount equivalent to what would have been sequestered by the blue oak woodland during its lifetime. This program shall be funded by the project applicant(s) of each development phase and reviewed for comment by an independent Certified Arborist unaffiliated with the project applicant(s) and shall be coordinated with the requirements of Mitigation Measure 3.3-5, as stated in Section 3A.3, "Biological Resources - Land." Final approval of the program shall be provided by the City. Components of the program may include, but not be limited to, providing urban tree canopy in the City of Folsom, or reforestation in suitable areas outside the City. Reforestation in natural habitat areas outside the City of Folsom would simultaneously mitigate the loss of oak woodland habitat while planting trees within the urban forest canopy would not. The California Urban Forestry Greenhouse Gas Reporting Protocol shall be used to assess this mitigation program (CCAR 2008). All unused vegetation and tree material shall be mulched for use in landscaping on the project site, shipped to the nearest composting facility, or shipped to a landfill that is equipped with a methane collection system, or combusted in a biomass power plant. Tree and vegetative material should not be burned on- or off-site unless used as fuel in a biomass power plant.</p>		
<p>Hazards and Hazardous Materials</p>				
<p>106-37</p>	<p>3A.8-2 (FPASP EIR/EIS)</p>	<p>Complete Investigations Related to the Extent to Which Soil and/or Groundwater May Have Been Contaminated in Areas Not Covered by the Phase I and II Environmental Site Assessments and Implement Required Measures. The project applicant(s) for any discretionary development application shall conduct Phase I Environmental Site Assessments (where an Phase I has not been conducted), and if necessary, Phase II Environmental Site Assessments, and/or other appropriate testing for all areas of the SPA and include, as necessary, analysis of soil and/or groundwater samples for the potential contamination sites that have not yet been covered by previous investigations (as shown in Exhibit 3A.8-1) before construction activities begin in those areas. Recommendations in the Phase I and II Environmental Site Assessments to address any contamination that is found shall be implemented before initiating ground-disturbing activities in these areas.</p> <p>The project applicant(s) shall implement the following measures before ground-disturbing activities to reduce health hazards associated with potential exposure to hazardous substances:</p>	<p>Before and during earth moving activities</p>	<p>City of Folsom Community Development Department</p>

		<ul style="list-style-type: none"> ▶ Prepare a plan that identifies any necessary remediation activities appropriate for proposed on- and off-site uses, including excavation and removal of on-site contaminated soils, redistribution of clean fill material in the SPA, and closure of any abandoned mine shafts. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site. In the event that contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminants before discharge into the sanitary sewer system. The project applicant(s) shall be required to comply with the plan and applicable Federal, state, and local laws. The plan shall outline measures for specific handling and reporting procedures for hazardous materials and disposal of hazardous materials removed from the site at an appropriate off-site disposal facility. ▶ Notify the appropriate Federal, state, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during construction activities. Any contaminated areas shall be remediated in accordance with recommendations made by the Sacramento County Environmental Management Department, Central Valley RWQCB, DTSC, and/or other appropriate Federal, state, or local regulatory agencies. ▶ Obtain an assessment conducted by PG&E and SMUD pertaining to the contents of any existing pole-mounted transformers located in the SPA. The assessment shall determine whether existing on-site electrical transformers contain PCBs and whether there are any records of spills from such equipment. If equipment containing PCB is identified, the maintenance and/or disposal of the transformer shall be subject to the regulations of the Toxic Substances Control Act under the authority of the Sacramento County Environmental Health Department. <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County).</p>		
106-38	3A.8-6 (FPASP EIR/EIS)	<p>Prudent Avoidance and Notification of EMF Exposure. Potential purchasers of residential properties near the transmission lines shall be made aware of the controversy surrounding EMF exposure. The California Department of Real Estate shall be requested to insert an appropriate notification into the applicant’s</p>	At the submission of tentative map applications.	City of Folsom Community Development Department

		<p>final Subdivision Public Report application, which shall be provided to purchasers of properties within 100 feet from the 100-115kV power line , or within 150 feet from the 220-230 kV power line . The notification would include a discussion of the scientific studies and conclusions reached to date, acknowledge that the notification distance is not based on specific biological evidence, but rather, the distance where background levels may increase, and provide that, given some uncertainty in the data, this notification is merely provided to allow purchasers to make an informed decision.</p>		
<p>106-39</p>	<p>3A.8-7 (FPASP EIR/EIS)</p>	<p>Prepare and Implement a Vector Control Plan in Consultation with the Sacramento-Yolo Mosquito and Vector Control District. To ensure that operation and design of the stormwater system, including multiple planned detention basins, is consistent with the recommendations of the Sacramento-Yolo Mosquito and Vector Control District regarding mosquito control, the project applicant(s) of all project phases shall prepare and implement a Vector Control Plan. This plan shall be prepared in coordination with the Sacramento-Yolo Mosquito and Vector Control District and shall be submitted to the City for approval before issuance of the grading permit for the detention basins under the City’s jurisdiction. For the off-site detention basin, the plan shall be submitted to Sacramento County for approval before issuance of the grading permit for the off-site detention basin. The plan shall incorporate specific measures deemed sufficient by the City to minimize public health risks from mosquitoes, and as contained within the Sacramento-Yolo Mosquito and Vector Control District BMP Manual (Sacramento-Yolo Mosquito and Vector Control District 2008). The plan shall include, but is not limited to, the following components:</p> <ul style="list-style-type: none"> ▶ Description of the project. ▶ Description of detention basins and all water features and facilities that would control on-site water levels. ▶ Goals of the plan. ▶ Description of the water management elements and features that would be implemented, including: <ul style="list-style-type: none"> ▪ BMPs that would implemented on-site; ▪ public education and awareness; ▪ sanitary methods used (e.g., disposal of garbage); ▪ mosquito control methods used (e.g., fluctuating water levels, biological agents, pesticides, larvacides, circulating water); and 	<p>Before issuance of grading permits for the project water features.</p>	<p>City of Folsom Community Development Department</p>

	<ul style="list-style-type: none"> ▪ stormwater management (consistent with Stormwater Management Plan). ▶ Long-term maintenance of the detention basins and all related facilities (e.g., specific ongoing enforceable conditions or maintenance by a homeowner’s association). <p>To reduce the potential for mosquitoes to reproduce in the detention basins, the project applicant(s) shall coordinate with the Sacramento-Yolo Mosquito and Vector Control District to identify and implement BMPs based on their potential effectiveness for SPA conditions. Potential BMPs could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▶ build shoreline perimeters as steep and uniform as practicable to discourage dense plant growth; ▶ perform routine maintenance to reduce emergent plant densities to facilitate the ability of mosquito predators (i.e., fish) to move throughout vegetated area; ▶ design distribution piping and containment basins with adequate slopes to drain fully and prevent standing water. The design slope should take into consideration buildup of sediment between maintenance periods. Compaction during grading may also be needed to avoid slumping and settling; ▶ coordinate cleaning of catch basins, drop inlets, or storm drains with mosquito treatment operations; ▶ enforce the prompt removal of silt screens installed during construction when no longer needed to protect water quality; ▶ if the sump, vault, or basin is sealed against mosquitoes, with the exception of the inlet and outlet, submerge the inlet and outlet completely to reduce the available surface area of water for mosquito egg-laying (female mosquitoes can fly through pipes); and ▶ design structures with the appropriate pumping, piping, valves, or other necessary equipment to allow for easy dewatering of the unit if necessary (Sacramento Yolo Mosquito and Vector Control District 2008). <p>The project applicant(s) of the project phase containing the off-site detention basin shall coordinate mitigation for the off-site with the affected oversight agency (i.e., Sacramento County).</p>		
<p>Hydrology and Water Quality</p>			

<p>106-40</p>	<p>3A.9-1 (FPASP EIR/EIS)</p>	<p>Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs. Prior to the issuance of grading permits, the project applicant(s) of all projects disturbing one or more acres (including phased construction of smaller areas which are part of a larger project) shall obtain coverage under the SWRCB’s NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific SWPPP at the time the NOI is filed. The project applicant(s) shall also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to Sacramento County, City of Folsom, El Dorado County (for the off-site roadways into El Dorado Hills under the Proposed Project Alternative). The SWPPP and other appropriate plans shall identify and specify:</p> <ul style="list-style-type: none"> ▶ the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the local jurisdictions for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences ▶ the implementation of approved local plans, non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities; ▶ the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation; ▶ spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills; ▶ personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and ▶ the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. 	<p>Submittal of the State Construction General Permit NOI and SWPPP (where applicable) and development and submittal of any other locally required plans and specifications before the issuance of grading permits for all on-site project phases and off-site elements and implementation throughout project construction.</p>	<p>City of Folsom Community Development Department</p>
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		<ul style="list-style-type: none"> ▶ Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below. ▶ Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation. ▶ Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration. ▶ Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure. <p>A copy of the approved SWPPP shall be maintained and available at all times on the construction site.</p> <p>For those areas that would be disturbed as part of the U.S. 50 interchange improvements, Caltrans shall coordinate with the development and implementation of the overall project SWPPP, or develop and implement its own SWPPP specific to the interchange improvements, to ensure that water quality degradation would be avoided or minimized to the maximum extent practicable.</p> <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).</p>		
106-41	3A.9-2 (FPASP EIR/EIS)	<p>Prepare and Submit Final Drainage Plans and Implement Requirements Contained in Those Plans.</p> <p>Before the approval of grading plans and building permits, the project applicant(s) of all project phases shall submit final drainage plans to the City, and to El Dorado County for the off-site roadway connections into El Dorado Hills, demonstrating that off-site upstream runoff would be appropriately conveyed</p>	Before approval of grading plans and building permits of all project phases.	City of Folsom Public Works Department

		<p>through the SPA, and that project-related on-site runoff would be appropriately contained in detention basins or managed with through other improvements (e.g., source controls, biotechnical stream stabilization) to reduce flooding and hydromodification impacts.</p> <p>The plans shall include, but not be limited to, the following items:</p> <ul style="list-style-type: none"> ▶ an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff; ▶ runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase; ▶ a description of the proposed maintenance program for the on-site drainage system; ▶ project-specific standards for installing drainage systems; ▶ City and El Dorado County flood control design requirements and measures designed to comply with them; <p>Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions needed to limit hydromodification and maintain current stream geomorphology. These BMPs will be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the RWQCB) and may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▶ use of Low Impact Development (LID) techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater); ▶ enlarged detention basins to minimize flow changes and changes to flow duration characteristics; ▶ bioengineered stream stabilization to minimize bank erosion, utilizing vegetative and rock stabilization, and inset floodplain restoration features that provide for enhancement of riparian habitat and maintenance of natural hydrologic and channel to floodplain interactions; 		
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		<ul style="list-style-type: none"> ▶ minimize slope differences between any stormwater or detention facility outfall channel with the existing receiving channel gradient to reduce flow velocity; and ▶ minimize to the extent possible detention basin, bridge embankment, and other encroachments into the channel and floodplain corridor, and utilize open bottom box culverts to allow sediment passage on smaller drainage courses. <p>The final drainage plan shall demonstrate to the satisfaction of the City of Folsom Community Development and Public Works Departments and El Dorado County Department of Transportation that 100-year (0.01 AEP) flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA would not occur, and that hydromodification would not be increased from pre-development levels such that existing stream geomorphology would be changed (the range of conditions should be calculated for each receiving water if feasible, or a conservative estimate should be used, e.g., an Ep of $1 \pm 10\%$ or other as approved by the Sacramento Stormwater Quality Partnership and/or City of Folsom Public Works Department).</p> <p>Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with El Dorado County.</p>		
106-42	3A.9-3 (FPASP EIR/EIS)	<p>Develop and Implement a BMP and Water Quality Maintenance Plan. Before approval of the grading permits for any development project requiring a subdivision map, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicant(s) the development project. Drafts of the plan shall be submitted to the City of Folsom and El Dorado County for the off-site roadway connections into El Dorado Hills, for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan shall include the elements described below.</p> <ul style="list-style-type: none"> ▶ A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features. ▶ Predevelopment and post development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Folsom and including details regarding the size, geometry, and 	Prepare plans before the issuance of grading permits for all project phases and off-site elements and implementation throughout project construction.	City of Folsom Community Development Department and Public Works Department

	<p>functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” ([SSQP 2007b] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46) and El Dorado County’s NPDES SWMP (County of El Dorado 2004).</p> <ul style="list-style-type: none"> ▶ Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas. ▶ A pond management component for the proposed basins that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding. ▶ LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to: <ul style="list-style-type: none"> ▪ surface swales; ▪ replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement); ▪ impervious surfaces disconnection; and ▪ trees planted to intercept stormwater. <p>New stormwater facilities shall be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations shall be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007b) and proposed detention basins and other water quality BMPs shall be sized to handle these runoff volumes.</p> <p>For those areas that would be disturbed as part of the U.S. 50 interchange improvements, it is anticipated that Caltrans would coordinate with the development and implementation of the overall project SWPPP, or develop and implement its own SWPPP specific to the interchange improvements, to ensure that water quality degradation would be avoided or minimized to the maximum extent practicable.</p>		
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		Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with El Dorado County and Caltrans.		
106-43	3A.9-4 (FPASP EIR/EIS)	Inspect and Evaluate Existing Dams Within and Upstream of the Project Site and Make Improvements if Necessary. Prior to submittal to the City of tentative maps or improvement plans the project applicant(s) of all project phases shall perform conduct studies to determine the extent of inundation in the case of dam failure. If the studies determine potential exposure of people or structures to a significant risk of flooding as a result of the failure of a dam, the applicants(s) shall implement of any feasible recommendations provided in that study, potentially through drainage improvements, subject to the approval of the City of Folsom Public Works Department.	Prior to submittal to the City of tentative maps or improvement plans.	City of Folsom Public Works Department
Noise and Vibration				
106-44	3A.11-1 (FPASP EIR/EIS)	Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise near Sensitive Receptors. To reduce impacts associated with noise generated during project related construction activities, the project applicant(s) and their primary contractors for engineering design and construction of all project phases shall ensure that the following requirements are implemented at each work site in any year of project construction to avoid and minimize construction noise effects on sensitive receptors. The project applicant(s) and primary construction contractor(s) shall employ noise-reducing construction practices. Measures that shall be used to limit noise shall include the measures listed below: <ul style="list-style-type: none"> ▶ Noise-generating construction operations shall be limited to the hours between 7 a.m. and 7 p.m. Monday through Friday, and between 8 a.m. and 6 p.m. on Saturdays and Sundays. ▶ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses. ▶ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. ▶ All motorized construction equipment shall be shut down when not in use to prevent idling. 	Before and during construction activities on the SPA and within El Dorado Hills.	City of Folsom Community Development Department

		<ul style="list-style-type: none"> ▶ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete offsite instead of on-site). ▶ Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators) as planned phases are built out and future noise sensitive receptors are located within close proximity to future construction activities. ▶ Written notification of construction activities shall be provided to all noise-sensitive receptors located within 850 feet of construction activities. Notification shall include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall also be included in the notification. ▶ To the extent feasible, acoustic barriers (e.g., lead curtains, sound barriers) shall be constructed to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and on-site construction equipment. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dB (EPA 1971). ▶ When future noise sensitive uses are within close proximity to prolonged construction noise, noise-attenuating buffers such as structures, truck trailers, or soil piles shall be located between noise sources and future residences to shield sensitive receptors from construction noise. ▶ The primary contractor shall prepare and implement a construction noise management plan. This plan shall identify specific measures to ensure compliance with the noise control measures specified above. The noise control plan shall be submitted to the City of Folsom before any noise-generating construction activity begins. Construction shall not commence until the construction noise management plan is approved by the City of Folsom. Mitigation for the two off-site roadway connections into El Dorado County must be coordinated by the project applicant(s) of the applicable 		
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		project phase with El Dorado County, since the roadway extensions are outside of the City of Folsom's jurisdictional boundaries.		
106-45	3A.11-3 (FPASP EIR/EIS)	<p>Implement Measures to Prevent Exposure of Sensitive Receptors to Groundborne Noise or Vibration from Project Generated Construction Activities.</p> <ul style="list-style-type: none"> ▶ To the extent feasible, blasting activities shall not be conducted within 275 feet of existing or future sensitive receptors. ▶ To the extent feasible, bulldozing activities shall not be conducted within 50 feet of existing or future sensitive receptors. ▶ All blasting shall be performed by a blast contractor and blasting personnel licensed to operate in the State of California. ▶ A blasting plan, including estimates of vibration levels at the residence closest to the blast, shall be submitted to the enforcement agency for review and approval prior to the commencement of the first blast. ▶ Each blast shall be monitored and documented for groundbourne noise and vibration levels at the nearest sensitive land use and associated recorded submitted to the enforcement agency. 	Before and during bulldozing and blasting activities on the SPA and within El Dorado Hills and the County of Sacramento	City of Folsom Community Development Department
106-46	3A.11-5 (FPASP EIR/EIS)	<p>Implement Measures to Reduce Noise from Project-Generated Stationary Sources.</p> <p>The project applicant(s) for any particular discretionary development project shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources that would be located within 600 feet of any noise-sensitive receptor:</p> <ul style="list-style-type: none"> ▶ Routine testing and preventive maintenance of emergency electrical generators shall be conducted during the less sensitive daytime hours (i.e., 7:00 a.m. to 6:00 p.m.). All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications. ▶ External mechanical equipment associated with buildings shall incorporate features designed to reduce noise emissions below the stationary noise source criteria. These features may include, but are not limited to, locating generators within equipment rooms or enclosures that incorporate noise-reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., 	Before submittal of improvement plans for each project phase, and during project operations for testing of emergency generators.	City of Folsom Community Development Department

		<p>intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.</p> <ul style="list-style-type: none"> ▶ Parking lots shall be located and designed so that noise emissions do not exceed the stationary noise source criteria established in this analysis (i.e., 50 dB for 30 minutes in every hour during the daytime [7 a.m. to 10 p.m.] and less than 45 dB for 30 minutes of every hour during the night time [10 p.m. to 7 a.m.]). Reduction of parking lot noise can be achieved by locating parking lots as far away as feasible from noise sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses. ▶ Loading docks shall be located and designed so that noise emissions do not exceed the stationary noise source criteria established in this analysis (i.e., 50 dB for 30 minutes in every hour during the daytime [7 a.m. to 10 p.m.] and less than 45 dB for 30 minutes of every hour during the night time [10 p.m. to 7 a.m.]). Reduction of loading dock noise can be achieved by locating loading docks as far away as possible from noise sensitive land uses, constructing noise barriers between loading docks and noise-sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses. 		
106-47	4.13-1 (Addendum)	<p>Exterior Traffic Noise Reduction Measures</p> <p>Prior to building occupancy, the project applicant shall design and construct noise barriers, as detailed below, to reduce traffic noise levels below the City of Folsom exterior criteria of 60 dB Ldn.</p> <ul style="list-style-type: none"> ▶ 6-foot tall solid noise barriers, relative to backyard elevations, shall be constructed along all property boundaries adjacent to East Bidwell Street, Mangini Parkway, and Oak Avenue Parkway. ▶ For the proposed Traditional Subdivisions portion of the project, a 7-foot tall solid noise barrier, relative to backyard elevations, shall be constructed along all property boundaries adjacent to White Rock Road. ▶ For the proposed Regency at Folsom Ranch Phase 1 and Phase 2 portions of the project, an 8-foot tall solid noise barrier, relative to backyard elevations, shall be constructed along all property boundaries adjacent to White Rock Road. <p>Suitable materials for the traffic noise barriers include masonry and precast concrete panels. The overall barrier height may be achieved by utilizing a barrier</p>	Prior to building occupancy	City of Folsom Community Development Department

		<p>and earthen berm combination. Other materials may be acceptable but shall be reviewed by an acoustical consultant prior to use.</p> <p>Barrier height requirements are based on a property boundary setback of 117-122 feet from the ultimate alignment of White Rock Road under the approved Capital Southeast Connector project. If 90 days prior to pulling building permits for the Toll Brothers site, it is determined that there is no evidence that the White Rock Road improvements are funded and moving forward, as described under the approved Capital Southeast Connector project, the project applicant shall obtain the services of a noise consultant to reconduct a site-specific acoustical analysis based on the actual property boundary setback to determine the appropriate noise reduction measures to reduce traffic noise levels in accordance with adopted City of Folsom noise standards.</p>		
106-48	4.13-2 (Addendum)	<p>Interior Traffic Noise Reduction Measures</p> <p>Prior to building occupancy, the project applicant shall ensure the following construction design features have been implemented.</p> <ul style="list-style-type: none"> ▶ For the first-row of homes located along White Rock Road, the west-, south-, and east-facing upper-floor building facades shall maintain minimum window assembly STC ratings of 34. ▶ Mechanical ventilation (air conditioning) shall be provided for all residences in this development to allow the occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria. 	Prior to building occupancy	City of Folsom Community Development Department
Public Services				
106-49	3A.14-1 (FPASP EIR/EIS)	<p>Prepare and Implement a Construction Traffic Control Plan. The project applicant(s) of all project phases shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way. The traffic control plans must follow any applicable standards of the agency responsible for the affected roadway and must be approved and signed by a professional engineer. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flag person to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. Traffic control plans shall be submitted to the appropriate City or County department or the California Department of Transportation (Caltrans) for review and approval before the</p>	Before the approval of all relevant plans and/or permits and during construction of all project phases.	City of Folsom Public Works Department

		<p>approval of all project plans or permits, for all project phases where implementation may cause impacts on traffic.</p> <p>Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties and Caltrans).</p>		
106-50	3A.14-2 (FPASP EIR/EIS)	<p>Incorporate California Fire Code; City of Folsom Fire Code Requirements; and EDHFD Requirements, if Necessary, into Project Design and Submit Project Design to the City of Folsom Fire Department for Review and Approval. To reduce impacts related to the provision of new fire services, the project applicant(s) of all project phases shall do the following, as described below.</p> <p>1. Incorporate into project designs fire flow requirements based on the California Fire Code, Folsom Fire Code (City of Folsom Municipal Code Title 8, Chapter 8.36), and other applicable requirements based on the City of Folsom Fire Department fire prevention standards.</p> <p>Improvement plans showing the incorporation automatic sprinkler systems, the availability of adequate fire flow, and the locations of hydrants shall be submitted to the City of Folsom Fire Department for review and approval. In addition, approved plans showing access design shall be provided to the City of Folsom Fire Department as described by Zoning Code Section 17.57.080 (“Vehicular Access Requirements”). These plans shall describe access-road length, dimensions, and finished surfaces for firefighting equipment. The installation of security gates across a fire apparatus access road shall be approved by the City of Folsom Fire Department. The design and operation of gates and barricades shall be in accordance with the Sacramento County Emergency Access Gates and Barriers Standard, as required by the City of Folsom Fire Code.</p> <p>2. Submit a Fire Systems New Buildings, Additions, and Alterations Document Submittal List to the City of Folsom Community Development Department Building Division for review and approval before the issuance of building permits.</p> <p>In addition to the above measures, the project applicant(s) of all project phases shall incorporate the provisions described below for the portion of the SPA within the EDHFD service area, if it is determined through City/El Dorado County negotiations that EDHFD would serve the 178-acre portion of the SPA.</p> <p>3. Incorporate into project designs applicable requirements based on the EDHFD fire prevention standards. For commercial development, improvement plans</p>	<p>Before issuance of building permits and issuance of occupancy permits or final inspections for all project phases.</p>	<p>City of Folsom Fire Department, City of Folsom Community Development Department</p>

		<p>showing roadways, land splits, buildings, fire sprinkler systems, fire alarm systems, and other commercial building improvements shall be submitted to the EDHFD for review and approval. For residential development, improvement plans showing property lines and adjacent streets or roads; total acreage or square footage of the parcel; the footprint of all structures; driveway plan views describing width, length, turnouts, turnarounds, radiuses, and surfaces; and driveway profile views showing the percent grade from the access road to the structure and vertical clearance shall be submitted to the EDHFD for review and approval.</p> <p>4. Submit a Fire Prevention Plan Checklist to the EDHFD for review and approval before the issuance of building permits. In addition, residential development requiring automation fire sprinklers shall submit sprinkler design sheet(s) and hydraulic calculations from a California State Licensed C-16 Contractor.</p> <p>The City shall not authorize the occupancy of any structures until the project applicant(s) have obtained a Certificate of Occupancy from the City of Folsom Community Development Department verifying that all fire prevention items have been addressed on-site to the satisfaction of the City of Folsom Fire Department and/or the EDHFD for the 178-acre area of the SPA within the EDHFD service area.</p>		
106-51	3A.14-3 (FPASP EIR/EIS)	<p>Incorporate Fire Flow Requirements into Project Designs. The project applicant(s) of all project phases shall incorporate into their project designs fire flow requirements based on the California Fire Code, Folsom Fire Code, and/or EDHFD for those areas of the SPA within the EDHFD service area and shall verify to City of Folsom Fire Department that adequate water flow is available, prior to approval of improvement plans and issuance of occupancy permits or final inspections for all project phases.</p>	Before issuance of building permits and issuance of occupancy permits or final inspections for all project phases.	City of Folsom Fire Department, City of Folsom Community Development Department
Traffic and Transportation				
106-52	3A.15-1a (FPASP EIR/EIS)	<p>The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Folsom Boulevard/Blue Ravine Road Intersection (Intersection 1). To ensure that the Folsom Boulevard/Blue Ravine Road intersection operates at an acceptable LOS, the eastbound approach must be reconfigured to consist of two left-turn lanes, one through lane, and one right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Folsom Boulevard/Blue Ravine Road intersection (Intersection 1).</p>	A phasing analysis shall be performed prior to approval of the first subdivision map to determine when the improvement should be implemented and when fair share	City of Folsom Public Works Department

			funding should be paid.	
106-53	3A.15-1b (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements at the Sibley Street/Blue Ravine Road Intersection (Intersection 2). To ensure that the Sibley Street/Blue Ravine Road intersection operates at an acceptable LOS, the northbound approach must be reconfigured to consist of two left-turn lanes, two through lanes, and one right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Sibley Street/Blue Ravine Road intersection (Intersection 2).	A phasing analysis shall be performed prior to approval of the first subdivision map to determine when the improvement should be implemented and when fair share funding should be paid.	City of Folsom Public Works Department
106-54	3A.15-1c (FPASP EIR/EIS)	The Applicant Shall Fund and Construct Improvements to the Scott Road (West)/White Rock Road Intersection (Intersection 28). To ensure that the Scott Road (West)/White Rock Road intersection operates at an acceptable LOS, a traffic signal must be installed.	A phasing analysis shall be performed prior to approval of the first subdivision map to determine when the improvement should be implemented.	City of Folsom Public Works Department
106-55	3A.15-1e (FPASP EIR/EIS)	Fund and Construct Improvements to the Hillside Drive/Easton Valley Parkway Intersection (Intersection 41). To ensure that the Hillside Drive/Easton Valley Parkway intersection operates at an acceptable LOS, the eastbound approach must be reconfigured to consist of one dedicated left turn lane and two through lanes, and the westbound approach must be reconfigured to consist of two through lanes and one dedicated right-turn lane. The applicant shall fund and construct these improvements.	A phasing analysis shall be performed prior to approval of the first subdivision map to determine when the improvement should be implemented.	City of Folsom Public Works Department
106-56	3A.15-1f (FPASP EIR/EIS)	Fund and Construct Improvements to the Oak Avenue Parkway/Middle Road Intersection (Intersection 44). To ensure that the Oak Avenue Parkway/Middle Road intersection operates at an acceptable LOS, control all movements with a stop sign. The applicant shall fund and construct these improvements.	A phasing analysis shall be performed prior to approval of the first subdivision map to determine when the improvement should be implemented.	City of Folsom Public Works Department

106-57	3A.15-1h (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts to the Hazel Avenue/Folsom Boulevard Intersection (Sacramento County Intersection 2). To ensure that the Hazel Avenue/Folsom Boulevard intersection operates at an acceptable LOS, this intersection must be grade separated including “jug handle” ramps. No at grade improvement is feasible. Grade separating and extended (south) Hazel Avenue with improvements to the U.S. 50/Hazel Avenue interchange is a mitigation measure for the approved Easton-Glenbrough Specific Plan development project. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Hazel Avenue/Folsom Boulevard intersection (Sacramento County Intersection 2).	A phasing analysis shall be performed prior to approval of the first subdivision map to determine when the improvement should be implemented.	Sacramento County Public Works Department and Caltrans
106-58	3A.15-1i (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the Grant Line Road/White Rock Road Intersection and to White Rock Road widening between the Rancho Cordova City limit to Prairie City Road (Sacramento County Intersection 3). Improvements must be made to ensure that the Grant Line Road/White Rock Road intersection operates at an acceptable LOS. The currently County proposed White Rock Road widening project will widen and realign White Rock Road from the Rancho Cordova City limit to the El Dorado County line (this analysis assumes that the Proposed Project and build alternatives will widen White Rock Road to five lanes from Prairie City road to the El Dorado County Line). This widening includes improvements to the Grant Line Road intersection and realigning White Rock Road to be the through movement. The improvements include two eastbound through lanes, one eastbound right turn lane, two northbound left turn lanes, two northbound right turn lanes, two westbound left turn lanes and two westbound through lanes. This improvement also includes the signalization of the White Rock Road and Grant Line Road intersection. With implementation of this improvement, the intersection would operate at an acceptable LOS A. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Grant Line Road/White Rock Road intersection (Sacramento County Intersection 3).	Before project build out. Design of the White Rock Road widening to four lanes, from Grant Line Road to Prairie City Road, with Intersection improvements has begun, and because this widening project is environmentally cleared and fully funded, it's construction is expected to be complete before the first phase of the Proposed Project or alternative is built.	Sacramento County Public Works Department
106-59	3A.15-1j (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Hazel Avenue between Madison Avenue and Curragh Downs Drive (Roadway Segment 10). To ensure that Hazel Avenue operates at an acceptable LOS between Curragh Downs Drive and Gold Country Boulevard, Hazel Avenue must be widened to six lanes. This improvement is part of the County adopted Hazel Avenue widening project.	Before project build out. Construction of phase two of the Hazel Avenue widening, from Madison Avenue to	Sacramento County Public Works Department

			Curragh Downs Drive, is expected to be completed by year 2013, before the first phase of the Proposed Project or alternative is complete. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Hazel Avenue between Madison Avenue and Curragh Downs Drive (Sacramento County Roadway Segment 10).	
106-60	3A.15-11 (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the White Rock Road/Windfield Way Intersection (El Dorado County Intersection 3). To ensure that the White Rock Road/Windfield Way intersection operates at an acceptable LOS, the intersection must be signalized and separate northbound left and right turn lanes must be striped. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the White Rock Road/Windfield Way intersection (El Dorado County Intersection 3).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	El Dorado County Department of Transportation
106-61	3A.15-10 (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 as an alternative to improvements at the Folsom Boulevard/U.S. 50 Eastbound Ramps Intersection (Caltrans Intersection 4). Congestion on eastbound U.S. 50 is causing vehicles to use Folsom Boulevard as	Before project build out. A phasing analysis should be performed prior to	City of Folsom Public Works Department and Sacramento County Department of Transportation

		<p>an alternate parallel route until they reach U.S. 50, where they must get back on the freeway due to the lack of a parallel route. It is preferred to alleviate the congestion on U.S. 50 than to upgrade the intersection at the end of this reliever route. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Folsom Boulevard/U.S. 50 Eastbound Ramps intersection (Caltrans Intersection 4). To ensure that the Folsom Boulevard/U.S. 50 eastbound ramps intersection operates at an acceptable LOS, auxiliary lanes should be added to eastbound U.S. 50 from Hazel Avenue to east of Folsom Boulevard. This was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project.</p>	<p>approval of the first subdivision map to determine during which project phase the improvement should be built.</p>	
106-62	3A.15-1p (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on the Grant Line Road/ State Route 16 Intersection (Caltrans Intersection 12). To ensure that the Grant Line Road/State Route 16 intersection operates at an acceptable LOS, the northbound and southbound approaches must be reconfigured to consist of one left-turn lane and one shared through/right-turn lane. Protected left-turn signal phasing must be provided on the northbound and southbound approaches. Improvements to the Grant Line Road/State Route 16 intersection are contained within the County Development Fee Program, and are scheduled for Measure A funding.</p> <p>Improvements to this intersection must be implemented by Caltrans, Sacramento County, and the City of Rancho Cordova.</p> <p>The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Grant Line Road/State Route 16 intersection (Caltrans Intersection 12).</p>	<p>Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.</p>	<p>Sacramento County Department of Transportation and the City of Rancho Cordova Department of Public Works</p>
106-63	3A.15-1q (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1). To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Zinfandel Drive and Sunrise Boulevard, a bus-carpool (HOV) lane must be constructed. This improvement is currently planned as part of the Sacramento 50 Bus-Carpool Lane and Community Enhancements Project. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).</p>	<p>Before project build out. Construction of the Sacramento 50 Bus-Carpool Lane and Community Enhancements Project is expected to be completed by year 2013, before the first phase of the Proposed Project or</p>	<p>Caltrans</p>

			alternative is complete. Construction of the Sacramento 50 Bus-Carpool Lane and Community Enhancements Project has started since the writing of the Draft EIS/EIR.	
106-64	3A.15-1r (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Hazel Avenue and Folsom Boulevard (Freeway Segment 3). To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Hazel Avenue and Folsom Boulevard, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program.</p> <p>The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Hazel Avenue and Folsom Boulevard (Freeway Segment 3).</p>	Before project build out. A phasing analysis should be performed to determine during which project phase the improvement should be built.	City of Folsom Public Works Department and Sacramento County Department of Transportation
106-65	3A.15-1s (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 4). To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Folsom Boulevard and Prairie City Road, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 4).</p>	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department and Sacramento County Department of Transportation
106-66	3A.15-1u (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on Westbound U.S. 50 between Prairie City Road and Folsom Boulevard (Freeway Segment 16). To ensure that Westbound U.S. 50 operates at an acceptable LOS between Prairie City Road and Folsom Boulevard, an auxiliary</p>	Before project build out. A phasing analysis should be performed prior to	City of Folsom Public Works Department and Sacramento County Department of Transportation

		lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Westbound U.S. 50 between Prairie City Road and Folsom Boulevard (Freeway Segment 16).	approval of the first subdivision map to determine during which project phase the improvement should be built.	
106-67	3A.15-1v (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Westbound U.S. 50 between Hazel Avenue and Sunrise Boulevard (Freeway Segment 18). To ensure that Westbound U.S. 50 operates at an acceptable LOS between Hazel Avenue and Sunrise Boulevard, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project, and included in the proposed Rancho Cordova Parkway interchange project. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Westbound U.S. 50 between Hazel Avenue and Sunrise Boulevard (Freeway Segment 18).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Rancho Cordova Department of Public Works and Sacramento County Department of Transportation
106-68	3A.15-1w (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound/Folsom Boulevard Ramp Merge (Freeway Merge 4). To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Folsom Boulevard merge, an auxiliary lane from the Folsom Boulevard merge to the Prairie City Road diverge must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the U.S. 50 Eastbound/Folsom Boulevard Ramp Merge (Freeway Merge 4).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department and Sacramento County Department of Transportation
106-69	3A.15-1x (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound/Prairie City Road Diverge (Freeway Diverge 5). To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Prairie City Road off-ramp diverge, an auxiliary lane from the Folsom Boulevard merge must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during	City of Folsom Public Works Department and Sacramento County Department of Transportation

		applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road diverge (Freeway Diverge 5).	which project phase the improvement should be built.	
106-70	3A.15-1y (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound/Prairie City Road Direct Merge (Freeway Merge 6). To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Prairie City Road onramp direct merge, an auxiliary lane to the East Bidwell Street – Scott Road diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road direct merge (Freeway Merge 6).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-71	3A.15-1z (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound/Prairie City Road Flyover On-Ramp to Oak Avenue Parkway Off-Ramp Weave (Freeway Weave 8). To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Prairie City Road flyover on-ramp to Oak Avenue Parkway off-ramp weave, an improvement acceptable to Caltrans should be implemented to eliminate the unacceptable weaving conditions. Such an improvement may involve a “braided ramp”. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound / Prairie City Road flyover on-ramp to Oak Avenue Parkway off-ramp weave (Freeway Weave 8).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-72	3A.15-1aa (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound/Oak Avenue Parkway Loop Merge (Freeway Merge 9). To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Oak Avenue Parkway loop merge, an auxiliary lane to the East Bidwell Street – Scott Road diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/ Oak Avenue Parkway loop merge (Freeway Merge 9).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department

106-73	3A.15-1dd (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound/Empire Ranch Road Loop Ramp Merge (Freeway Merge 23). To ensure that Westbound U.S. 50 operates at an acceptable LOS, the northbound Empire Ranch Road loop on ramp should start the westbound auxiliary lane that ends at the East Bidwell Street – Scott Road off ramp. The slip on ramp from southbound Empire Ranch Road would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Empire Ranch Road loop ramp merge (Freeway Merge 23).</p>	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-74	3A.15-1ee (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound/Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 29). To ensure that Westbound U.S. 50 operates at an acceptable LOS, the northbound Oak Avenue Parkway loop on ramp should start the westbound auxiliary lane that ends at the Prairie City Road off ramp. The slip on ramp from southbound Oak Avenue Parkway would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Oak Avenue Parkway loop ramp merge (Freeway Merge 29).</p>	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-75	3A.15-1ff (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound/Prairie City Road Loop Ramp Merge (Freeway Merge 32). To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Prairie City Road loop ramp merge, an auxiliary lane to the Folsom Boulevard off ramp diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Prairie City Road Loop Ramp Merge (Freeway Merge 32).</p>	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department and Sacramento County Department of Transportation
106-76	3A.15-1gg (FPASP EIR/EIS)	<p>Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound/Prairie City Road Direct Ramp Merge (Freeway Merge 33). To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Prairie City Road direct ramp merge, an auxiliary lane to the Folsom Boulevard off ramp</p>	Before project build out. A phasing analysis should be performed prior to	City of Folsom Public Works Department and Sacramento County Department of Transportation

		diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Prairie City Road direct ramp merge (Freeway Merge 33).	approval of the first subdivision map to determine during which project phase the improvement should be built.	
106-77	3A.15-1hh (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound/Folsom Boulevard Diverge (Freeway Diverge 34). To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Folsom Boulevard Diverge, an auxiliary lane from the Prairie City Road loop ramp merge must be constructed. Improvements to this freeway segment must be implemented by Caltrans. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound / Folsom Boulevard diverge (Freeway Diverge 34).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department and Sacramento County Department of Transportation
106-78	3A.15-1ii (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound/Hazel Avenue Direct Ramp Merge (Freeway Merge 38). To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Hazel Avenue direct ramp merge, an auxiliary lane to the Sunrise Boulevard off ramp diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the U.S. 50 Westbound/Hazel Avenue direct ramp merge (Freeway Merge 38).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation and City of Rancho Cordova Department of Public Works
106-79	3A.15-2a (FPASP EIR/EIS)	Develop Commercial Support Services and Mixed-use Development Concurrent with Housing Development, and Develop and Provide Options for Alternative Transportation Modes. The project applicant(s) for any particular discretionary development application including commercial or mixed-use development along with residential uses shall develop commercial and mixed-use development concurrent with housing development, to the extent feasible in light of market realities and other considerations, to internalize vehicle trips. Pedestrian and bicycle facilities shall be implemented to the satisfaction of the City Public Works Department. To further minimize impacts from the increased demand on area roadways and intersections, the project applicant(s) for any particular discretionary development application involving schools or commercial centers	Before approval of improvement plans for all project phases any particular discretionary development application that includes residential and commercial or mixed-use development. As a	City of Folsom Public Works Department

		shall develop and implement safe and secure bicycle parking to promote alternative transportation uses and reduce the volume of single-occupancy vehicles using area roadways and intersections. The project applicant(s) for any particular discretionary development application shall participate in capital improvements and operating funds for transit service to increase the percent of travel by transit. The project's fair-share participation and the associated timing of the improvements and service shall be identified in the project conditions of approval and/or the project's development agreement. Improvements and service shall be coordinated, as necessary, with Folsom Stage Lines and Sacramento RT.	condition of project approval and/or as a condition of the development agreement for all project phases.	
106-80	3A.15-2b (FPASP EIR/EIS)	Participate in the City's Transportation System Management Fee Program. The project applicant(s) for any particular discretionary development application shall pay an appropriate amount into the City's existing Transportation System Management Fee Program to reduce the number of single-occupant automobile travel on area roadways and intersections.	Concurrent with construction for all project phases.	City of Folsom Public Works Department
106-81	3A.15-2c (FPASP EIR/EIS)	Participate with the 50 Corridor Transportation Management Association. The project applicant(s) for any particular discretionary development application shall join and participate with the 50 Corridor Transportation Management Association to reduce the number of single-occupant automobile travel on area roadways and intersections.	Concurrent with construction for all project phases.	City of Folsom Public Works Department
106-82	3A.15-3 (FPASP EIR/EIS)	Pay Full Cost of Identified Improvements that Are Not Funded by the City's Fee Program. In accordance with Measure W, the project applicant(s) for any particular discretionary development application shall provide fair-share contributions to the City's transportation impact fee program to fully fund improvements only required because of the Specific Plan.	As a condition of project approval and/or as a condition of the development agreement for all project phases.	City of Folsom Public Works Department
106-83	3A.15-4a (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Sibley Street/Blue Ravine Road Intersection (Folsom Intersection 2). To ensure that the Sibley Street/Blue Ravine Road intersection operates at a LOS D with less than the Cumulative No Project delay, the northbound approach must be reconfigured to consist of two left-turn lane, two through lanes, and one dedicated right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Sibley Street/Blue Ravine Road intersection (Folsom Intersection 2).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department

106-84	3A.15-4b (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Oak Avenue Parkway/East Bidwell Street Intersection (Folsom Intersection 6). To ensure that the Oak Avenue Parkway/East Bidwell Street intersection operates at an acceptable LOS, the eastbound (East Bidwell Street) approach must be reconfigured to consist of two left-turn lanes, four through lanes and a right-turn lane, and the westbound (East Bidwell Street) approach must be reconfigured to consist of two left turn lanes, four through lanes, and a right-turn lane. It is against the City of Folsom policy to have eight lane roads because of the impacts to non motorized traffic and adjacent development; therefore, this improvement is infeasible.	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-85	3A.15-4c (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the East Bidwell Street/College Street Intersection (Folsom Intersection 7). To ensure that the East Bidwell Street/College Street intersection operates at acceptable LOS C or better, the westbound approach must be reconfigured to consist of one left-turn lane, one left-through lane, and two dedicated right-turn lanes. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the East Bidwell Street/Nesmith Court intersection (Folsom Intersection 7).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-86	3A.15-4d (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the East Bidwell Street/Iron Point Road Intersection (Folsom Intersection 21). To ensure that the East Bidwell Street /Iron Point Road intersection operates at an acceptable LOS, the northbound approach must be reconfigured to consist of two left-turn lanes, four through lanes and a right-turn lane, and the southbound approach must be reconfigured to consist of two left-turn lanes, four through lanes and a right-turn lane. It is against the City of Folsom policy to have eight lane roads because of the impacts to non motorized traffic and adjacent development; therefore, this improvement is infeasible.	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-87	3A.15-4e (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Serpa Way/ Iron Point Road Intersection (Folsom Intersection 23). To improve LOS at the Serpa Way/ Iron Point Road intersection, the northbound approaches must be restriped to consist of one left-turn lane, one shared left-through lanes, and one right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during	City of Folsom Public Works Department

		by applicant, to reduce the impacts to the Serpa Way/Iron Point Road Intersection (Folsom Intersection 23).	which project phase the improvement should be built.	
106-88	3A.15-4f (FPASP EIR/EIS)	The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Empire Ranch Road/Iron Point Road Intersection (Folsom Intersection 24). To ensure that the Empire Ranch Road / Iron Point Road intersection operates at a LOS D or better, all of the following improvements are required: The eastbound approach must be reconfigured to consist of one left-turn lane, two through lanes, and a right-turn lane. The westbound approach must be reconfigured to consist of two left-turn lanes, one through lane, and a through-right lane. The northbound approach must be reconfigured to consist of two left-turn lanes, three through lanes, and a right-turn lane. The southbound approach must be reconfigured to consist of two left-turn lanes, three through lanes, and a right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Empire Ranch Road / Iron Point Road Intersection Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built. (Folsom Intersection 24).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-89	3A.15-4g (FPASP EIR/EIS)	The Applicant Shall Fund and Construct Improvements to the Oak Avenue Parkway/Easton Valley Parkway Intersection (Folsom Intersection 33). To ensure that the Oak Avenue Parkway/Easton Valley Parkway intersection operates at an acceptable LOS the southbound approach must be reconfigured to consist of two left-turn lanes, two through lanes, and two right-turn lanes. The applicant shall fund and construct these improvements.	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	City of Folsom Public Works Department
106-90	3A.15-4i (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the Grant Line Road/White Rock Road Intersection (Sacramento County Intersection 3). To ensure that the Grant Line Road/White Rock Road intersection operates at an acceptable LOS E or better this intersection should be replaced by some type of grade separated intersection or interchange. Improvements to this intersection are identified in the Sacramento County's Proposed General Plan. Implementation of these improvements would assist in	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during	Sacramento County Department of Transportation.

		reducing traffic impacts on this intersection by providing acceptable operation. Intersection improvements must be implemented by Sacramento County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Grant Line Road/White Rock Road Intersection (Sacramento County Intersection 3).	which project phase the improvement should be built.	
106-91	3A.15-4j (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Grant Line Road between White Rock Road and Kiefer Boulevard (Sacramento County Roadway Segments 5-7). To improve operation on Grant Line Road between White Rock Road and Kiefer Boulevard, this roadway segment must be widened to six lanes. This improvement is proposed in the Sacramento County and the City of Rancho Cordova General Plans; however, it is not in the 2035 MTP. Improvements to this roadway segment must be implemented by Sacramento County and the City of Rancho Cordova. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Grant Line Road between White Rock Road and Kiefer Boulevard (Sacramento County Roadway Segments 5-7). The identified improvement would more than offset the impacts specifically related to the Folsom South of U.S. 50 project on this roadway segment.	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-92	3A.15-4k (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Grant Line Road between Kiefer Boulevard and Jackson Highway (Sacramento County Roadway Segment 8). To improve operation on Grant Line Road between Kiefer Boulevard Jackson Highway, this roadway segment could be widened to six lanes. This improvement is proposed in the Sacramento County and the City of Rancho Cordova General Plans; however, it is not in the 2035 MTP. Improvements to this roadway segment must be implemented by Sacramento County and the City of Rancho Cordova. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Grant Line Road between Kiefer Boulevard and Jackson Highway (Sacramento County Roadway Segment 8). The identified improvement would more than offset the impacts specifically related to the Folsom South of U.S. 50 project on this roadway segment.	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-93	3A.15-4l (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Hazel Avenue between Curragh Downs Drive and U.S. 50 Westbound Ramps (Sacramento County Roadway Segments 12-13). To improve operation on	Before project build out. A phasing analysis should be	Sacramento County Department of Transportation.

		Hazel Avenue between Curragh Downs Drive and the U.S. 50 westbound ramps, this roadway segment could be widened to eight lanes. This improvement is inconsistent with Sacramento County's general plan because the county's policy requires a maximum roadway cross section of six lanes. Analysis shown later indicates that improvements at the impacted intersection in this segment can be mitigated (see Mitigation Measure 3A.15-4q). Improvements to impacted intersections on this segment will improve operations on this roadway segment and, therefore; mitigate this segment impact. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Hazel Avenue between Curragh Downs Drive and U.S. 50 Westbound Ramps (Sacramento County Roadway Segments 12-13).	performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	
106-94	3A.15-4m (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on White Rock Road between Grant Line Road and Prairie City Road (Sacramento County Roadway Segment 22). To improve operation on White Rock Road between Grant Line Road and Prairie City Road, this roadway segment must be widened to six lanes. This improvement is included in the 2035 MTP but is not included in the Sacramento County General Plan. Improvements to this roadway segment must be implemented by Sacramento County. The identified improvement would more than offset the impacts specifically related to the Folsom South of U.S. 50 project on this roadway segment. However, because of other development in the region that would substantially increase traffic levels, this roadway segment would continue to operate at an unacceptable LOS F even with the capacity improvements identified to mitigate Folsom South of U.S. 50 impacts. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to White Rock Road between Grant Line Road and Prairie City Road (Sacramento County Roadway Segment 22).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-95	3A.15-4n (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on White Rock Road between Empire Ranch Road and Carson Crossing Road (Sacramento County Roadway Segment 28). To improve operation on White Rock Road between Empire Ranch Road and Carson Crossing Road, this roadway segment must be widened to six lanes. Improvements to this roadway segment must be implemented by Sacramento County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase	Sacramento County Department of Transportation.

		impacts to White Rock Road between Empire Ranch Road and Carson Crossing Road (Sacramento County Roadway Segment 28).	the improvement should be built.	
106-96	3A.15-4o (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the White Rock Road/Carson Crossing Road Intersection (El Dorado County 1). To ensure that the White Rock Road/Carson Crossing Road intersection operates at an acceptable LOS, the eastbound right turn lane must be converted into a separate free right turn lane, or double right. Improvements to this intersection must be implemented by El Dorado County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the White Rock Road/Carson Crossing Road Intersection (El Dorado County 1).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-97	3A.15-4p (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the Hazel Avenue/U.S. 50 Westbound Ramps Intersection (Caltrans Intersection 1). To ensure that the Hazel Avenue/U.S. 50 westbound ramps intersection operates at an acceptable LOS, the westbound approach must be reconfigured to consist of one dedicated left turn lane, one shared left through lane and three dedicated right-turn lanes. Improvements to this intersection must be implemented by Caltrans and Sacramento County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Hazel Avenue/U.S. 50 Westbound Ramps Intersection (Caltrans Intersection 1).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-98	3A.15-4q (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound US 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1). To ensure that Eastbound US 50 operates at an acceptable LOS between Zinfandel Drive and Sunrise Boulevard, an additional eastbound lane could be constructed. This improvement is not consistent with the Concept Facility in Caltrans State Route 50 Corridor System Management Plan; therefore, it is not likely to be implemented by Caltrans by 2030. Construction of the Capitol South East Connector, including widening White Rock Road and Grant Line Road to six lanes with limited access, could divert some traffic from U.S. 50 and partially mitigate the project's impact. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.

106-99	3A.15-4r (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound US 50 between Rancho Cordova Parkway and Hazel Avenue (Freeway Segment 3). To ensure that Eastbound US 50 operates at an acceptable LOS between Rancho Cordova Parkway and Hazel Avenue, an additional eastbound lane could be constructed. This improvement is not consistent with the Concept Facility in Caltrans State Route 50 Corridor System Management Plan; therefore, it is not likely to be implemented by Caltrans by 2030. Construction of the Capitol South East Connector, including widening White Rock Road and Grant Line Road to six lanes with limited access, could divert some traffic off of U.S. 50 and partially mitigate the project's impact. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Rancho Cordova Parkway and Hazel Avenue (Freeway Segment 3).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-100	3A.15-4s (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound US 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 5). To ensure that Eastbound US 50 operates at an acceptable LOS between Folsom Boulevard and Prairie City Road, the eastbound auxiliary lane should be converted to a mixed flow lane that extends to and drops at the Oak Avenue Parkway off ramp (see mitigation measure 3A.15-4t). Improvements to this freeway segment must be implemented by Caltrans. This improvement is not consistent with the Concept Facility in Caltrans State Route 50 Corridor System Management Plan; therefore, it is not likely to be implemented by Caltrans by 2030. Construction of the Capitol South East Connector, including widening White Rock Road and Grant Line Road to six lanes with limited access, could divert some traffic off of U.S. 50 and partially mitigate the project's impact. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 5).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-101	3A.15-4t (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound US 50 between Prairie City Road and Oak Avenue Parkway (Freeway Segment 6). To ensure that Eastbound US 50 operates at an acceptable LOS between Prairie City Road and Oak Avenue Parkway, the northbound Prairie City Road slip on ramp should merge with the eastbound auxiliary lane that extends to and drops at the Oak Avenue Parkway off ramp (see Mitigation Measures 3A.15-4u, v and w), and the southbound Prairie City Road flyover on ramp should be braided over the Oak Avenue Parkway off ramp and start an	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase	Sacramento County Department of Transportation.

		extended full auxiliary lane to the East Bidwell Street – Scott Road off ramp. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Eastbound U.S. 50 between Prairie City Road and Oak Avenue Parkway (Freeway Segment 6).	the improvement should be built.	
106-102	3A.15-4u (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the U.S. 50 Eastbound / Prairie City Road Slip Ramp Merge (Freeway Merge 6). To ensure that Eastbound US 50 operates at an acceptable LOS, the northbound Prairie City Road slip on ramp should start the eastbound auxiliary lane that extends to and drops at the Oak Avenue Parkway off ramp (see mitigation measure 3A.15-4u, w and x), and the southbound Prairie City Road flyover on ramp should be braided over the Oak Avenue Parkway off ramp and start an extended full auxiliary lane to the East Bidwell Street – Scott Road off ramp. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound / Prairie City Road slip ramp merge (Freeway Merge 6).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
142-103	3A.15-4v (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on the U.S. 50 Eastbound / Prairie City Road Flyover On Ramp to Oak Avenue Parkway Off Ramp Weave (Freeway Weave 7). To ensure that Eastbound US 50 operates at an acceptable LOS, the northbound Prairie City Road slip on ramp should start the eastbound auxiliary lane that extends to and drops at the Oak Avenue Parkway off ramp (see mitigation measure 3A.15-4u, v and x), and the southbound Prairie City Road flyover on ramp should be braided over the Oak Avenue Parkway off ramp and start an extended full auxiliary lane to the East Bidwell Street – Scott Road off ramp. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound / Prairie City Road Flyover On Ramp to Oak Avenue Parkway Off Ramp Weave (Freeway Weave 7).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-104	3A.15-4w (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 8). To ensure that Eastbound US 50 operates at an acceptable LOS, the southbound Oak Avenue Parkway loop on ramp should merge with the eastbound	Before project build out. A phasing analysis should be performed prior to	Sacramento County Department of Transportation.

		auxiliary lane that starts at the southbound Prairie City Road braided flyover on ramp and ends at the East Bidwell Street – Scott Road off ramp (see mitigation measure 3A.15-4u, v and w). Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to U.S. 50 Eastbound / Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 8).	approval of the first subdivision map to determine during which project phase the improvement should be built.	
106-105	3A.15-4x (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Empire Ranch Road Loop Ramp Merge (Freeway Merge 27). To ensure that Westbound US 50 operates at an acceptable LOS, the northbound Empire Ranch Road loop on ramp should start the westbound auxiliary lane that ends at the East Bidwell Street – Scott Road off ramp. The slip on ramp from southbound Empire Ranch Road slip ramp would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound / Empire Ranch Road loop ramp merge (Freeway Merge 27).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-106	3A.15-4y (FPASP EIR/EIS)	Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Prairie City Road Loop Ramp Merge (Freeway Merge 35). To ensure that Westbound US 50 operates at an acceptable LOS, the northbound Prairie City Road loop on ramp should start the westbound auxiliary lane that continues beyond the Folsom Boulevard off ramp. The slip on ramp from southbound Prairie City Road slip ramp would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound / Prairie City Road Loop Ramp Merge (Freeway Merge 35).	Before project build out. A phasing analysis should be performed prior to approval of the first subdivision map to determine during which project phase the improvement should be built.	Sacramento County Department of Transportation.
106-107	4.17-1 (Addendum)	East Bidwell Street/Regency Parkway (Driveway #6). Prior to buildout of the Toll Brothers Site, the project applicant shall construct the intersection as shown in Figure 4-2 of the Addendum: <ul style="list-style-type: none"> ▶ Northbound: one thru lane and one left turn lane in a 150-foot pocket with 60-foot taper; 	Prior to issuance of phase 3 building permits.	City of Folsom Public Works Department

		<ul style="list-style-type: none"> ▶ Southbound: one thru lane and one right turn lane in a 150-foot pocket with 60-foot taper; ▶ Westbound: one shared lane, plus a 300-foot northbound acceleration lane on East Bidwell Street to receive left-turns from Regency Parkway (a second northbound lane on East Bidwell Street starting from Regency Parkway is equivalent to the 300-foot acceleration lane); and ▶ Control: side-street-stop-control; <p>Note that unsignalized left turns to East Bidwell Street are against City policy. The northbound acceleration lane on East Bidwell Street is an interim configuration until the intersection warrants signalization. Signalization will be triggered as part of the entitlement process on neighboring parcels. A future signal at this location is included in Folsom Plan Area Specific Plan, and plan area fees paid by the Project contribute towards its construction in the future.</p>		
106-108	4.17-2 (Addendum)	<p>East Bidwell Street/White Rock Road. Prior to buildout of the Toll Brothers Site, the project applicant shall implement either (A) or (B) below:</p> <p>(A) The Capital Southeast Connector Joint Powers Authority project has programmed to relocate and signalize the East Bidwell Street/White Rock Road intersection as shown in the October 2017 geometric conceptual drawing, or equivalent improvements (i.e., three southbound approach lanes, four eastbound approach lanes, and three westbound approach lanes). Figure 4-3 of the Addendum provides a conceptual intersection layout for this mitigation. Under this scenario, fair share is defined as the project's responsibility to the Sacramento County Transportation Development Fee. The project applicant is required to pay the Sacramento County Transportation Development Fee. Option A can be considered to be implemented once the JPA has let contracts for construction of the new intersection. This will insure that the mitigation is constructed before project traffic adds five or more seconds of delay to the intersection.</p> <p>(B) Signalize the existing East Bidwell Street/White Rock Road intersection with the existing geometry. Figure 4-4 of the Addendum provides a conceptual intersection layout for this mitigation.</p>	Prior to issuance of phase 1 building permits.	City of Folsom Public Works Department
106-109	4.17-3 (Addendum)	<p>East Bidwell Street/Mangini Parkway. Prior to buildout of the Toll Brothers Site, the project applicant shall signalize the intersection with the following geometry (Figure 4-5 of the Addendum):</p>	Signalize the intersection and conduct all geometric improvements, with	City of Folsom Public Works Department

		<ul style="list-style-type: none"> ▶ Northbound: One left-turn lane in a 200-foot pocket with a 60-foot taper, two thru lanes, and one right-turn lane in a 150-foot pocket with a 60-foot taper (the second thru lane shall be developed 300 feet south of the intersection); ▶ Southbound: One left-turn lane in a 200-foot pocket with a 60-foot taper, one thru lane, and one right-turn lane in a 150-foot pocket with a 60-foot taper; ▶ Eastbound and westbound: One left-turn lane in a 200-foot pocket with a 60-foot taper, one thru lane, and one right-turn lane in a 200-foot pocket with a 60-foot taper. <p>Note that northbound East Bidwell street will remain at two lanes from Mangini Parkway to US 50.</p>	the exception of the second northbound thru lane prior to issuance of phase 1 building permits. Construct the second northbound thru lane prior to issuance of phase 2 building permits.	
106-110	4.17-4 (Addendum)	<p>East Bidwell Street/Savannah Parkway. Prior to buildout of the Toll Brothers site, the project applicant shall reconstruct the intersection with the following geometry (Figure 4-6 of the Addendum):</p> <ul style="list-style-type: none"> ▶ Northbound approach: One thru lane and one shared through-right lane with a 150-foot taper; ▶ Southbound approach: One left turn lane in a 150-foot pocket plus 60-foot taper, and one through lane; ▶ Westbound approach: One left turn lane in a 60-foot pocket plus 60-foot taper, and one through lane; ▶ Southbound departure: Construct a southbound receiving and acceleration lane for westbound left turn traffic. The acceleration lane should be in a 300-foot pocket plus an appropriate taper. <p>Note that unsignalized left turns to East Bidwell Street are against City policy. The southbound acceleration lane on East Bidwell Street is an interim configuration until the intersection warrants signalization. Signalization will be triggered as part of the entitlement process on neighboring parcels. A future signal at this location is included in FPASP, and plan area fees paid by the project applicant contribute towards its construction in the future.</p>	Construct all geometric improvements with the exception of one thru northbound lane prior to issuance of phase 1 building permits. Construct the second thru northbound lane prior to issuance of phase 3 building permits.	City of Folsom Public Works Department
106-111	4.17-5 (Addendum)	<p>East Bidwell Street/Alder Creek Parkway. Prior to buildout of the Toll Brothers Site, the project applicant shall reconstruct and signalize the intersection as shown in Figure 4-7 of the Addendum:</p> <ul style="list-style-type: none"> ▶ Northbound approach: One U-turn lane in a 150-foot pocket with a 60-foot taper, two through lanes, and one right turn lane in a 150-foot pocket plus 60-foot taper. 	Construct all geometric improvements with the exception of one thru northbound lane and one thru southbound lane	City of Folsom Public Works Department

		<ul style="list-style-type: none"> ▶ Southbound approach: One left turn lane in a 240-foot pocket plus 60-foot taper, and two through lanes. The second southbound through lane can be dropped south of Old Ranch Way. ▶ Westbound approach: One right turn lane, plus one left-turn lane in a 200-foot pocket plus 60-foot taper. <p>The above mitigations are consistent with the ultimate geometry for East Bidwell near Alder Creek Pkwy and builds on conditions of approval from neighboring projects.</p>	prior to issuance of phase 1 building permits. Construct the second thru northbound lane and the second thru southbound lane prior to issuance of phase 3 building permits.	
106-112	4.17-6 (Addendum)	<p>White Rock Road/Oak Avenue Parkway. Prior to project buildout, the project applicant shall implement either (A) or (B) below:</p> <p>(A) The Capital Southeast Connector Joint Powers Authority (JPA) project has programmed to realign this portion of White Rock Road and build a partial signal to accommodate anticipated U-Turns. Expand or construct a signalized intersection as follows:</p> <ul style="list-style-type: none"> ▶ Southbound: A single shared lane for left and right turns. ▶ Eastbound: A thru lane and a left/U-turn in 300-foot pocket plus taper. ▶ Westbound: A thru lane and a right-turn in 300-foot pocket plus taper. ▶ Signalize with protected phasing for left-turns and U-turns. ▶ Geometric design shall be consistent with Capital Southeast Connector Joint Powers Authority adopted standards. <p>(B) Channelize the White Rock Road/Oak Avenue Pkwy intersection on the existing White Rock Road alignment to restrict turning movements to westbound right turns and southbound right turns. The westbound right turn requires a 365-foot deceleration lane, and the southbound right turn requires a 960-foot acceleration lane. Figure 4-8 of the Addendum provides a conceptual layout for the mitigated intersection.</p>	Prior to issuance of phase 3 building permits	City of Folsom Public Works Department
Utilities and Service Systems				
106-113	3A.16-1 (FPASP EIR/EIS)	<p>Submit Proof of Adequate On- and Off-Site Wastewater Conveyance Facilities and Implement On- and Off-Site Infrastructure Service Systems or Ensure That Adequate Financing Is Secured. Before the approval of the final map and issuance of building permits for all project phases, the project applicant(s) of all project phases shall submit proof to the City of Folsom that an adequate wastewater conveyance system either has been constructed or is ensured</p>	Before approval of final maps and issuance of building permits for any project phases.	City of Folsom Community Development Department and City of Folsom Public Works Department

		through payment of the City's facilities augmentation fee as described under the Folsom Municipal Code Title 3, Chapter 3.40, "Facilities Augmentation Fee – Folsom South Area Facilities Plan," or other sureties to the City's satisfaction. Both on-site wastewater conveyance infrastructure and off-site force main sufficient to provide adequate service to the project shall be in place for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases, or their financing shall be ensured to the satisfaction of the City.		
106-114	3A.16-3 (FPASP EIR/EIS)	Demonstrate Adequate SRWTP Wastewater Treatment Capacity. The project applicant(s) of all project phases shall demonstrate adequate capacity at the SRWTP for new wastewater flows generated by the project. This shall involve preparing a tentative map-level study and paying connection and capacity fees as identified by SRCSD. Approval of the final map and issuance of building permits for all project phases shall not be granted until the City verifies adequate SRWTP capacity is available for the amount of development identified in the tentative map.	Before approval of final maps and issuance of building permits for any project phases.	City of Folsom Community Development Department and City of Folsom Public Works Department
106-115	3A.18-1 (FPASP EIR/EIS)	Submit Proof of Surface Water Supply Availability. a. Prior to approval of any small-lot tentative subdivision map subject to Government Code Section 66473.7 (SB 221), the City shall comply with that statute. Prior to approval of any small-lot tentative subdivision map for a proposed residential project not subject to that statute, the City need not comply with Section 66473.7, or formally consult with any public water system that would provide water to the affected area; nevertheless, the City shall make a factual showing or impose conditions similar to those required by Section 66473.7 to ensure an adequate water supply for development authorized by the map. b. Prior to recordation of each final subdivision map, or prior to City approval of any similar project-specific discretionary approval or entitlement required for nonresidential uses, the project applicant(s) of that project phase or activity shall demonstrate the availability of a reliable and sufficient water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of information showing that both existing sources are available or needed supplies and improvements will be in place prior to occupancy.	Before approval of final maps and issuance of building permits for any project phases.	City of Folsom Community Development Department and City of Folsom Public Works Department
106-116	3A.18-2a (FPASP EIR/EIS)	Submit Proof of Adequate Off-Site Water Conveyance Facilities and Implement Off-Site Infrastructure Service System or Ensure That Adequate Financing Is Secured. Before the approval of the final subdivision map and	Before approval of final maps and issuance of building	City of Folsom Community Development Department and City of Folsom Public Works Department

		issuance of building permits for all project phases, the project applicant(s) of any particular discretionary development application shall submit proof to the City of Folsom that an adequate off-site water conveyance system either has been constructed or is ensured or other sureties to the City's satisfaction. The off-site water conveyance infrastructure sufficient to provide adequate service to the project shall be in place for the amount of development identified in the tentative map before approval of the final subdivision map and issuance of building permits for all project phases, or their financing shall be ensured to the satisfaction of the City. A certificate of occupancy shall not be issued for any building within the SPA until the water conveyance infrastructure sufficient to serve such building has been constructed and is in place.	permits for any project phases.	
106-117	3A.18-2b (FPASP EIR/EIS)	Demonstrate Adequate Off-Site Water Treatment Capacity (if the Off-Site Water Treatment Plant Option is Selected). If an off-site water treatment plant (WTP) alternative is selected (as opposed to the on-site WTP alternative), the project applicant(s) for any particular discretionary development application shall demonstrate adequate capacity at the off-site WTP. This shall involve preparing a tentative map-level study and paying connection and capacity fees as determined by the City. Approval of the final project map shall not be granted until the City verifies adequate water treatment capacity either is available or is certain to be available when needed for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases. A certificate of occupancy shall not be issued for any building within the SPA until the water treatment capacity sufficient to serve such building has been constructed and is in place.	Before approval of final maps and issuance of building permits for any project phases.	City of Folsom Community Development Department and City of Folsom Public Works Department
Additional Measures				
106-118	Cumulative Mitigation Measure AIR-1-Land (FPASP EIR/EIS)	Implement East Sacramento Regional Aggregate Mining Truck Management Plan or Other Measures to Reduce Exposure of Sensitive Receptors to Operational Emissions of Toxic Air Contaminants from Quarry Truck Traffic. The City of Folsom is a participant in the development of an East Sacramento Regional Aggregate Mining Truck Management Plan (TMP), a cooperative effort led by the County of Sacramento, with the input of the City of Folsom, the City of Rancho Cordova and other interested parties, including representatives of quarry project applicants. When the County Board of Supervisors approved entitlements for the Teichert quarry project in November 2010, it also adopted conditions of approval and a development agreement that requires Teichert's participation in, and fair share funding of, a TMP to implement roadway capacity and safety improvements required to improve the	Prior to approval of first tentative map or discretionary approval within SPA that would place sensitive receptors along roadways that quarry trucks would reasonably use to access U.S. Highway 50.	City of Folsom Community Development Department

	<p>compatibility of truck traffic from the quarries with the future urban development in the Folsom Specific Plan area and other jurisdictions that will be affected by quarry truck traffic. The development agreement adopted by the County for the Teichert project imposes limits on the amounts of annual aggregate sales from Teichert's facility until a TMP is adopted. The City of Folsom does not have direct jurisdiction over the Teichert, DeSilva Gates, or Walltown quarry project applicants as these projects are located within the unincorporated portion of the County. The County, as the agency with the primary authority over the quarries, has indicated that it intends to prepare an environmental analysis in accordance with CEQA prior to adoption of a TMP. The City's authority to control the activities of the quarry trucks includes restrictions or other actions, such as the approval and implementation of specialized road improvements to accommodate quarry truck traffic, that would be applicable within the City's jurisdictional boundaries. For the foregoing reasons, the City of Folsom considers itself a "responsible agency" (as that term is defined at State CEQA Guidelines, CCR Section 15381), in that it has some discretionary power over some elements of a future TMP, if such TMP calls for improvements or other activities on roadways within the jurisdiction of the City. In a responsible agency role, the City would follow the process specified in the CEQA Guidelines for consideration and approval of the environmental analysis prepared by the County for a TMP after such documentation is prepared and adopted by the County. (State CEQA Guidelines, CCR Section 15096.)</p> <p>Because no final project description for a TMP has been developed as of the completion of this FEIR/FEIS, the City would have to speculate as to those portions of a TMP that might be proposed for implementation within its jurisdiction, or the impacts that could arise from the implementation of as-yet uncertain components. Accordingly, formulation of the precise means of mitigating the potential cumulative air quality impacts pursuant to the TMP is not currently feasible or practical. However, as the preferred, feasible, and intended mitigation strategy to address the cumulative impacts of quarry truck traffic through the SPA, the City shall implement, or cause to be implemented those portions of the TMP (as described above) that are within its authority to control. In implementing the TMP, the City shall ensure that the TMP or traffic measures imposed by the City within the SPA reduce the risk of cancer to sensitive receptors along routes within the SPA from toxic air contaminant emissions to no more than 296 in one million (SMAQMD 2009, March, Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways, Version 2.2:7), or such different threshold of significance mandated by</p>		
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SMAQMD or ARB at the time, if any. With this mitigation, the cumulative air quality impacts from truck toxic air contaminants would be less than significant. As an alternative (or in addition) to implementing the TMP within the SPA, the following measures could (and should) be voluntarily implemented by the quarry project applicant(s) (Teichert, DeSilva Gates, and Granite [Walltown]) to help ensure exposure of sensitive receptors to TACs generated by quarry truck traffic to the 296-in-one-million threshold of significance identified above. The City encourages implementation of the following measures:

- ▶ The quarry project applicant(s) should meet with the City of Folsom to discuss mitigation strategies, implementation, and cost.
- ▶ A site-specific, project-level screening analysis and/or Health Risk Assessment (HRA) should be conducted by the City of Folsom and funded by the truck applicant(s) for all proposed sensitive receptors (e.g., residences, schools) in the SPA that would be located along the sides of roadway segments that are identified in Table 4-4 as being potentially significant under any of the analyzed scenarios. Each project-level analysis shall be performed according to the standards set forth by SMAQMD for the purpose of disclosure to the public and decision makers. The project-level analysis shall account for the location of the receptors relative to the roadway, their distance from the roadway, the projected future traffic volume for the year 2030 (including the proportion of diesel trucks), and emission rates representative of the vehicle fleet for the year when the sensitive land uses would first become operational and/or occupied. If the incremental increase in cancer risk determined by in the HRA exceeds 296 in one million (or a different threshold of significance recommended by SMAQMD or ARB at the time, if any), then project design mitigation should be employed, which may include the following:
 - Increase the setback distance between the roadway and affected receptor. If this mitigation measure is determined by the City of Folsom to be necessary, based on the results of the HRA, the quarry truck applicant(s) should pay the Folsom South of U.S. 50 Specific Plan project applicant(s) and the City of Folsom a fee that shall serve as compensation for lost development profit and lost City tax revenues, all as determined by the parties. Said mitigation fee shall be determined in consultation with the quarry project applicant(s), the Folsom South of U.S. 50 Specific Plan project applicant(s), and the City of Folsom. No quarry trucks shall be allowed to pass on any roadway

		<p>segment immediately adjacent to or within the SPA until said mitigation fees are paid.</p> <ul style="list-style-type: none"> ▪ Implement tiered tree planting of fine-needle species, such as redwood, along the near side of the roadway segments and, if feasible, along the roadway 500 feet in both directions of the initial planting (e.g., 500 feet north and south of a roadway that runs east-west) to enhance the dispersion and filtration of mobile-source TACs associated with the adjacent roadway. These trees should be planted at a density such that a solid visual buffer is achieved after the trees reach maturity, which breaks the line of sight between U.S. 50 and the proposed homes. These trees should be planted before occupation of any affected sensitive land uses. This measure encourages the planting of these trees in advance of the construction of potentially affected receptors to allow the trees to become established and progress toward maturity. The life of these trees should be maintained through the duration of the quarry projects. The planting, cost, and ongoing maintenance of these trees should be funded by the quarry project applicant(s). ▪ To improve the indoor air quality at affected receptors, implement the following measures before the occupancy of the affected residences and schools: <ul style="list-style-type: none"> ▪ equip all affected residences and school buildings developed in the SPA with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the interior rooms; ▪ use the heating, ventilation, and air conditioning (HVAC) systems to maintain all residential units under positive pressure at all times; ▪ locate air intake systems for HVAC as far away from roadway air pollution sources as possible; and ▪ develop and implement an ongoing education and maintenance plan about the filtration systems associated with HVAC for residences and schools. <p>To the extent this indoor air quality mitigation would not already be implemented as part of the Folsom South of U.S. 50 Specific Plan project development, this mitigation should be paid for by the quarry project applicant(s) before any quarry trucks are allowed to pass on any roadway that is within 400 feet of any residence or school within the SPA.</p>		
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<p>106-119</p>	<p>Cumulative Mitigation Measure NOISE-1-Land (FPASP EIR/EIS)</p>	<p>Implement East Sacramento Regional Aggregate Mining Truck Management Plan or Other Measures to Reduce Exposure of Sensitive Receptors to Operational Noise from Quarry Truck Traffic. The City of Folsom is a participant in the development of an East Sacramento Regional Aggregate Mining Truck Management Plan (TMP), a cooperative effort led by the County of Sacramento, with the input of the City of Folsom, the City of Rancho Cordova and other interested parties, including representatives of quarry project applicants. When the County Board of Supervisors approved entitlements for the Teichert quarry project in November 2010, it also adopted conditions of approval and a development agreement that requires Teichert’s participation in, and fair share funding of, a TMP to implement roadway capacity and safety improvements required to improve the compatibility of truck traffic from the quarries with the future urban development in the SPA and other jurisdictions that will be affected by quarry truck traffic. The development agreement adopted by the County for the Teichert project imposes limits on the amounts of annual aggregate sales from Teichert’s facility until a TMP is adopted. The City of Folsom does not have direct jurisdiction over the Teichert, DeSilva Gates, or Walltown quarry project applicants as these projects are located within the unincorporated portion of the County. The County, as the agency with the primary authority over the quarries, has indicated that it intends to prepare an environmental analysis in accordance with CEQA prior to adoption of a TMP. The City’s authority to control the activities of the quarry trucks includes restrictions or other actions, such as the approval and implementation of specialized road improvements to accommodate quarry truck traffic, that would be applicable within the City’s jurisdictional boundaries. For the foregoing reasons, the City of Folsom considers itself a “responsible agency” (as that term is defined at State CEQA Guidelines, CCR Section 15381), in that it has some discretionary power over some elements of a future TMP, if such TMP calls for improvements or other activities on roadways within the jurisdiction of the City. In a responsible agency role, the City would follow the process specified in the CEQA Guidelines for consideration and approval of the environmental analysis prepared by the County for a TMP after such documentation is prepared and adopted by the County. (State CEQA Guidelines, CCR Section 15096.)</p> <p>Because no final project description for a TMP has been developed as of the completion of this FEIR/FEIS, the City would have to speculate as to those portions of a TMP that might be proposed for implementation within its jurisdiction, or the impacts that could arise from the of as yet uncertain components. Accordingly, formulation of the precise means of mitigating the</p>	<p>Prior to approval of first tentative map or discretionary approval within SPA that would place sensitive receptors along roadways that quarry trucks would reasonably use to access U.S. 50.</p>	<p>City of Folsom Community Development Department</p>
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	<p>potential cumulative noise impacts pursuant to the TMP is not currently feasible or practical. However, as the preferred, feasible, and intended mitigation strategy to address the cumulative impacts of quarry truck traffic through the SPA, the City shall implement, or cause to be implemented those portions of the TMP (as described above) that are within its authority to control. In implementing the TMP, the City shall ensure that the TMP or traffic measures imposed by the City within the SPA reduce the traffic noise exposure to sensitive receptors along routes within the SPA so as to ensure that sensitive receptors are not exposed to interior noise levels in excess of 45 dBA, or increases in interior noise levels of 3 dBA or more, whichever is more restrictive. With this mitigation, the cumulative noise impacts from truck traffic would be less than significant.</p> <p>As an alternative (or in addition) to implementing the TMP within the SPA, the following measures could (and should) be voluntarily implemented by the quarry project applicant(s) (Teichert, DeSilva Gates, and Granite [Walltown]) to help ensure interior noise levels for sensitive receptors to noise generated by quarry truck traffic would not exceed 45 dBA or increase of 3 dBA over existing conditions, as identified above. The City encourages implementation of the following measures:</p> <ul style="list-style-type: none"> ▶ The quarry project applicant(s) should meet with the City of Folsom to discuss mitigation strategies, implementation, and cost. ▶ A site-specific, project-level screening analysis should be conducted by the City of Folsom and funded by the quarry truck applicant(s) for all proposed sensitive receptors (e.g., residences, schools) in the SPA that would be located along the sides of roadway segments that are identified in Table 4-8 as being potentially significant under any of the analyzed scenarios. The analysis should be conducted using an approved three dimensional traffic noise modeling program (i.e., TNM or SoundPlan). Each project-level analysis should be performed according to the standards set forth by the City of Folsom for the purpose of disclosure to the public and decision makers. The project-level analysis should account for the location of the receptors relative to the roadway, their distance from the roadway, and the projected future traffic volume for the year 2030 (including the percentage of heavy trucks). If the incremental increase in traffic noise levels are determined to exceed the threshold of significance recommended by the City of Folsom, then design mitigation should be employed, which may include the following: 		
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| | | <ul style="list-style-type: none"> ▶ Model the benefits of soundwalls (berm/wall combination) along the quarry truck hauling roadways and affected receptors not to exceed a total height of eight feet (two-foot berm and six-foot concrete mason wall). If this mitigation measure is determined by the City of Folsom to be inadequate, additional three dimensional traffic noise modeling should be conducted with the inclusion of rubberized asphalt at the expense of the quarry truck applicant(s). No quarry trucks should be allowed to pass on any roadway segment immediately adjacent to or within the SPA until said mitigation has been agreed upon by the City of Folsom and fees for construction of said mitigation are paid by the quarry truck applicant(s). ▶ Implement the installation of rubberized asphalt (quiet pavement) on roadway segments adjacent to sensitive receptors that carry quarry trucks if soundwalls do not provide adequate reduction of traffic noise levels. The inclusion of rubberized asphalt would provide an additional 3 to 5 dB of traffic noise reduction. The cost of construction using rubberized asphalt should be borne by the quarry truck applicant(s). Said mitigation fee should be determined in consultation with the quarry project applicant(s), the Folsom South of U.W. 50 Specific Plan project applicant(s), and the City of Folsom. No quarry trucks should be allowed to pass on any roadway segment immediately adjacent to or within the SPA until said mitigation fees are paid. ▶ To improve the indoor noise levels at affected receptors, implement the following measures before the occupancy of the affected residences and schools: <ul style="list-style-type: none"> ▪ Conduct an interior noise analysis once detailed construction plans of residences adjacent to affected roadways are available to determine the required window package at second and third floor receptors to achieve the interior noise level standard of 45 dB Ldn without quarry trucks. ▪ Determine the interior quarry truck traffic noise level increases at second and third floor receptors adjacent to affected roadways compared to no quarry truck conditions. Window package upgrades are expected to be necessary due to the traffic noise level increases caused by quarry trucks along affected roadways. Quarry truck applicant(s) should pay for the cost of window package upgrades (increased sound transmission class rated windows) required to achieve the interior noise level standard of 45 dB Ldn with the inclusion of quarry truck traffic. | | |
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		<p>To the extent this noise mitigation would not already be implemented as part of the Folsom South of U.W. 50 Specific Plan project development, this mitigation should be paid for by the quarry project applicant(s) before any quarry trucks are allowed to pass on any roadway that is within 400 feet of any residence or school within the SPA.</p>		
<p>106-120</p>	<p>N/A</p>	<p>Coordinate and Fund the Backbone Infrastructure and Off-Site Water Facility Alternative. The project applicant shall participate in the FPASP owners' group and shall fund and contribute their fair share to the backbone infrastructure and off-site water facility alternative improvements. The project applicant shall coordinate with owners' group to implement the following measures detailed in the <i>Folsom South of U.S. Highway 50 Backbone Infrastructure Mitigated Negative Declaration</i> (December 2014):</p> <ul style="list-style-type: none"> ▶ Backbone MND Mitigation Measure I-1: Design above ground pump station and storage tank facilities to reduce visual impacts. ▶ Backbone MND Mitigation Measure I-2: Develop and implement a landscaping plan for pump station and storage tank facilities to reduce visual impacts. ▶ Backbone MND Mitigation Measure III-1: Prepare and Implement NOX Reduction Plan ▶ Backbone MND Mitigation Measure III-2: Pay Off-site Mitigation Fee to SMAQMD to off-set NOX Emissions Generated by Construction. ▶ Backbone MND Mitigation Measure III-4: Implement A Site Investigation to Determine the Presence of NOA and, if necessary, Prepare and Implement an Asbestos Dust Control Plan. ▶ Backbone MND Mitigation Measure IV-1: Conduct Special-Status Plant Surveys; Implement Avoidance and Mitigation Measures or Compensatory Mitigation ▶ Backbone MND Mitigation Measure IV-2: Implement Conditions of the Biological Opinion (BO) for Federally Listed Vernal Pool Invertebrates. ▶ Backbone MND Mitigation Measure IV-3: Implement Conditions of the Biological Opinion for Impacts on Valley Elderberry Longhorn Beetle. ▶ Backbone MND Mitigation Measure IV-4: Western Spadefoot Toad ▶ Backbone MND Mitigation Measure IV-5: Western Pond Turtle 	<p>Before approval of final maps and issuance of building permits for any project phase, the project applicant shall demonstrate to the City's satisfaction the fair share contribution towards implementation of Backbone Infrastructure and Off-Site Water Facility improvements and associated required mitigation as identified in the <i>Folsom South of U.S. Highway 50 Backbone Infrastructure Mitigated Negative Declaration</i> (December 2014) or the <i>Revised Proposed Off-Site Water Facility Alternative Addendum to the FPASP EIR/EIS</i></p>	<p>City of Folsom Community Development Department and City of Folsom Public Works Department</p>

	<ul style="list-style-type: none"> ▶ Backbone MND Mitigation Measure IV-6(a): Swainson's Hawk Nesting Habitat ▶ Backbone MND Mitigation Measure IV-6(b): Swainson's Hawk Foraging Habitat ▶ Backbone MND Mitigation Measure IV-7: Tricolored Blackbird ▶ Backbone MND Mitigation Measure IV-8: Nesting Raptors ▶ Backbone MND Mitigation Measure IV-9: Nesting Special Status Birds and Migratory Birds ▶ Backbone MND Mitigation Measure IV-10: Special-Status Bats ▶ Backbone MND Mitigation Measure IV-12: Implement Section 1602 Master Streambed Alteration Agreement ▶ Backbone MND Mitigation Measure IV-13: Conduct Surveys to Identify and Map Valley Needlegrass Grassland; Implement Avoidance and Minimization Measures or Compensatory Mitigation, if necessary ▶ Backbone MND Mitigation Measure IV-14: Secure Amended Clean Water Act Section 404 Permit and Section 401 Permit and Implement All Permit Conditions; Ensure No Net Loss of Functions of Wetlands, Other Waters of the U.S., and Waters of the State ▶ Backbone MND Mitigation Measure IV-15: Conduct Tree Survey, Prepare and Implement an Oak Woodland Mitigation Plan, Replace Native Oak Trees Removed, and Implement Measures to Avoid and Minimize Indirect Impacts on Oak Trees and Oak Woodland Habitat Retained On-Site. ▶ Backbone MND Mitigation Measure IV-11: American Badger ▶ Backbone MND Mitigation Measure V-1: Comply with the applicable procedures in the FAPA and implementation of applicable historic property treatment plans ▶ Backbone MND Mitigation Measure V-2: Conduct Construction Personnel Education, Conduct On-Site Monitoring if Required, Stop Work if Cultural Resources are Discovered, Assess the Significance of the Find, and Perform Treatment or Avoidance as Required. ▶ Backbone MND Mitigation Measure V-3: Suspend Ground-Disturbing Activities if Human Remains are Encountered and Comply with California Health and Safety Code Procedures. 	(approved December 2012); as applicable.	
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		<ul style="list-style-type: none"> ▶ Backbone MND Mitigation Measure VI-1: Prepare Site-Specific Geotechnical Report per CBC Requirements and Implement Appropriate Recommendations. ▶ Backbone MND Mitigation Measure VI-3: Monitor Earthwork during Earthmoving Activities. ▶ Backbone MND Mitigation Measure VI-5(a): Prepare and Implement the Appropriate Grading and Erosion Control Plan. ▶ Backbone MND Mitigation Measure VI-5(b): Prepare and Implement the appropriate Grading and Erosion Control Plan for the detention basin West of Prairie City Road. ▶ Backbone MND Mitigation Measure IX-1: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs. ▶ Backbone MND Mitigation Measure VII-1: Greenhouse Gas Emissions ▶ Backbone MND Mitigation Measure XVI-1: Prepare and Implement a Construction Traffic Control Plan. ▶ Backbone MND Mitigation Measure III-3: North of U.S. Highway 50 Water Improvements ▶ Backbone MND Mitigation Measure V-4 North of U.S. Highway 50 Water Improvements ▶ Backbone MND Mitigation Measure VI-2 North of U.S. Highway 50 Water Improvements ▶ Backbone MND Mitigation Measure V1-4 North of U.S. Highway 50 Water Improvements ▶ Backbone MND Mitigation Measure XII-1 North of U.S. Highway 50 Water Improvements <p>In addition, the project applicant shall coordinate with owners' group to implement the following measures detailed in the <i>Revised Proposed Off-Site Water Facility Alternative Addendum to the FPASP EIR/EIS</i> (approved December 11, 2012):</p> <ul style="list-style-type: none"> ▶ 3B.1-2a: Enhance Exterior Appearance of Structural Facilities. ▶ 3B.1-2b: Prepare Landscaping Plan. ▶ 3B.1-3a: Conformance to Construction Lighting Standards. ▶ 3B.1-3b: Prepare and Submit a Lighting Master Plan. 		
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		<ul style="list-style-type: none"> ▶ 3B.2-1a: Develop and Implement a Construction NOX Reduction Plan. ▶ 3B.2-1c: Implement Fugitive Dust Control Measures and a Particulate Matter Monitoring Program during Construction. ▶ 3B.2-3a: Cite Pump Siting Buffers Away from Sensitive Receptors. ▶ 3B.2-3b: Conduct Project-Level DPM Screening and Implement Measures to Reduce Annual DPM to Acceptable Concentrations. ▶ 3B.4-1a: Implement GHG Reduction Measures during Construction. ▶ 3B.4-1b Prepare and Implement an Off-site Water Facilities Climate Action Plan. ▶ 3A.5-1a: Comply with the Programmatic Agreement. ▶ 3A.5-1b: Perform an Inventory and Evaluation of Cultural Resources for the California Register of Historic Places, Minimize or Avoid Damage or Destruction, and Perform Treatment Where Damage or Destruction Cannot be Avoided. ▶ 3A.5-2: Conduct Construction Personnel Education, Conduct On-Site Monitoring if Required, Stop Work if Cultural Resources are Discovered, Assess the Significance of the Find, and Perform Treatment or Avoidance as Required. ▶ 3A.5-3: Suspend Ground-Disturbing Activities if Human Remains are Encountered and Comply with California Health and Safety Code Procedures. ▶ 3B.7-1a: Prepare Geotechnical Report(s) for the Revised Proposed Off-site Water Facilities and Implement Required Measures. ▶ 3B.7-1b: Incorporate Pipeline Failure Contingency Measures Into Final Pipeline Design. ▶ 3B.7-4: Implement Corrosion Protection Measures. ▶ 3B.7-5: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan as Required. ▶ 3B.8-1a: Transport, Store, and Handle Construction-Related Hazardous Materials in Compliance with Relevant Regulations and Guidelines. ▶ 3B.8-1b: Prepare and Implement a Hazardous Materials Management Plan. 		
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	<ul style="list-style-type: none"> ▶ 3B.8-5a: Conduct Phase 1 Environmental Site Assessment for Selected Alignment. ▶ 3B.8-5b: Develop and Implement a Remediation Plan. ▶ 3B.8-7a: Keep Construction Area Clear of Combustible Materials. ▶ 3B.8-7b: Provide Accessible Fire Suppression Equipment. ▶ 3B.9-1a: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs. ▶ 3B.9-1b: Properly Dispose of Hydrostatic Test Water and Construction Dewatering in Accordance with the Central Valley Regional Water Quality Control Board. ▶ 3B.9-3a: Prepare and Implement Drainage Plan(s) for Structural Facilities. ▶ 3B.9-3b: Ensure the Provision of Sufficient Outlet Protection and On-site Containment. ▶ 3B.11-1a: Limit Construction Hours. ▶ 3B.11-1b: Minimize Noise from Construction Equipment and Staging. ▶ 3B.11-1c: Maximize the Use of Noise Barriers. ▶ 3B.11-1d: Prohibit Non-Essential Noise Sources During Construction. ▶ 3B.11-1e: Monitor Construction Noise and Provide a Mechanism for Filing Noise Complaints. ▶ 3B.11-3: Implement Operational Noise Minimization Measures. ▶ 3B.12-1: Provide for Continued Recreational Access as Identified in Mitigation Measure 3.14-1a. ▶ 3B.15-1a: Prepare Traffic Control Plan. ▶ 3B.15-1b: Assess Pre-Off-site Water Facilities Roadway Conditions. ▶ 3B.16-3a: Minimize Utility Conflicts by Implementing an Underground Services Alert. ▶ 3B.16-3b: Coordinate with Utility Providers and Implement Appropriate Installation Methods to Minimize Potential Utility Service Disruptions. ▶ 3B.17-1a: Implement Construction Dewatering Best Management Practices. ▶ 3B.17-1b: Implement a Dewatering Discharge Monitoring Program. ▶ 3A.18-1: Submit Proof of Surface Water Supply Availability. 		
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		<p>▶ 3A.18-2a: Submit Proof of Adequate Off-Site Water Conveyance Facilities and Implement Off-Site Infrastructure Service System or Ensure That Adequate Financing Is Secured.</p>		
<p>107.</p>		<p><i>White Rock Road Shoulder Improvements</i> The owner/applicant shall construct shoulder improvements along the project's entire frontage of westbound White Rock Road to the satisfaction of the City prior to approval of the first small lot final map. In lieu of constructing the aforementioned interim shoulder improvements, the owner/applicant may enter into a Subdivision Improvement Agreement with the City and post adequate security to the City's satisfaction to ensure construction of said improvements; the security shall be for a minimum period of 10 years.</p> <p>If shoulder improvements are constructed and/or funded by the owner/applicant, then said costs may be included in any applicable fee program established and approved for the Folsom Plan Area subject to approval by the City and the actual costs expended by the owner/applicant may therefore be eligible for a credit and/or reimbursement.</p> <p>If construction of the Capital Southeast Connector Project between Scott Road and the El Dorado County line has commenced during the term of the required Subdivision Improvement Agreement, then the shoulder improvement condition will be deemed satisfied and the security shall be released to the owner/applicant.</p>	<p>M</p>	<p>CD (E) (P)</p>

108.		<p>The owner/applicant shall preserve the oak trees shown in the blue color on the attached Site Plan Exhibit for the Traditional Subdivision. The owner/applicant shall also make every attempt to preserve the tree shown in red on the attached Site Plan Exhibit provided that the City Arborist concurs (since this oak tree will be approximately 3' lower than adjacent pad grades). The additional land created from elimination of lots 49, 56, and 57 as shown on the Site Plan Exhibit shall be incorporated into the adjacent residential lots to the satisfaction of the Community Development Department. Consistent with FPASP Policy 10.19, the Community Development Director will allow modifications to the development standards to order to accommodate preservation of the oak tree on Lot 62 as shown on the attached Site Plan Exhibit. This condition shall be satisfied prior to approval of the Final Map for the Traditional Subdivision.</p>	M	CD (E) (P)
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CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Staff Report



MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10671 – A Resolution Authorizing the City Manager to Execute an Agreement with Western Truck Parts and Equipment Company, LLC. to Purchase Five Solid Waste Collection Vehicles
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 10671 – A Resolution Authorizing the City Manager to Execute an Agreement with Western Truck Parts and Equipment Company, LLC. to Purchase Five Solid Waste Collection Vehicles.

BACKGROUND / ISSUE

The Public Works Department must maintain a fleet of collection vehicles that is able to provide efficient and reliable solid waste collection service. The City’s requirement for these collection vehicles is based on the need to replace its aging fleet (pursuant to the Solid Waste Division’s approved replacement schedule) and to provide the current level of services. The vehicles being purchased will augment current vehicles to help support the new organics collection mandate.

This resolution will authorize the City Manager to execute an agreement with Western Truck Parts and Equipment Company, LLC. (Western Truck) for the purchase of three automated side loader collection vehicles and two front loader collection vehicles. The total cost for the purchase of these vehicles will not exceed \$1,808,989.78. Sufficient funds to purchase the replacement vehicles are budgeted and available in the Fiscal Year 2021-22 Solid Waste Operating Fund (Fund 540).

POLICY / RULE

Section 2.36.120 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$62,657 or greater shall be awarded by the City Council.

Section 2.36.170 of the Folsom Municipal Code permits cooperative purchasing agreements for the procurement of any supplies, equipment, service, or construction with one or more public procurement units in accordance with an agreement entered into or between the participants.

ANALYSIS

Sourcewell, which was previously known as the National Joint Powers Agency, is a national cooperative purchasing entity of which the City of Folsom is a member. The City has purchased numerous items through Sourcewell.

Western Truck has a current contract with Sourcewell for solid waste collection vehicles at a price that has been assessed to be fair, reasonable, and competitive.

Sourcewell contract number #060920-PMC will be utilized for the purchase of solid waste collection vehicles.

- New Way Automated Side Loader with Peterbilt chassis - \$369,513.18 per vehicle
- New Way Front Loader with Peterbilt chassis - \$350,225.12 per vehicle

This price includes taxes, tire fees and delivery.

FINANCIAL IMPACT

A total of \$2,777,783 has been appropriated within the Fiscal Year 2021-22 Solid Waste Operating Budget to purchase vehicles. The Department is requesting that the new contract be authorized for a not to exceed amount of \$1,808,989.78. Sufficient funds to purchase the replacement vehicles are budgeted and available in the Fiscal Year 2021-22 Solid Waste Operating Fund (Fund 540).

ENVIRONMENTAL REVIEW

This action is exempt from environmental review under the California Environmental Quality Act (CEQA).

ATTACHMENT

1. Resolution No. 10671 – A Resolution Authorizing the City Manager to Execute an Agreement with Western Truck Parts and Equipment Company, LLC. to Purchase Five Solid Waste Collection Vehicles

Submitted,

Dave Nugen, Public Works Director

RESOLUTION NO. 10671

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WESTERN TRUCK PARTS AND EQUIPMENT COMPANY, LLC. TO PURCHASE FIVE SOLID WASTE COLLECTION VEHICLES

WHEREAS, the Public Works Department has validated its need to purchase three automated side loader and two front loader solid waste collection vehicles based on an approved replacement and expansion schedule; and

WHEREAS, this purchase will be made through Sourcewell, which used its recognized cooperative purchasing agreement to award a contract to Western Truck Parts and Equipment Company, LLC in an amount not to exceed \$1,808,989.78; and

WHEREAS, sufficient funds are available in the Fiscal Year 2021-22 Solid Waste Fund (Fund 540) Budget which included \$2,777,783 for the purchase of vehicles; and

WHEREAS, staff recommends the execution of a contract with Western Truck Parts and Equipment Company, LLC. for the purchase of three automated side loader and two front loader solid waste collection vehicles; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with Western Truck Parts and Equipment Company, LLC. to purchase three New Way Automated Side Loader and two New Way Front Loader Solid Waste Collection Vehicles with Peterbilt chassis for the Public Works Department at a not to exceed amount of \$1,808,989.78.

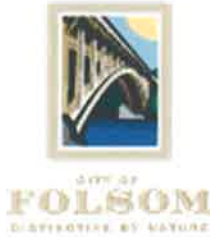
PASSED AND ADOPTED this 27th day of July 2021, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report



MEETING DATE:	7/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10636 – A Resolution of the City Council Approving Amendment No. 2 to Lease Agreement with the Folsom Chamber of Commerce for the Depot Building Located at 200 Wool Street
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council move to adopt Resolution No. 10636 – A Resolution of the City Council Approving Amendment No. 2 to Lease Agreement with the Folsom Chamber of Commerce for the Depot Building Located at 200 Wool Street.

BACKGROUND / ISSUE

The City Council previously considered the proposed amendment to the lease of the Depot Building on June 8, 2021 and voted to continue the matter to a future meeting in order to consider issues raised by local organizations and members of the public. Following further input from the Folsom Chamber of Commerce (“Chamber”) and the Folsom Historic District Association (“FHDA”), the City Council discussed the matter in Closed Session on July 13, 2021, and this item is being brought back in open session for further consideration.

The Chamber has leased the Depot Building at 200 Wool Street from the former Folsom Redevelopment Agency and the City of Folsom continuously since 1989. The current lease authorized by the Council runs from January 1, 2015 to December 31, 2022. Rent for the property has been \$1.00 per year for more than a decade, if not longer.

The 2,383 square feet property is zoned HD in the General Plan, which means it can be used for retail, service, public/quasi-public and office uses, as well as small light industrial and residential uses (subject to certain limitations). The Chamber has used the property as its principal place of business, as well as a Visitor’s Center for people visiting the City and the Historic District.

POLICY / RULE

The City Council is vested with authority to approve agreements to lease City facilities and City-owned real properties.

ANALYSIS

The current lease of the Depot Building is set to expire on December 31, 2022. The Chamber requested that the lease be extended for possibly 20 more years (5-year renewal from January 1, 2023, with three 5-year options to extend), and to allow a portion of the leased premises to be sublet to a third-party under a revenue-sharing arrangement upon approval of the proposed lease amendment by the City Council. Rent remains at \$1.00 per year, with the same existing obligations for maintenance, upkeep, insurance, and indemnification. The request is made long in advance of the December 2022 expiration due to the Chamber's desire to make improvements to the property.

The Chamber has been a good steward of this historical structure and has provided valuable services to the Historic District with the Visitor's Center and services to the community. The Chamber has continued to provide maintenance and upkeep to the building. Staff believes there continues to be substantial public benefit to the Historic District and the City to lease the Depot Building to the Chamber under terms and conditions of the existing lease, modified as follows:

- Term of the lease extended to December 31, 2027.
- Rent remains \$1.00 per year.
- Chamber has option to extend the lease 3 times; each extension is 5 years. If Chamber exercises all 3 options, the total term of the lease under this Amendment No. 2 will be 20 years (terminating on December 31, 2042).
- Chamber may sublease a portion of the Depot Building under a revenue-sharing arrangement. Once the Chamber recovers its initial investment in tenant improvement of the subleased area, the revenue from the sublease shall be shared with the City on a 50%-50% basis.
- All proposed improvements to the Depot Building require City review and approval.
- Chamber shall make the Ambassador Room readily available for community use and amphitheater use as directed by the City.

The City has not experienced any issue with the Chamber leasing the Depot Building, operating the Visitor's Center, making lease payments, or honoring the lease terms.

FINANCIAL IMPACT

This action is likely to generate nominal revenue to the City's General Fund.

ENVIRONMENTAL REVIEW

The proposed extension of existing lease of public facility is exempt from environmental review under the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

ATTACHMENTS

1. Resolution No. 10636 – A Resolution of the City Council Approving Amendment No. 2 to Lease Agreement with the Folsom Chamber of Commerce for the Depot Building Located at 200 Wool Street
2. Proposed Amendment No. 2 to Lease Agreement
3. Amendment No. 1 to Lease Agreement
4. Lease Agreement dated May 27, 2014

Respectfully submitted,

Elaine Andersen, City Manager

ATTACHMENT 1

RESOLUTION NO. 10636

**A RESOLUTION OF THE CITY COUNCIL APPROVING AMENDMENT NO. 2 TO
LEASE AGREEMENT WITH THE FOLSOM CHAMBER OF COMMERCE
FOR THE DEPOT BUILDING LOCATED AT 200 WOOL STREET**

WHEREAS, the Folsom Chamber of Commerce (“Chamber”) has leased the property and building at 200 Wool Street (the “Depot Building”) continuously since 1989 from the former Folsom Redevelopment Agency (“RDA”) and the City of Folsom; and

WHEREAS, on April 18, 2012 the Folsom Successor Agency Oversight Board, pursuant to Resolution No. 004-FSAOB, approved the transfer of Parcel B, on which the Depot Building sits, to the City; and

WHEREAS, the City acquired Parcel B by Grant Deed on March 17, 2012; and

WHEREAS, the City Council has in the past authorized extensions of the Depot Building lease to the Chamber, most recently on September 12, 2017, with the current lease expiring on December 31, 2022; and

WHEREAS, the Chamber has expressed a desire to extend the lease under the same terms as the current lease, and to allow subleasing a portion of the Depot Building under a revenue-sharing arrangement with the City; and

WHEREAS, the City desires to continue leasing the Depot Building to the Chamber; and

WHEREAS, the Chamber provides substantial public benefit to the City and to the Historic District by its presence at the Depot Building including but not limited to, operating the Visitor’s Center, providing assistance to merchants, businesses and visitors in the Historic District and the City generally, and providing assistance with tourism, economic development and events throughout the City; and

WHEREAS, the City Council finds that the public benefit provided by the Chamber supports continuing the lease with the Chamber under the terms in the current lease and as modified by Amendment No. 2 to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the City Manager is hereby authorized to execute Amendment No. 2 to Lease Agreement for premises located at 200 Wool Street – SP Depot Building, dated May 27, 2014, in a form acceptable to the City Attorney, to extend the lease to December 31, 2027 with options to renew.

PASSED AND ADOPTED this 27th day of July, 2021, by the following roll-call vote:

- AYES: Councilmember(s):
- NOES: Councilmember(s):
- ABSENT: Councilmember(s):
- ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

**CITY OF FOLSOM
AMENDMENT NO. 2
TO
LEASE AGREEMENT FOR PREMISES LOCATED AT:
200 WOOL STREET – SP DEPOT BUILDING**

The Lease Agreement between the City of Folsom and the Folsom Chamber of Commerce dated May 27, 2014 (“Lease”) for premises located at 200 Wool Street (SP Depot Building), previously amended by Amendment No. 1 dated September 29, 2017, is further amended by this Amendment No. 2 as follows:

1. Section 2, Term, of the Lease is hereby amended as follows:

The term of this Lease shall terminate on December 31, 2027, with such rights of prior termination as may be provided herein.

The Chamber has the option to extend the Lease 3 times as follows: No later than 60 days prior to the expiration of the Lease term provided for in this Amendment No. 2 or any extended term, the Chamber may request, in writing, that the City extend the Lease for 5 more years. Should the Chamber exercise all 3 options to extend, the Lease under this Amendment No. 2 shall terminate on December 31, 2042.

2. Section 7, Termination, of the Lease is hereby amended as follows:

City may terminate this Lease, in whole or in part and with or without cause, at any time during the lease term, or any extension thereof, by giving Chamber notice, in writing, at least 12 months prior to the date when any such termination shall become effect.

3. Section 10, Subletting/Assignments, of the Lease is hereby amended as follows:

Chamber shall not sublet the Premises, in whole or in part, nor assign this Lease or any interest therein, except as agreed to by the City Manager in writing. As later provided herein, Chamber may rent, on a periodic basis, portion of the Premises (see Use of Premises).

Should the Chamber sublease a portion of the Premises for longer than 30 days, the Chamber shall share 50% of the revenue from the sublease with the City, payable on the 10th day of each month. The aforementioned revenue-sharing requirement shall commence once the Chamber has recovered its initial investment in tenant improvement for the subleased area. All proposed tenant improvement for the sublease area, including the projected costs, shall require prior submittal to the City for review and approval in accordance with Section 20. The term of the sublease shall not exceed the then-current term of the Chamber’s lease, and the sublease shall contain the same indemnity and

insurance requirements in favor of the City as in Sections 12 and 13 of the Lease.

4. Section 24, Use of Premises, of the Lease is hereby amended as follows:

The Premises shall be used for the official functions of the Chamber. Chamber may rent portions of the Premises on a periodic basis, not to exceed 30 consecutive days at any given time, for private parties, classes, and other similar uses with the consent of the City Manager or his/her designee. Unless prior approval is first obtained from the City Manager, no portion of the Premises shall be rented on an ongoing basis for more than 30 days. The parties recognize that the Chamber occasionally rents out space on the Premises for meetings or conferences and nothing in this Section is intended to prohibit such use. Notwithstanding any provision to the contrary, Chamber shall make the Ambassador Room readily available for community use and amphitheater use as directed by the City.

In the event that the Premises are rented or permissibly used as set forth above, either the Chamber's insurance shall cover the activity, or the Chamber shall obtain insurance from the person or entity renting, using, or subleasing the portion of the Premises that complies in all particulars with the insurance requirements set forth in Exhibit B.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 2 to Lease Agreement to be duly executed.

Date: _____

City of Folsom,
A Municipal Corporation

By: Elaine Andersen, City Manager

Date: _____

Folsom Chamber of Commerce,
A California Non-Profit Corporation

By: _____

By: _____

Approved As To Form:

Steven Wang, City Attorney

Date

Attests:

Funding Available:

Christa Freemantle, City Clerk

Stacey Tamagni, Finance Director/CFO Date

NOTICE: SIGNATURE(S) ON BEHALF OF LESSEE MUST BE NOTARIZED.

A certificate of acknowledgment in accordance with the provisions of civil code section 1189 must be attached for each person executing this agreement on behalf of consultant. California Civil Section provides, at part (b): "Any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgment is made."

ATTACHMENT 3

CITY OF FOLSOM
AMENDMENT NO. 1
TO
LEASE AGREEMENT FOR PREMISES LOCATED AT:
200 WOOL STREET - SP DEPOT BUILDING

The Lease between the City of Folsom and the Folsom Chamber of Commerce, dated May 27, 2014, is amended as set forth on Exhibit 1, Amendment to Section 2. Term. (Exhibit 1 is attached hereto and incorporated herein.)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed.

Date: 9/29/2017

City of Folsom,
A Municipal Corporation



By: Evert W. Palmer, City Manager

Date: 9-27-17

Folsom Chamber of Commerce,
A California Non-Profit Corporation



By: JOSEPH P. GAGLIARDI

By: _____

Approved As To Form:



Steven Wang, City Attorney

10/11/17

Date

Attests:

Christa Freemantle 10/11/17
Christa Freemantle, City Clerk

Funding Available:

James W. Francis 10/11/17
James W. Francis, Finance Director/CFO Date

NOTICE: SIGNATURE(S) ON BEHALF OF CONSULTANT MUST BE NOTARIZED.

A certificate of acknowledgment in accordance with the provisions of civil code section 1189 must be attached for each person executing this agreement on behalf of consultant. California Civil Section provides, at part (b): "Any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgment is made."



EXHIBIT 1

AMENDMENT TO SECTION 2. (TERM)

**LEASE AGREEMENT FOR PREMISES LOCATED AT:
200 WOOL STREET – SP DEPOT BUILDING**

2. Term

The term of this Lease shall commence on January 1, 2015, and shall terminate on December 31, 2022, with such rights of prior termination as may be provided herein.

On the commencement of this Lease, the prior lease and any amendments thereto shall expire and be of no further force or effect, except that any insurance policy currently in effect shall remain in full force and the Chamber's indemnification obligations shall survive the termination of any prior agreements.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sacramento)
On Sept. 27, 2017 before me, Jennifer R. Cannell, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Joseph P. Gagliardi
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jennifer R. Cannell
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ATTACHMENT 4

ORIGINAL
Official Document of the
Folsom City Clerk's Department



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

CITY OF FOLSOM

**LEASE AGREEMENT FOR PREMISES LOCATED AT:
200 WOOL STREET – SP DEPOT BUILDING**

This Lease, dated for reference purposes only, May 27, 2014, is made by and between the City of Folsom, a Municipal Corporation, hereinafter referred to as "City" and the Folsom Chamber of Commerce, a California Non-Profit Corporation, hereinafter referred to as "Chamber."

WITNESSETH:

WHEREAS, the City is the owner of both that certain real property at 200 Wool Street and the building thereon commonly known as the Depot Building; and

WHEREAS, the City, which already owned the Depot Building, acquired the real property from the Folsom Redevelopment Agency ("RDA") by Grant Deed on March 17, 2012, following the dissolution of the RDA pursuant to legislation (ABx1 26 and AB 1484); and

WHEREAS, on April 18, 2012, the Oversight Board of the City of Folsom approved the transfer of Parcel B, on which the Depot Building sits, to the City, pursuant to Resolution 004-FSAOB; and

WHEREAS, the Chamber has leased the property and building at 200 Wool Street continuously since 1989, first from the RDA and then from the City; and

WHEREAS, the present lease expires on January 1, 2015; and

WHEREAS, the City desires to continue to lease the property and the Depot Building to the Chamber, and the Chamber desires to enter into a new lease with the City;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, City and Chamber agree as follows:

1. Incorporation of Recitals

The parties hereto acknowledge the accuracy of the above recitals and incorporate them into this Lease Agreement ("Lease").

2. Term

The term of this Lease shall commence on January 1, 2015, and shall terminate on the first day of January, 2018, with such rights of prior termination as may be provided herein.

Folsom File No. 173-21 12-066
Res 9364 05/27/2014



31856



On the commencement of this Lease, the prior lease and any amendments thereto shall expire and be of no further force or effect, except that any insurance policy currently in effect shall remain in full force and the Chamber's indemnification obligations shall survive the termination of any prior agreements.

3. Acknowledgement of Possible Change of Conditions

The City has the legal right to enter into this lease and the property was lawfully transferred to the City. The parties acknowledge that all actions of the Oversight Board of the City of Folsom may be subject to directives and rulings of the State of California in connection with the winding up of the affairs of the RDA. Should the State issue directives or make binding decisions which materially affect this Lease, and/or the ownership status of the parcel, the City will provide the Chamber with reasonable notice and the Chamber agrees to comply with all such final directives, rulings or decisions.

Additionally, the Chamber acknowledges that there will be ongoing construction and development of the area surrounding the Depot Building. The Chamber enters into this Lease will full awareness of ongoing construction, development and changing site conditions as more fully set forth herein.

4. Description

The City hereby leases to the Chamber the "Premises," more particularly described as the Southern Pacific Depot Building located at 200 Wool Street, Folsom, California, and a portion of the grounds as more particularly set forth on Exhibit A, attached hereto and incorporated herein by reference.

The parties shall do a walk through inspection and document the current condition of the Premises prior to the commencement of this Lease.

5. Rent

Rent in the amount of one dollar per year (\$1.00) shall be payable by the Chamber to the City on the first day of each year of the term of the Lease.

6. Utilities

Chamber agrees to pay all utilities for the Premises, including, but not limited to, water, electricity, gas, sewer, and garbage during the term of the Lease.

7. Termination

City may terminate this Lease, in whole or in part, at any time during the three year term, or any extension thereof, by giving Chamber notice, in writing, at least twelve (12) months prior to the date when any such termination shall become effective. Additionally, City may terminate

portions of the leased Premises grounds, excepting the SP Depot Building, during the term hereof by giving Chamber notice, in writing, at least ninety (90) days prior to the date when any such termination shall become effective.

The provisions of Paragraph 3 regarding directives or decisions of the State of California supersede any rights or provisions of this paragraph.

8. Hold Over

Should the Chamber hold over the Premises, or any portion thereof, after expiration of the term of this Lease, or any extension thereof, with the written consent of the City, express or implied, it shall be deemed to be a month-to-month tenancy only. The rent payable to the City for any holdover period, without the written consent of the City shall be \$2,600 per month.

9. Notices

All notices to be given pursuant to this Lease by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified, postage prepaid, and addressed as follows:

Chamber:

President and CEO, Folsom Chamber of Commerce
200 Wool Street, Folsom, CA 95630
Phone: 916-985-2698
Fax: 916-985-4117

With a copy to the then current Chair of the Chamber Board of Directors at the above-referenced address.

City:

City Manager, City of Folsom
50 Natoma Street, Folsom, CA 95630
Phone: 916-355-7201
Fax: 916-355-7328

The address to which notices may be mailed may be changed by written notice to the address, and in the manner set forth above. Nothing herein shall preclude the giving of notice by personal service.

10. Subletting / Assignments

Chamber shall not sublet the Premises, in whole or in part, nor assign this Lease or any interest therein, except as agreed to by the City Manager in writing. As later provided herein, Chamber may rent, on a periodic basis, portions of the Premises (*see* Use of Premises).

11. Partnership / Agency Disclaimer

Chamber, and any and all agents and employees of Chamber, shall act in an independent capacity and not as officers or employees of the City or any political subdivisions of the City. Nothing in this Lease shall be construed or constructed as constituting the parties hereto as partners.

12. Hold Harmless

Chamber assumes full responsibility for the condition of the Premises and for any and all activities conducted thereon by Chamber or its sub-lessees during the term of this Lease. Chamber, on behalf of itself and its sub-lessees, agrees to indemnify, protect, defend, save and hold the City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Chamber or Chamber's officers, employees, agents, volunteers, contractors, sub-contractors and sub-lessees during the term of this Lease, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts or omissions of Chamber or its officers, employees, agents, volunteers, contractors, sub-contractors or sub-lessees, or by the nature and the character of Chamber's or sub-lessee's activities. It is understood that the duty of Chamber to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by the City of insurance certificates and endorsements required under this Lease does not relieve the Chamber from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Lease, Chamber acknowledges and agrees to the provisions of this Section and that it is a material element of consideration. These obligations of the Chamber shall survive any termination of the Lease and any amendments thereto.

13. Insurance

Chamber shall furnish a Certificate of Insurance to the City, with the City of Folsom, its officers, authorized agents, volunteers and employees named as additionally named insureds. Such insurance shall be in an amount and contain the terms as set forth in Exhibit B to this Lease, and is incorporated herein by reference.

Chamber agrees to keep in place its own policy covering its personal property and agrees that the City insurance shall not cover any personal property loss or damage or any injury on the premises.

14. Non-Discrimination

Chamber agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, sex, age or physical handicap. Chamber agrees to take action to ensure that applicants are employed and treated

during employment without regard to their race, color, religion, ancestry, national origin, sex, age, or physical handicap. (See California Government Code §§12920-12994 for further details.)

15. Losses

The City will not be responsible for losses or damage to personal property, equipment or materials of Chamber except where such loss or damage is solely caused by the City.

16. Debt Liability Disclaimer

The City shall not be liable for any debts or claims that arise from the operation of this Lease.

17. Taxes / Possessory Interest

Should any taxes be levied pertaining to the Premises or personal property on the Premises, Chamber agrees to pay all lawful taxes, assessments, or charges which at any time may be levied. It is understood that this Lease may create a possessory interest subject to property taxation and Chamber may be subject to the payment of taxes levied on such possessory interest.

18. Compliance with Laws

Chamber shall, at its sole cost and expense, comply with all the laws and requirements of all municipal, county, state and federal authorities now in force, or which may be in force pertaining to the leased Premises.

Americans with Disabilities Act (ADA). The City of Folsom has conducted a Self-Evaluation Plan and has adopted a Transition Plan pertaining to various locations in the City, including the Premises. City agrees to pay for all ADA required exterior structural improvements to the SP Depot Building and grounds. For purposes of this Lease, ADA required exterior structural improvements shall include, but not be limited to, exterior improvements to the structure of the SP Depot Building and immovable structures on the grounds of the Premises, such as walkways, ramps, balconies, and steps. The City shall make such improvements over time and consistent with the Transition Plan as adopted or later amended. As described herein, such alterations shall be done with minimal disruption to Chamber activities and shall be reasonably coordinated by the parties. The City shall not be responsible for ADA required improvements on the interior of the SP Depot Building. Chamber agrees to pay for and is responsible for any non-structural improvement on the Premises, including, but not limited to, furnishings, benches, tables, racks, and ATM machines. Chamber shall be responsible for any interior ADA requirements necessitated by any of its employees, customers or guests. Upon satisfactory completion of any ADA work by Chamber, the City shall provide written notification that such work has been completed to the satisfaction of the City.

19. Condition of Premises / Construction of the Plaza

Chamber occupies the Premises presently and accepts the Premises as being in good

order, condition and repair unless otherwise specified herein, and agrees that on the last day of the term, or sooner termination of this Lease, to surrender to the City the Premises with any appurtenances or improvements thereto, in the same condition as when received, reasonable use and wear thereof and damage by act of God excepted.

The parties recognize that certain areas in and around the Premises will be disturbed, access will be restricted (but not barred), utilities maybe temporarily interrupted, and Chamber activities on the Premises may be limited at times. Chamber recognizes the right and ability to alter, disturb, and interfere with access and use of the Premises without compensation to Chamber. City agrees that, to the extent reasonable and feasible, it shall endeavor to limit disruption and will provide advance notice where possible. Excepting emergencies and accidents, utilities and access to the Premises will not be disrupted for more than four (4) hours on any one day without advanced notice to Chamber and reasonable efforts made to accommodate the Chamber's access to, and use of the Premises.

20. Alterations

Chamber shall make no structural alteration to the Premises without the written consent of City and with any required permits. As a condition to giving any such consent, the City may, at its option, require Chamber to remove any such alterations, improvements or additions at the expiration of the Lease and to restore the Premises to its prior condition. Unless the City requires their removal, all alterations, improvements or additions which are made to the Premises by Chamber shall become the property of the City and shall be surrendered with the Premises at the expiration or earlier termination of the Lease, in good condition, reasonable wear and tear excepted.

21. Maintenance and Repair of Premises

1. Chamber, at its sole cost and expense, shall repair and maintain the Premises and all improvements on the Premises in good condition. The parties agree that maintenance means ongoing work undertaken to remedy deficiencies that occur through normal use in order to keep the Premises and all improvements thereon in good repair and working order. For examples, it is considered maintenance if:

- a. The frequency of repair for an item is typically less than five (5) years; or
- b. The cost or benefit of continued maintenance of an item is less than its replacement cost.

2. In addition to the maintenance obligations set forth above, Chamber shall bear the cost of any repair that is outside the definition of maintenance up to \$1,000.00 for any single item of repair up to a maximum of \$5,000.00 per calendar year, excepting interior ADA costs which are the responsibility of the Chamber.

3. Chamber shall maintain the Premises' exterior sidewalks and landscape on a weekly basis at its sole cost and expense.

By entering into this Lease, Chamber accepts the Premises as being in good and sanitary order, condition, and repair, and agrees on the last day of said term, or sooner termination of this Lease, to surrender said Premises in the same condition as when received, ordinary wear and tear

excepted. The parties also acknowledge that Chamber is currently in possession of the Premises under the existing Lease, and has continually occupied the Premises since 1989.

22. Protection of Premises

No dumping of refuse by Chamber is permitted in any area of the Premises, and Chamber shall not commit or suffer to be committed any waste or nuisance upon the Premises. Chamber agrees not to cut or remove any trees or brush thereon except as approved in writing, and in advance, by the City. Chamber further agrees that it shall at all times exercise due diligence in the protection of the Premises against damage or destruction by fire or other cause.

23. Hazardous Substances

Chamber agrees that it will comply with all laws, either Federal, State or local, existing during the term of the Lease pertaining to the use, storage, transportation, and disposal of any hazardous substance as that term is defined in such applicable law. In the event City, or any of its affiliates, successors, principals, employees or agents should incur any liability, cost, expense, including attorneys' fees and costs, as a result of the Chamber's use, storage transportation, or disposal of any hazardous substance, including any petroleum derivative, the Chamber shall indemnify, defend and hold harmless any of these individuals against such liability. Where the Chamber is found to be in breach of this provision due to the issuance of a government order directing the Chamber to cease and desist any illegal action in connection with a hazardous substance, or to remediate a contaminated condition caused by the Chamber, or any person acting under Chamber's direct control and authority, Chamber shall be responsible for all costs and expenses complying with such order, including any and all expenses imposed on or incurred by City in connection with, or in response to such government order. In the event a government order is issued naming the Chamber or the Chamber incurs any liability, during or after the term of the Lease, in connection with contamination which pre-existed, the Chamber's obligations and occupancy under this Lease or which were not caused by the Chamber, City shall hold harmless, indemnify, and defend the Chamber in connection therewith and shall be solely responsible as between Chamber and the City for all efforts and expenses therefore.

24. Use of Premises

The Premises shall be used for the official functions of the Folsom Chamber of Commerce. Chamber may rent portions of the Premises on a periodic basis for private parties, classes, and other similar uses with the consent of the City Manager, or his/her designee. No portion of the Premises shall be rented on an ongoing basis if such rental will compete with an existing business in the Historic District and no portion shall be rented for the sole purpose of selling food or drink. The parties recognize that the Chamber occasionally rents out space on the Premises for meetings or conferences and nothing in this section is intended to prohibit such use.

In the event that the Premises are rented or permissibly used as set forth above, either the Chamber's insurance shall cover the activity, or the Chamber shall obtain insurance from the person or entity renting or using the Premises that complies in all particulars with the requirements set forth in Exhibit B.

25. City's Right to Enter

During the term of this Lease, and upon reasonable notice, there shall be and is hereby expressly reserved to the City, and to any of its agents, contractors, employees, or representatives, the right at any and all times, and any and all places, to temporarily enter upon the Premises for survey, inspection or other lawful City purpose.

26. Relocation

This tenancy is of a temporary nature, and the parties to this Lease agree that no Relocation Payment or Relocation Advisory Assistance or costs pursuant to Government Code sections 7260, *et seq.*, or any regulations implementing or interpreting such sections will be sought or provided in any form as a consequence of past, present or future tenancy.

27. Surrender of Premises

Chamber shall peaceably surrender the Premises to the City at the end of the Lease term or any extensions thereof, in broom-clean condition and in as good condition as when Chamber took possession under this Lease and as documented by the walk through inspection, normal wear and tear excepted. Chamber shall, on City's request, remove Chamber's property on or before the Expiration Date and promptly repair all damage to the Premises caused by such removal.

If Chamber abandons or surrenders the Premises, or is dispossessed by process of law or otherwise, Chamber shall remove from the Premises all of Chamber's property, and repair any damage caused by such removal. If such removal is not completed before the expiration or termination of the Lease, City shall have the right, but no obligation, to remove same, and the Chamber shall pay City, on demand, for all reasonable costs of removal and storage of the property and for rental value of the Premises from the end of the Lease term through the end of the time reasonably required for removal. City shall also have the right to retain or dispose of all or any portion of such property if Chamber does not pay all such costs and retrieve the property within ten (10) days after notice from the City, in which event title to said possessions shall be transferred to, and vest in the City. Chamber waives all claims against the City for any damage or loss resulting from City's removal, storage, retention or disposition of any such property. On the Expiration Date, Chamber shall surrender all keys to the Premises, and said keys shall be delivered to the City at the address specified in the Notice section of this Lease.

28. Easements and Rights of Way

This Lease is subject to all existing easements and rights of way. City further reserves the right to grant additional public utility easements as may be necessary, whether recorded or unrecorded, and Chamber hereby consents to the granting of any such easements. Any public utility requesting an easement will be required to reimburse City for any damages caused by construction work in the utility easement area.

29. Recovery of Legal Fees

If action is brought by the parties to this Lease to enforce the terms contained herein, the prevailing party shall be entitled to recover attorneys' fees in said action as the court shall determine to be reasonable, which shall be fixed by the court as part of the costs of said action.

30. Mutual Consent / Amendment

Notwithstanding any provision contained herein to the contrary, this Lease may be altered, changed or amended by the written mutual consent of the parties. The City Council reserves the authority to review and decide any amendments to this Lease that alter the term and/or termination provisions, or the financial obligations of either party herein. The City Manager has the authority to execute any and all other amendments to this Lease.

31. Waiver

If City waives the performance of any term, covenant or condition contained in this Lease, such waiver shall not be deemed to be a waiver of that or subsequent term, covenant or condition. Failure by City to enforce any of the terms, covenants or conditions of this Lease for any length of time shall not be deemed to waive or decrease City's right to insist thereafter upon strict performance by Chamber. Waiver by City of any term, covenant, or condition contained in this Lease may only be made by a written document properly signed by the City Manager or designee.

32. Binding Clause

The terms of this Lease and the covenants and agreements herein, shall apply to, and shall bind and inure to the benefit of the heirs, representatives, assigns, and successors in interest of the parties hereto.

33. Severability

If any provision of this Lease is determined to be illegal or unenforceable, this determination shall not affect any other provision of this Lease, and all other provisions shall remain in full force and effect.

34. Entire Agreement / Lease Modification

This Lease and any attached exhibits constitute the entire agreement between the City and Chamber. No prior written or prior, contemporaneous or subsequent oral promises or representations shall be binding. This Lease, together with its exhibits, contains all agreements of the parties hereto regarding the subject matter hereof and supersedes any prior negotiations. There have been no representations by City or understandings made between the City and the Chamber other than those set forth in this Lease and its exhibits. Any ambiguous language in the contract shall be interpreted as to its fair meaning, and not strictly for or against either party as both parties to this Lease jointly participated in its preparation. Each party has consulted with, or

had the opportunity to consult with legal counsel before entering into this Lease and fully understands the terms and conditions set forth herein.

35. Brokers

Chamber and City represent and warrant to each other that neither of them has consulted or negotiated with any broker or finder with regard to the Premises.

36. Section Headings

All section headings contained herein are for convenience of reference only, and are not intended to define or limit the scope of any provision of this Lease.

37. Essence of Time

Time is of the essence for each and all of the provisions, covenants and conditions of this Lease.

38. Governing Law

This Lease and all provisions herein shall be governed by the laws of the State of California and venue shall lie in the County of Sacramento, State of California.

39. Authority of Signatories

City and Chamber represent and warrant that the person executing the Lease is duly authorized to execute and deliver same on behalf of the entity for which he or she is signing, whether it be a corporation, limited liability company, general or limited partnership or otherwise, and that this Lease is binding upon said entity in accordance with its terms.

END OF TEXT - SIGNATURE PAGE FOLLOWS

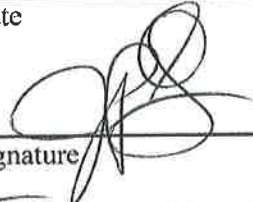
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed.

CHAMBER OF COMMERCE:

(If a corporation, must be signed by two officers of the corporation per Corporations Code section 313.)

01/4/14
Date

94-1573092
Tax I.D. Number


Signature

Signature

JOSEPH P. GAGLIARDI
Print Name

Print Name

PRES / CEO
Title

Title

CITY OF FOLSOM, A Municipal Corporation:

10/27/2014
Date


Evert W. Palmer, City Manager


ATTEST:

FUNDING AVAILABLE:

Christa Saunders 10/22/14
Christa Saunders, City Clerk Date


James W. Francis, Finance Director 10/17/14 Date

ORIGINAL APPROVED AS TO FORM:


Bruce C. Cline, City Attorney 10/21/14 Date

NOTICE: SIGNATURE(S) ON BEHALF OF CONSULTANT MUST BE NOTARIZED.

A certificate of acknowledgment in accordance with the provisions of California Civil Code section 1189 must be attached for each person executing this agreement on behalf of consultant. This section provides, at part (b): "Any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgment is made."

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
County of Sacramento }

On June 4, 2014, before me, C.L. Glass, Notary Public, personally appeared
Joseph P. Gagliardi

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE C. L. Glass

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: Lease Agreement for Premises Located at 200 Wool Street – SP Depot Building Between the City of Folsom and Folsom Chamber of Commerce

Document Date: _____ Number of Pages: _____

Signer(s) Other than Named Above: _____

EXHIBIT A

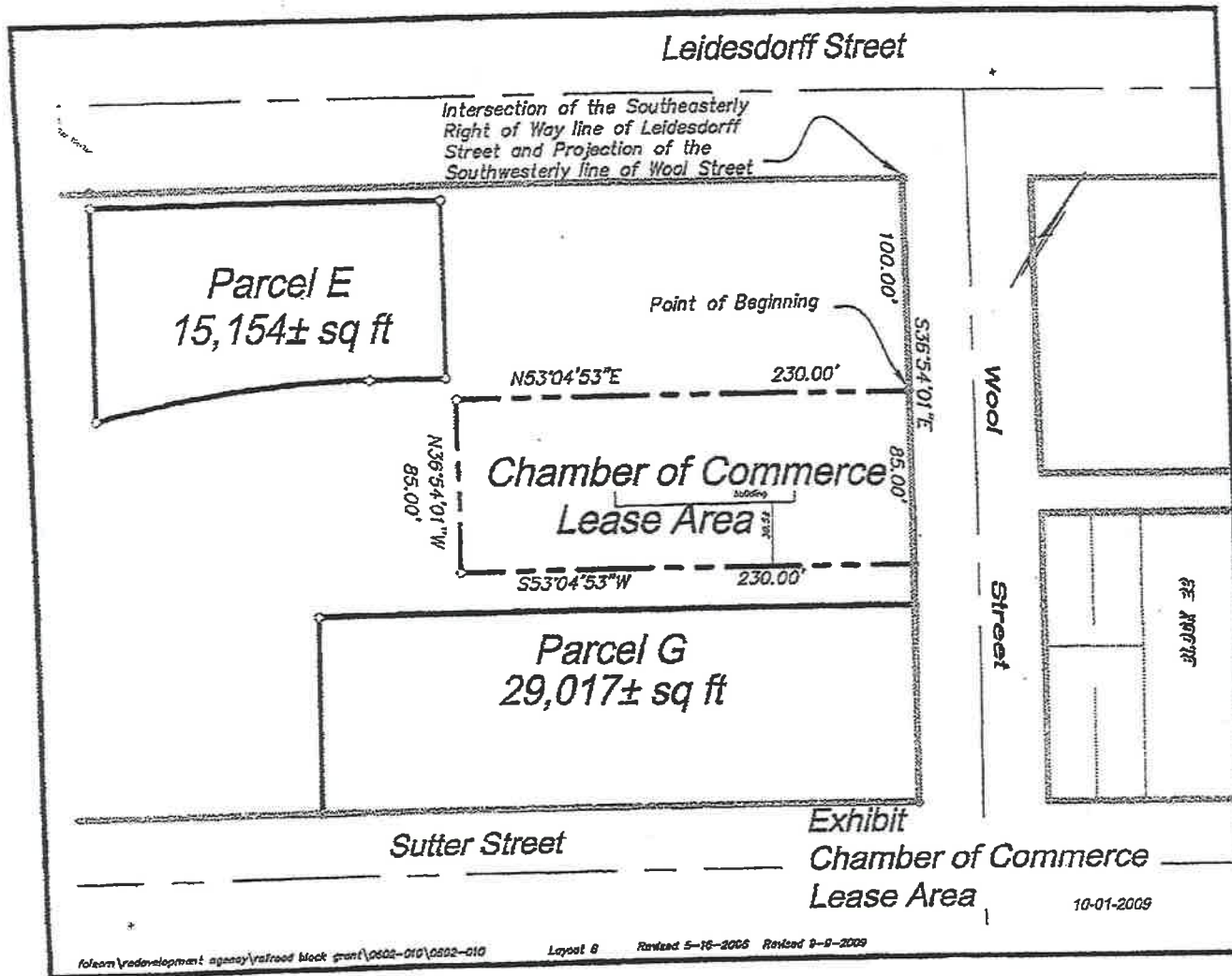


EXHIBIT A
 1 of 2
 LEASE AGREEMENT FOR PREMISES
 LOCATED AT 200 WOOL STREET
 (SP DEPOT BUILDING)

EXHIBIT A
2 of 2
LEASE AGREEMENT FOR PREMISES
LOCATED AT 200 WOOL STREET
(SP DEPOT BUILDING)

DESCRIPTION OF
CITY OF FOLSOM
CHAMBER OF COMMERCE
LEASE AREA
OCTOBER - 2009

BEING A PORTION OF "DEPOT GROUND", AS SHOWN ON THE "MAP OF FOLSOM", SAID MAP BEING FILED IN THE SACRAMENTO COUNTY RECORDERS OFFICE IN BOOK 1 OF MAPS, AT PAGE 7, CITY OF FOLSOM, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THE NORTHWESTERLY PROJECTION OF WOOL STREET FROM WHICH POINT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEIDESDORFF STREET AND SAID SOUTHWESTERLY LINE OF THE NORTHWESTERLY PROJECTION OF WOOL STREET BEARS NORTH 36°54'01" WEST 100.00 FEET; THENCE FROM SAID POINT OF BEGINNING ALONG SAID SOUTHWESTERLY LINE AND PROJECTION SOUTH 36°54'01" EAST 85.00 FEET; THENCE LEAVING SAID LINE SOUTH 53°04'53" WEST 230.00 FEET; THENCE NORTH 36°54'01" WEST 85.00 FEET; THENCE NORTH 53°04'53" EAST 230.00 FEET TO THE POINT OF BEGINNING.



PREPARED BY
G.A. YOUNG CONSULTING

Gerald A. Young
By: GERALD A. YOUNG

LS 3852
EXP. 6-30-10

DATE: 9-2-09

L:\Folsom\Redevelopment Agency\Railroad Block Grant\0502-010\proposed-lease.doc
DATE: October 1, 2009

EXHIBIT B
Insurance

At all times during the term of this Lease, at its sole cost, Chamber shall maintain policies of insurance as set forth herein:

1. Property Insurance. Fire and extended coverage insurance covering the Premises, improvements, equipment and furnishings located thereon, and Chamber's personal property in amounts not less than their full replacement value.
2. General Liability:
 - a. Comprehensive general liability insurance including, but not limited to, protection for claims of bodily injury or death and property damage liability, blanket contractual liability, and product and completed operations liability.
 - b. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage form CG 0001 (occurrence).
 - c. Claims-made coverage is not acceptable.
 - d. The limits of liability shall not be less than:

Each occurrence:	One Million Dollars (\$1,000,000)
Products & Completed Operations:	One Million Dollars (\$1,000,000)
Contractual Liability:	One Million Dollars (\$1,000,000)
 - e. If a general aggregate limit of liability is used, the minimum general aggregate shall be twice the 'each occurrence' limit or the policy shall contain an endorsement stating that the general aggregate limit shall apply separately to the project that is the subject of the contract.
 - f. If a products and completed operations aggregate limit of liability is used, the minimum products and completed operation aggregate shall be twice the each occurrence limit or the policy shall contain an endorsement stating that the products and completed operations aggregate limit shall apply separately to the project which is the subject of the contract.
3. Worker's Compensation
 - a. Worker's Compensation Insurance, with coverage as required by the State of California (unless the Chamber is a qualified self-insurer with the State of California), and Employers Liability coverage.
 - b. Employer's Liability Coverage shall not be less than the statutory requirements.
4. Other Insurance Provisions:
 - a. The Chamber's General Liability shall contain the following provisions:
 - i. The City, its officials, employees, agents and volunteers shall be specifically named and covered as additional insured as respects liability arising out of activities performed by or on behalf of the Chamber, and premises occupied or used by the Chamber. This shall be set forth in a

- separate additional insured endorsement in a form acceptable to the City Attorney.
- ii. The policy shall contain no special limitations on the scope of coverage afforded to the City, its officials, employees, agents or volunteers.
 - b. For any claims related to the Lease or the leased Premises, the Chamber's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, or volunteers and any City insurance shall be excess of the Chamber's insurance and shall not contribute to it.
 - c. Any failure to comply with reporting or other provisions of the policies on the part of the Chamber, including breaches of warranties, shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.
 - d. The Chamber's Workers' Compensation and Employer's Liability policies shall contain an endorsement that waives any rights of subrogation against the City, its officers, officials, employees, agents, and volunteers.
 - e. Chamber shall endeavor to require that each insurance policy shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, non-renewed, or materially changed except after **30 days prior written notice** by certified mail has been given to the City. Ten days prior written notice by certified mail shall be given to the City in the event of cancellation due to nonpayment of premium.
5. Acceptability of Insurers: Insurance is to be placed with insurers with a **Bests' rating of no less than A:VII**.
 6. The Chamber shall furnish the City with Certificates of Insurance and separate original additional insured endorsements or insurance binders, signed by a person authorized by the insurer to bind coverage on its behalf, evidencing the coverage required by this section, and any Supplementary Conditions, in a form acceptable to the City Attorney. Upon request, the Chamber shall furnish complete, certified copies of all required insurance policies, including original endorsements specifically required hereunder.
 7. Chamber shall, prior to the effective date of this Lease, and annually thereafter within ten (10) days following renewal of each such policy required herein, or upon City's request, furnish to City copies of the policies or certificates of insurance and additional insured endorsements reasonably acceptable to the Folsom City Attorney. Any self-insured retention or deductible shall be subject to the prior approval of the City.
 8. The Chamber shall report, by telephone within 24 hours, and also report in writing to the City within 48 hours, after Chamber or its agents have knowledge of any accident or occurrence involving the death of, or serious injury to any person or persons on the leased Premises.
 9. Such report shall contain:
 - a. the date and time of the occurrence,
 - b. the names and addresses of all persons involved, and

- c. a description of the accident or occurrence and the nature and extent of the injury or damage.
10. The City, at its discretion, may increase the amounts and types of insurance coverage required hereunder at any time during the term of the contract by giving 30 days written notice.
 11. If the Chamber fails to procure or maintain insurance as required by this section, and any Supplementary Conditions, or fails to furnish the City with proof of such insurance, the City, at its discretion, may procure any or all such insurance. Premiums for such insurance procured by the City shall be due and payable by the Chamber immediately upon the City's obtaining the insurance and making demand therefor.
 12. Failure of the City to obtain such insurance shall in no way relieve the Chamber from any of its responsibilities under the contract.
 13. The failure of the City to enforce in a timely manner any of the provisions of this section shall not act as a waiver to enforcement of any of these provisions at any time during the term of the contract.

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Folsom City Council Staff Report



meeting DATE:	7/27/2021
AGENDA SECTION:	Public Hearing
SUBJECT:	Resolution No. 10672 –A Resolution Approving the Final Engineer’s Report, Confirming the Diagram and Assessments, and Ordering the Levy of Assessments for Maintenance and Servicing of Improvements Within Prairie Oaks Ranch No. 2 Landscaping and Lighting District in the City of Folsom for Fiscal Year 2021-22
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council conduct a public hearing to receive testimony and to allow for the submittal of ballots before the close of the public hearing.

Staff recommends that following the close of the public hearing, the item be continued to the end of the meeting while the City Clerk canvasses the ballots.

If the majority of the votes are in favor of the proposed district, staff recommends that the City Council adopt Resolution No. 10672 – A Resolution Approving the Final Engineer’s Report, Confirming the Diagram and Assessments, and Ordering the Levy of Assessments for Maintenance and Servicing of Improvements within Prairie Oaks Ranch No. 2 Landscaping and Lighting District in the City of Folsom for Fiscal Year 2021-2022.

BACKGROUND / ISSUE

On May 11, 2021, the City Council approved Resolution No. 10625 – A Resolution Approving the Preliminary Engineers Report, Declaring the Intention to Order the Formation of the Prairie Oaks Ranch No.2 Landscaping and Lighting District, to Levy and Collect Assessments, to Provide Notice of Public Hearing and Direct the Mailing of Assessment Ballots Within the Proposed Prairie Oaks Ranch No.2 Landscaping and Lighting District in the City of Folsom.

on April 12, 2021, the City Council approved Resolution No. 10611 A Resolution Initiating Proceedings for the Formation of a Landscaping and Lighting Assessment District to be Known as Prairie Oaks Ranch No.2 Landscaping and Lighting District.

The attached Final Engineer's Report for Fiscal Year 2021-2022 (Attachment 2) is submitted for City Council review and approval. Included within the report is the following:

- A. Plans and specifications for the maintenance of the improvements.
- B. Estimate of the cost of maintaining the improvements.
- C. Diagram of the assessment district.
- D. Assessment of the estimated costs for maintaining the improvements.

Pursuant to Government Code Section 53753, ballots were mailed to all current property owners within the proposed district. Along with the ballot, the property owners received a fact sheet describing the purpose of the new district in addition to a description of the proposed annual assessment. For Fiscal Year 2021-2022 the proposed Prairie Oaks Ranch No. 2 annual assessment will be \$313.91 per year as well as an escalator not to exceed 3% that would allow yearly adjustments if needed in the future.

Under the provisions of Proposition 218, a public hearing must be held on the levy of new assessments at least 45 days after notice of the proposed assessment was mailed to record owners of each parcel in the new District. The attached resolution directs the mailing of such notice and sets the public hearing for July 27, 2021, at 6:30 p.m. in the City Council Chambers, 50 Natoma Street, Folsom, California 95630.

At the public hearing, ballots will be counted and, in the absence of a majority protest against the imposition of a new assessment, the City Council may consider approving this resolution to approve the Final Engineer's Report, form the district, and authorize the levy and collection of the new assessments. The proceeding for the formation of a new assessment district shall be abandoned if a majority protest exists.

As part of the formation process, and in order to levy the annual assessment should the district be formed, an Engineer's Report must be prepared in accordance with the requirements of Article XIID, Section 4 of the California Constitution (also known as Proposition 218) and Article 4 of the Landscaping and Lighting Act of 1972 (Sections 22565 through 22574 of the Streets and Highways Code).

POLICY / RULE

The City Council is required to approve, or modify and approve, the Engineer's Report as part of the formation process pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22586). The City Council is also required to adopt a resolution declaring

the intention to form a new landscaping and lighting district and to levy and collect assessments pursuant to Section 22587 of the Streets and Highways Code.

ANALYSIS

The Prairie Oaks Ranch Landscaping and Lighting District (“District”) was formed by Resolution No. 4799 on July 25, 1995 to maintain improvements within the district. These improvements were described as landscape corridors, project entryways, project signage, landscaped medians, streetlights, sound walls/fences, and open space areas. This district was formed prior to Proposition 218 and therefore did not have an escalator built into the annual rate.

The underlying district is one of the oldest districts in the City that has not already gone through the Proposition 218 process. The lack of CPI prevents the district from adjusting with inflation and maintaining its intended level of service. The District maintains the aforementioned improvements along the frontages of Blue Ravine Road, Prairie City Road, Russi Road, Grover Road, and Riley Street, as well as the median on Iron Point Road between Prairie City Road and Barnhill Drive. In addition to maintaining these areas the district is also responsible for servicing costs for irrigation water and electricity to the street and landscape lights.

Revenue from the existing district assessment (approximately \$195,000 annually) is allocated yearly to maintain the district’s features but is deficient roughly \$82,000 annually. Of the \$287,000 budgeted last year approximately 70% of the budget currently covers scheduled and unscheduled landscape maintenance; 2.5% to streetlight maintenance and supplies; 30% to water and electricity; and 33% to incidental cost (non-landscape contract services, electrical repairs, vandalism response/repairs, hazard tree removal, sidewalk repair, yearly backflow testing, preparation of Engineer’s Reports, publications/mailings, staff, overhead, county auditor fee). The existing budget has been unable to fund the expected day-to-day unscheduled costs such as irrigation repairs and plant/tree replacements, in addition to not being able to set aside funds for life-cycle costs in the district. This in turn puts this district in a deficit annually that one way or another needs to be addressed.

The primary objective of forming a new Landscaping and Lighting District, separate from the existing Prairie Oaks Ranch District, is to address the deferred maintenance items over and above the maintenance and services provided in the existing District, as well as to provide the necessary funds to achieve the intended level of services and maintenance within the L&L District boundaries. These include, but are not limited to, replacing missing or dead plant material; systematically replacing plant material that is over 25 years old which is showing signs of severe decline; centralizing the districts irrigation controllers to conserve water and improve irrigation management; repairing old and non-functioning sprinkler and drip systems; repair / replace broken landscape and entry lighting; supplement the existing scheduled and unscheduled maintenance budget; and allocating funds for future repairs and life-cycle costs. The intent is to allow funds from the existing district to remain in place to continue funding most of the day-to-day costs of the district, while the new district will fund the needed repairs

and set aside for long-term repair and replacements. The district boundary of the new proposed district is identical to the existing district.

As part of the process to form a new assessment district, staff conducted public outreach to educate and inform the Prairie Oaks Ranch property owners about the proposed new assessment. Meetings were held on February 17th, and March 11, 2021. Each property owner was mailed a post card and a letter inviting them to the meetings. In addition, the City's website includes information about the proposed assessment and staff has spoken with numerous residents via phone calls and emails about the proposed measure as well. City Staff as well as the current Landscaping and Lighting District Advisory Committee representative for Prairie Oaks Ranch, has distributed information about the new district via mail, the City Website, and social media. Early feedback from the meetings with residents is most property owners understand the need and value of a supplementary assessment.

In calculating the new district's assessment, the consultant factored in the type and quantity of improvements, the age and condition, the repairs and/or replacements needed, and the funds required to sustain maintenance within the district into future years. In discussions with the property owners at the outreach meetings it became apparent that the majority of the property owners desire is to see the improvements repaired / improved. As such, the City's engineering consultant structured an assessment proposal that would facilitate the renovation of the approved improvements over a 10-year period.

This report and resolution is being submitted for City Council review and approval. The preliminary Engineer's Report is prepared in accordance with Proposition 218 and the Streets and Highways Code and includes the following: plans and specifications, estimated costs and budgets, method of apportionment, the assessment for Fiscal Year 2021-2022, and the assessment diagram.

The property owners of Prairie Oaks Ranch Landscaping and Lighting District were sent a ballot to vote on the proposal to form a new assessment district in early June, meeting the required 45-day period for the District property owners to consider the proposed assessment. At the public hearing, ballots will be counted and, in the absence of a majority protest against the imposition of a new assessment, the City Council may consider approving this resolution to approve the Final Engineer's Report, form the district, and authorize the levy and collection of the new assessments. The formation of a new assessment district shall be abandoned if a majority protest exists.

FINANCIAL IMPACT

There will be no direct fiscal impact to the City of Folsom General Fund. All costs associated with this district will be borne by the district and for the benefit of the district residents.

ENVIRONMENTAL REVIEW

This does not apply as there is no environmental review aspect to the engineer's report.

ATTACHMENTS

1. Resolution No. 10672 – A Resolution Approving the Final Engineer’s Report, Confirming the Diagram and Assessments, and Ordering the Levy of Assessments for Maintenance and Servicing of Improvements Within Prairie Oaks Ranch No. 2 Landscaping and Lighting District in the City of Folsom for Fiscal Year 2021-22
2. Final Engineer’s Report – Prairie Oaks Ranch No. 2 Landscaping and Lighting Assessment District, July 2021

Submitted,

Lorraine Poggione, Director
Parks & Recreation Department

ATTACHMENT 1

RESOLUTION NO. 10672

A RESOLUTION APPROVING THE FINAL ENGINEER'S REPORT, CONFIRMING THE DIAGRAM AND ASSESSMENTS, AND ORDERING THE LEVY OF ASSESSMENTS FOR MAINTENANCE AND SERVICING OF IMPROVEMENTS WITHIN PRAIRIE OAKS RANCH NO. 2 LANDSCAPING AND LIGHTING DISTRICT IN THE CITY OF FOLSOM FOR FISCAL YEAR 2021-22

WHEREAS, on April 13, 2021, this City Council adopted Resolution No. 10611, a resolution initiating proceeding for the formation of a Landscaping and Lighting Assessment District to be known as Prairie Oaks Ranch No. 2 Landscaping and Lighting District; and

WHEREAS, on May 11, 2021, this City Council adopted Resolution No. 10624, a resolution Approving the Preliminary Engineer's Report, Declaring the Intention to Order Formation of the Prairie Oaks Ranch No. 2 Landscaping and Lighting District, to Levy and Collect Assessments, to Provide Notice of Public Hearing and Direct the Mailing of Assessment Ballots within the Proposed Prairie Oaks Ranch No. 2 Landscaping and Lighting District in the City of Folsom; and

WHEREAS, on July 27, 2021, ballots were counted and there was no majority protest regarding the formation of the Prairie Oaks Ranch No.2 Landscaping and Lighting District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOLSOM DOES HEREBY RESOLVE AS FOLLOWS:

1. Approve as submitted, the Final Engineer's Report filed with the City Clerk for Prairie Oaks Ranch No.2 Assessment District, July 2021 for Fiscal Year 2021-22.
2. Confirm and approve the diagram and assessments as set forth in the Final Engineer's Report for Prairie Oaks Ranch No.2 Assessment District for Fiscal Year 2021-22.
3. Order the maintenance and servicing of improvements as set forth in the Final Engineer's Report for Prairie Oaks Ranch No.2 Assessment District for Fiscal Year 2021-22
4. Declare that the assessments set forth in the Engineer's Report now constitute liens upon the lots or parcels of land described in said report.
5. Direct the City Clerk to file a certified copy of said diagram and assessments with the Auditor of Sacramento County no later than the second Monday in August 2021.
6. Request that the Auditor of Sacramento County enter on the Sacramento County Assessment Roll the assessment for each lot or parcel of land in the amount indicated in the Engineer's Report.

PASSED AND ADOPTED this 27th day of July 2021 by the following roll-call vote:

- AYES:** Councilmembers:
- NOES:** Councilmembers:
- ABSENT:** Councilmembers:
- ABSTAIN:** Councilmembers:

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2



**CITY OF FOLSOM
PRAIRIE OAKS RANCH No. 2
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT**

FINAL ENGINEER'S REPORT

FISCAL YEAR 2021-22
JULY 2021

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
SCIConsultingGroup
4745 MANGELS BLVD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

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CITY OF FOLSOM

CITY COUNCIL

Mike Kozlowski, Mayor
Sarah Aquino, Vice Mayor
YK Chalamcherla, Member
Kerri Howell, Member
Rosario Rodriguez, Member

PARKS & RECREATION DIRECTOR

Lorraine Poggione

MUNICIPAL LANDSCAPE SERVICES MANAGER

Zachary Perras

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

The Prairie Oaks Ranch Landscaping and Lighting District ("Prairie Oaks Ranch L&L") was originally formed in 1995. As a special benefit assessment district, the purpose is the maintenance, improvement, and servicing of landscape corridors, streetscapes, and streetlights as well as providing power and water for the aforementioned improvements.

The original District's special assessment does not include an annual "cost of living" increase, and therefore, the assessment rate has remained static for over 26 years, while the cost of maintaining and servicing the Prairie Oaks Ranch improvements has increased. This has made it difficult to continue maintaining and servicing the Prairie Oaks Ranch L&L at the same service level as when the Prairie Oaks Ranch L&L was formed. In addition, common maintenance activities have been reduced and/or deferred. For instance, landscaped areas need significant repairs or replacement. Therefore, this Engineer's Report ("Report") proposes that the Prairie Oaks Ranch No. 2 Landscaping and Lighting Assessment District ("Assessment District") be formed, including a cost-of-living increase provision, to provide additional funding for maintenance, repairs and improvements in the Prairie Oaks Ranch L&L area as time goes on.

ASSESSMENT PROCESS

This Engineer's Report establishes the budget for the improvements ("improvements") and services to be undertaken by the Assessment District that will be funded by the proposed 2021-22 assessments and also determines the benefits received from the maintenance and improvements by property within the District as well as the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIID of the California Constitution (the "Article").

Following the submittal of this Report to the City of Folsom City Council ("Council") for preliminary approval, the Council may, by Resolution, call for an assessment ballot proceeding and Public Hearing on the establishment of the Prairie Oaks Ranch No. 2 Landscaping and Lighting Assessment District.

If the Council approves such Resolution and calls for the mailing of notices and ballots, a notice of assessment and assessment ballot will be mailed to property owners at least 45 days prior to the date of the Public Hearing set by the Council. Such notice would include a description of the assessments as well as an explanation of the method of voting on the assessments. Each notice would include a ballot on which the property owner could mark his or her approval or disapproval of the assessments and a ballot return envelope.

After the ballots are mailed to property owners, a minimum 45-day time period must be provided for the return of the assessment ballots. Following this 45-day time period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments and services. At this hearing, the public would have the opportunity to provide input on this issue and would have a final opportunity to submit ballots. After the conclusion of the public input portion of the hearing, the hearing may be continued to a later time to allow time for the tabulation of ballots.

With the passage of Proposition 218 on November 6, 1996, The Right to Vote on Taxes Act, now Article XIII C and XIII D of the California Constitution, the proposed assessments can be levied for fiscal year 2021-22 and future years, only if the ballots submitted in favor of the assessments are greater than the ballots submitted in opposition to the assessments. (Each ballot is weighted by the amount of proposed assessment for the property that it represents).

If it is determined, when the tabulation results are announced, that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted) the Council may take action, by resolution, to approve the levy of the assessments for fiscal year 2021-22 and future fiscal years. If the assessments are so confirmed and approved, the levies would be submitted to the Sacramento County Auditor for inclusion on the property tax rolls for fiscal year 2021-22.

If the Assessments are so confirmed and approved, the assessment information will be submitted to the County Auditor/Controller. The County Auditor/Controller will include the Assessments on the property tax roll for Fiscal Year 2021-22. The procedures for levy of the assessments in future years commence with the creation of a budget for the upcoming fiscal year's costs and services, an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year and the preparation of an updated Engineer's Report. After these documents are prepared and submitted, they could be reviewed and preliminarily approved by the Council at a public meeting. At this meeting, the Council could also call for the publication in a local newspaper of the intent to continue the assessment and set the date for a noticed public hearing. At the annual public hearing, members of the public could provide input to the Council prior to the Council's decision on continuing the services and assessments for the next fiscal year.

LEGISLATIVE ANALYSIS

PROPOSITION 218

This assessment is formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIII C and XIII D of the California Constitution. Proposition 218 provides procedures and requirements for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling in Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th District Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. This Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the 4th District Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an

assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the *SVTA* decision because the assessments are for special, not general, benefit; the improvements to be funded are clearly defined; the improvements are directly available to and will directly benefit property in the Assessment District; and the improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Dahms* because, similar to the Downtown Pomona assessment validated in *Dahms*, the services will be directly provided to property in the Assessment District. Moreover, while *Dahms* could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the improvements and proportional special benefit to each property.

PLANS AND SPECIFICATIONS

The formula below describes the relationship between the final level of services, the baseline level of service based on existing funding, and the enhanced level of services funded by the assessment if it is approved. It should be noted, due to the fact that current operating costs are increasing at a faster rate than current funding sources, the baseline level of services is diminishing over time.

$$\textit{Final Level of Service} = \textit{Current Baseline Level of Service} + \textit{Proposed Enhanced Level of Service}$$

Below is a more detailed description of these improvements that are provided for the special benefit of property in the Assessment District.

The existing Prairie Oaks Ranch Landscaping and Lighting Assessment District maintains improvements in locations throughout its boundaries. The work and improvements to be undertaken by the new formation of Prairie Oaks Ranch No. 2 Assessment District, and the cost thereof paid from the levy of the annual assessment, will provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the improvements, maintenance and services are generally described as follows in the section below.

DESCRIPTION OF IMPROVEMENTS

Within the Prairie Oaks Ranch No. 2 Landscaping and Lighting District, the improvements to be maintained from this new assessment are generally described as including, but not limited to monument sign repair and/or replacement, including the installation, maintenance and servicing of landscaping, turf renovation, shrubs and trees, irrigation systems, drainage systems, street lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for specified public property within the District boundaries that convey special benefits to private properties within the District.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the improvements, including repair, removal or replacement of all or any part of any improvement; providing for the life, growth, health, and beauty of landscaping including cultivation, irrigation, trimming, spraying, fertilization, or treating for diseases or injury; removal of trimmings, rubbish, debris, and other solid waste and the cleaning, sandblasting, and painting and other improvements to remove or cover graffiti.

"Servicing" means the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any improvements maintaining, operating and servicing street and traffic safety lighting, and water for irrigation of any landscaping; maintaining, operating and servicing street and traffic safety lighting, or

the maintenance of any other improvements not covered by the original Prairie Oaks Landscaping and Lighting District.

"Maintenance and Improvements" ("M&I") identifies the type of improvement (e.g., re-landscaping a corridor); the estimated cost; any installments required for short-term (less than five years) and long term (not greater than 30 years) improvements, and the approximate schedule for completion of the improvements. These M&I are funded by fund balance monies. Fund balance monies are monies that have been collected in prior years in anticipation of being used for specific improvements and/or are intended for replacement or improvement of capital items (e.g. walls, monument, fence) within a district.

Incidental expenses include all of the following: (a) The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment; (b) the costs of printing, advertising, and the giving of published, posted, and mailed notices; (c) compensation payable to the County for collection of assessments; (d) compensation of any engineer or attorney employed to render services in proceedings pursuant to this part; (e) any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements; (f) any expenses incidental to the issuance of bonds or notes pursuant to Streets & Highways Code Section 22662.5; and (g) costs associated with any elections held for the approval of a new or increased assessment (Streets & Highways Code §22526).

ESTIMATE OF COST AND BUDGET FISCAL YEAR 2021-22

Figure 1 – Estimate of Cost and Budget

Prairie Oaks Ranch No. 2 Estimated Budget 2021-22			
General Maintenance			
	Scheduled		\$6,600.00
	Unscheduled		\$10,000.00
Proposed Projects			
	Irrigation repairs and replacements		\$2,500.00
	Landscape replacement		\$112,500.00
	Tree maintenance		\$15,000.00
	LED Streetlight retrofits		\$10,743.06
	Landscape lights retrofit		\$5,000.00
	Monument sign maintenance and repair		\$4,500.00
	Fence/Soundwall replacement and repair		\$17,500.00
	Open Space maintenance		\$22,500.00
	Misc.		\$2,000.00
Service Costs			
	Streetlights/Electrical/Water		\$10,000.00
	Repay Overage		\$25,000.00
Incidental Costs			
	Administration/Contracts/others		\$38,487.59
Total			\$282,330.65
Assessment to Property			
	Total SFE Units	Assessment per SFE	Assessment Total
	899.4	\$313.91	\$282,330.65
Total			\$282,330.65

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the proposed additional maintenance and servicing of the improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Assessment District consists of all Assessor Parcels within the boundaries defined by the Assessment Diagram included within this report and the Assessor Parcel Numbers listed within the included Levy Roll. The parcels include all privately or publicly owned parcels within the boundaries. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Assessment District's other improvements covered by the Assessment or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, of the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Below is a summary of the types of special benefit to residential and other lots and parcels resulting from the installation, maintenance and servicing of landscaping and other improvements to be provided with the assessment proceeds. These categories of special

benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from maintenance and servicing of improvements such as those proposed by the Assessment District. These types of special benefit are summarized as follows:

1. Proximity to improved landscaped areas within the Assessment District.
2. Access to improved landscaped areas within the Assessment District.
3. Improved views within the Assessment District.
4. Improved nighttime visibility and safety from streetlights

In this case, the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

BENEFIT FACTORS

The special benefits from the improvements are further detailed below:

PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT

Only the specific properties within close proximity to the improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the improvements that the public at large and property outside the Assessment District do not share.

In absence of the assessments, the improvements and the landscaping areas in the Assessment District would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide improvements that are over and above what

otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits but when combined with the unique proximity and access enjoyed by parcels in the Assessment District, they provide a direct advantage and special benefit to property in the Assessment District.

ACCESS TO IMPROVED OPEN SPACE AND LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT

Since the parcels in the Assessment District are nearly the only parcels that enjoy close access to the improvements, they directly benefit from the unique close access to improved landscaping areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT

The City, by maintaining these landscaped areas, provides improved views to properties in the Assessment District. The properties in the Assessment District enjoy close and unique proximity, access and views of the improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District.

IMPROVED NIGHTTIME VISIBILITY AND SAFETY FROM STREETLIGHTS

Well maintained, effective street lighting provides special benefit to proximate parcels, within the range of the light, because it allows for use of the property in the evenings and night. Street lighting also provides special benefit as it increases safety and reduces the likelihood of crime on the proximate parcels. Switching to LED lights is more appealing to residents as this new system will help reduce the cost of providing lighting in the District in the long term.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the proposed Assessment District would be used to fund increased levels of maintenance and improvement to the grounds and public resources proximate to the properties in the Assessment District. The Assessment District is specifically proposed for formation to provide additional resources in the Assessment District. In absence of the new assessments from the proposed Assessment District, the current revenues are not sufficient for the proper and adequate maintenance of the landscaping, lighting and other public resources in the Prairie Oaks L&L and the public resources in the Prairie Oaks L&L would continue to deteriorate further, which would clearly adversely affect the value and desirability of properties in the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District over and above the general benefits conferred by the general facilities of the City.

Although these improvements may be available to the general public at large, the landscaping within the Assessment District is specifically designed, located and created to provide additional and improved public resources for property inside the Assessment District, and not the public at large. Other properties that are either outside the Assessment District or within the Assessment District and not assessed, do not enjoy the unique proximity, access, views and other special benefit factors described previously. These

improvements are of special benefit to properties located within the Assessment District because they provide a direct advantage to properties in the Assessment District that would not be provided in absence of the Assessments.

Special Note Regarding General Benefit and the SVTA v. SCCOSA Decision:

There is no widely-accepted or statutory formula for calculating general benefit. General benefits are benefits from improvements or services that are not special in nature, are not "particular and distinct" and are not "over and above" benefits received by other properties. The SVTA vs. SCCOSA decision provides some clarification by indicating that general benefits provide "an indirect, derivative advantage" and are not necessarily proximate to the improvements.

Although the analysis used to support these assessments concludes that the benefits are solely special (i.e., benefits are 100% special and 0% general), as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments - the funding must come from other sources.

The maintenance and servicing of these improvements is also partially funded, directly and indirectly from other sources including City of Folsom, the County of Sacramento and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the assessments district.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund improvements and services directly provided within the Assessment District and every benefiting property in the Assessment District enjoys proximity and access to the improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments.

Step 1: Calculation of the General Benefit

The general benefits from this assessment for Prairie Oaks Ranch No. 2 may be quantified as the following:

Motorists traveling along Prairie City Road, Iron Point Road, Riley Street and Blue Ravine Road who are not property owners do not interact with Prairie Oaks Ranch No. 2 properties in any way (for example, delivery trucks to properties within the boundary do not contribute to general benefit) may receive some benefit from the improved landscaping, lighting and views funded from this proposed assessment. This benefit can be described as general benefit and should not be funded from the new proposed assessment. However, the majority of benefit from the improved landscaping and lighting is conferred to the properties within the assessment district who enjoy the improvements along these major thoroughfares and the improvements to the interior of Prairie Oaks Ranch No. 2 and for much longer periods of time. A liberal estimate of the general benefit conferred to motorists and other travelers along the exterior thoroughfares who do not own property or engaged the properties in any way, considering the number of daily trips to the properties and the duration of time enjoying the improvements is 20%. Therefore, 20% of the funding for the proposed improvements must come from a source other than this proposed assessment.

Step 2: Calculation of Current General Benefit Contribution from City

The general benefit contribution is satisfied from the sum of the following components:

The City of Folsom owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment Districts improvements. This curb and gutter services to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City of Folsom toward general benefit from the maintenance, rehabilitation and replacement of the curb gutter is conservatively estimated to be 1%.

The City of Folsom owns and maintains storm drainage systems along the border of the Assessment District's improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City of Folsom towards general benefit from the maintenance and operation of the local storm drainage systems is conservatively estimated to be 1%.

The City of Folsom owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Folsom towards general benefit from the maintenance of local public streets is conservatively estimated to contribute 1%.

Many of the improvements to be serviced by the proposed Assessment District were constructed by the original owner/developer(s) as a condition of development. The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid by non-assessment funds, this "annuity" can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit that is conservatively quantified at 20% is more than offset by the total non-assessment contribution towards general benefit of 28%.

ZONES OF BENEFIT

The creation of zones of benefit, corresponding to these various areas, are routinely considered in the development of an assessment district. As part of the engineering work for this assessment, an analysis was conducted on the relationship (including proximity, level of service, etc.), between properties and the primary improvements located throughout the Assessment District.

The geography, topography, and the access and proximity to the improvements within the District is relatively consistent, and hence different zones of benefit are not appropriate.

Moreover, the SVTA decision indicates:

In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”

We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefiting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district’s property values).

In the proposed Assessment District, the advantage that each assessed parcel receives from the improvements is direct, and the boundaries include only parcels that benefit from the assessment, other than the parcels that provide the benefit to the properties. Both the park and open space provide more special benefit than they receive regardless of how their maintenance is funded. Therefore, the even spread of assessment throughout is indeed consistent with the SVTA decision and satisfies the “direct relationship to the “locality of the improvement” standard.

METHOD OF ASSESSMENT

As previously discussed, the proposed assessments will provide additional maintenance and servicing of existing improvements that will clearly confer special benefits to properties in

the Assessment District. The allocation of special benefits to property is partially based on the type of property and the size of property. These benefits can also partially be measured by the occupants on property in the Assessment District because such parcel population density is a measure of the relative benefit a parcel receives from the improvements. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefit is reasonably based the type of parcel, the size of parcels and the population density of parcels.

The primary step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. In this case, the "benchmark" property is the single-family detached dwelling which is one Single Family Equivalent or one SFE that currently total to 899.4.

Moreover, a fixed or flat assessment for all commercial properties of similar type was deemed to be inappropriate because larger commercial properties receive a higher degree of benefit than other similarly used properties that are significantly smaller. (For two properties used for commercial purposes, there is clearly a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that would benefit from proximity and improved access to well maintained and improved landscaped areas. So the potential population of employees or residents is a measure of the special benefits received by the property.) Larger parcels, therefore, receive an increased benefit from the assessments.

Finally, the special benefits to be derived from the proposed assessments will be conferred on property and are not based on a specific property owner's use of the improvements, or a specific property owner's occupancy of property or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who value the special benefits described above and use and enjoy the Assessment District's landscaped areas. In other words, the benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type and use of property, the relative

size of the property, its relative population and usage potential and its proximity to landscaped areas. This method is further described below.

RESIDENTIAL PROPERTIES

Certain residential properties in the Assessment District that contain a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Detached or attached houses, zero-lot line houses and town homes are included in this category of single-family residential property. If there is more than one single-family detached dwelling on a parcel, it will be charged one SFE per single-family detached dwelling.

Properties with more than one residential unit (other than parcels with more than one detached single-family dwelling as described above) are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in multi-family residential units versus the average number of people who reside in a single-family home and the relative size of each type of residential dwelling unit. The population density factors for the area in Sacramento County encompassing the Assessment District, as depicted in the following table, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area from the 2019 ACS 5Year estimate and dividing it by the total number of such households, finds that approximately 2.66 persons occupy each single-family residence, whereas an average of 1.94 persons occupy each condominium. The ratio of 2.66 people on average for a single-family residence and 1.94 people per dwelling unit in a condominium unit results in a population density equivalent of 0.73 for condominiums. Next, the relative building areas are factored into the analysis because special benefits are related to the average size of a property, in addition to average population densities. For a condominium, this calculation results in an SFE factor of 0.42 per dwelling unit. Should ADUs be developed within Prairie Oaks Ranch No. 2, the assessment would be 1 SFE for the primary SFR and .42 for the ADU. A similar calculation is used for the SFE Rates for other residential property types.

Table 1 – Residential Density and Assessment Factors

Type of Residential Property	Pop. Density Equivalent	SqFt Factor	SFE Factor
Single Family Residential	1.00	1.00	1.00
Condominium	0.73	0.58	0.42
Duplex, Triplex, Fourplex	0.77	0.42	0.32
Multi-Family Residential (5+ Units)	0.72	0.30	0.22
Mobile Home on Separate Lot	0.58	0.43	0.25

The single-family equivalency factor of 0.22 per dwelling unit for multi-family residential properties applies to such properties with 20 or fewer units. Properties in excess of 20 units typically offer on-site recreational amenities and other facilities that tend to offset some of the benefits provided by the improvements. Therefore, the benefit for properties in excess of 20 units is determined to be 0.22 SFE per unit for the first 20 units and 0.10 SFE per each additional unit in excess of 20 dwelling units.

COMMERCIAL/INDUSTRIAL PROPERTIES

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously can be measured by the average number of people who work at commercial/industrial properties.

In order to determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (the "SANDAG Study") are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24.

In comparison, Census data shows that the average number of people residing in a single-family home in the area is 2.66. Since the average lot size for a single-family home in the Assessment District is approximately 0.20 acres, the average number of residents per acre of residential property is 13.30.

The employee density per acre is generally 1.80 times the population density of single-family residential property per acre (24 employees per acre / 13.30 residents per acre). Therefore, the average employee density can be used as the basis for allocating benefit to commercial or industrial property since a commercial/industrial property with 4.8 employees receives generally similar special benefit to a residential property with 1 resident. This factor of equivalence of benefit between 1 resident to 4.8 employees is the basis for allocating

commercial/industrial benefit. Table 2 below shows the average employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per quarter acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per quarter acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres.

Institutional properties that are used for residential, commercial or industrial purposes are also assessed at the appropriate residential, commercial or industrial rate.

Table 2 – Commercial/Industrial Density and Assessment Factors

<i>Type of Commercial/Industrial Land Use</i>	<i>Average Employees Per Acre ¹</i>	<i>SFE Units per Quarter Acre ²</i>	<i>SFE Units per Acre After 5</i>
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Office	24	0.500	0.500
Self Storage or Parking Lot	1	0.021	
Golf Course	0.80	0.033	
Cemeteries	0.10	0.004	
Agriculture	0.05	0.002	

1. Source: San Diego Association of Governments Traffic Generators Study.
2. The SFE factors for commercial and industrial parcels are applied by the quarter acre of land area or portion thereof. (Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.) The rates apply up to first 5 acres of parcel size. Additional acreage is benefited at the rate shown above per acre or portion thereof.

VACANT PROPERTIES

The benefit to undeveloped properties is determined to be proportional to the corresponding benefits for similar type developed properties, but at a lower rate due to the lack of improvements on the property. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed property. An analysis of the assessed valuation data from the County of Sacramento found that approximately 25% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 25% of the benefits are related to the underlying land and 75% are related to the improvements and the day-to-day use of the property. Using this ratio, the SFE factor for vacant/undeveloped parcels is 0.25 per parcel.

OTHER PROPERTIES

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment.

All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, public right-of-way parcels, well, reservoir or other water rights parcels, limited access open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

SPECIAL NOTE ON EXISTING PARK AND OPEN SPACE PARCEL

There are 2 parcels within the boundary of the proposed Assessment District that require additional discussion: A park parcel and a City of Folsom-owned open space parcel. Although, the open space parcel is maintained with funding from the existing assessment and from the proposed Assessment District, the park parcel is not funded by either source of revenue. They provide special benefit to the other parcels within the proposed Assessment District by providing a higher level of proximity, access, and views of improved landscaping and open space. In fact, both the park and open space provide more special benefit to the district parcels than they receive – hence no assessment on these parcels is appropriate.

CONSUMER PRICE INDEX ADJUSTMENTS

The maximum assessment rate within the Assessment District may be increased by an amount equal to the annual change in the San Francisco Bay Area Consumer Price Index, not to exceed 3% per year. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 3%.

ASSESSMENT STATEMENT

The City Council of the City of Folsom, County of Sacramento, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), directed the formation of Prairie Oaks Ranch No. 2 Landscaping and Lighting District;

The Council directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the improvements upon all assessable parcels within the Assessment District, to which the description of the proposed improvements is therein contained, reference is hereby made for further particulars;

The undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Folsom, hereby make the following assessment to cover the portion of the estimated cost of the improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the improvements and the expense incidental thereto, to be paid by the Prairie Oaks Ranch No. 2 Landscaping and Lighting District for the fiscal year 2021-22 is generally as follows:

Figure 2 – Summary of Combined Cost Estimate

General Maintenance	\$16,600.00
Proposed New Projects	\$192,243.06
Service Costs	\$10,000.00
Repay Overage	\$25,000.00
Incidental Costs	<u>\$38,487.59</u>
Net Amount to Assessment	\$282,330.65

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Prairie Oaks Ranch No. 2 Landscaping and Lighting District. The distinctive number of each parcel or lot of land in the District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Folsom, Prairie Oaks Ranch No. 2 Landscaping and Lighting District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is made upon the parcels or lots of land within the Prairie Oaks Ranch No. 2 Landscaping and Lighting District in proportion to the special benefits to be received by the parcels or lots of land, from the improvements.

The assessment is subject to an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year (the CPI), with the maximum annual adjustment not to exceed 3%. In the event that the actual assessment rate for any given year is not increased by an amount equal to the CPI change, any such deferred assessment increase may be added to the total amount assessed in any subsequent year. In such event, the maximum authorized assessment amount shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. (This mechanism may be applied to the capital improvements and deferred and ongoing maintenance portions of the assessment.)

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Sacramento for the fiscal year 2021-22. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2021-22 for each parcel or lot of land within the Prairie Oaks Ranch No. 2 Landscaping and Lighting District.

Dated: July 12, 2021

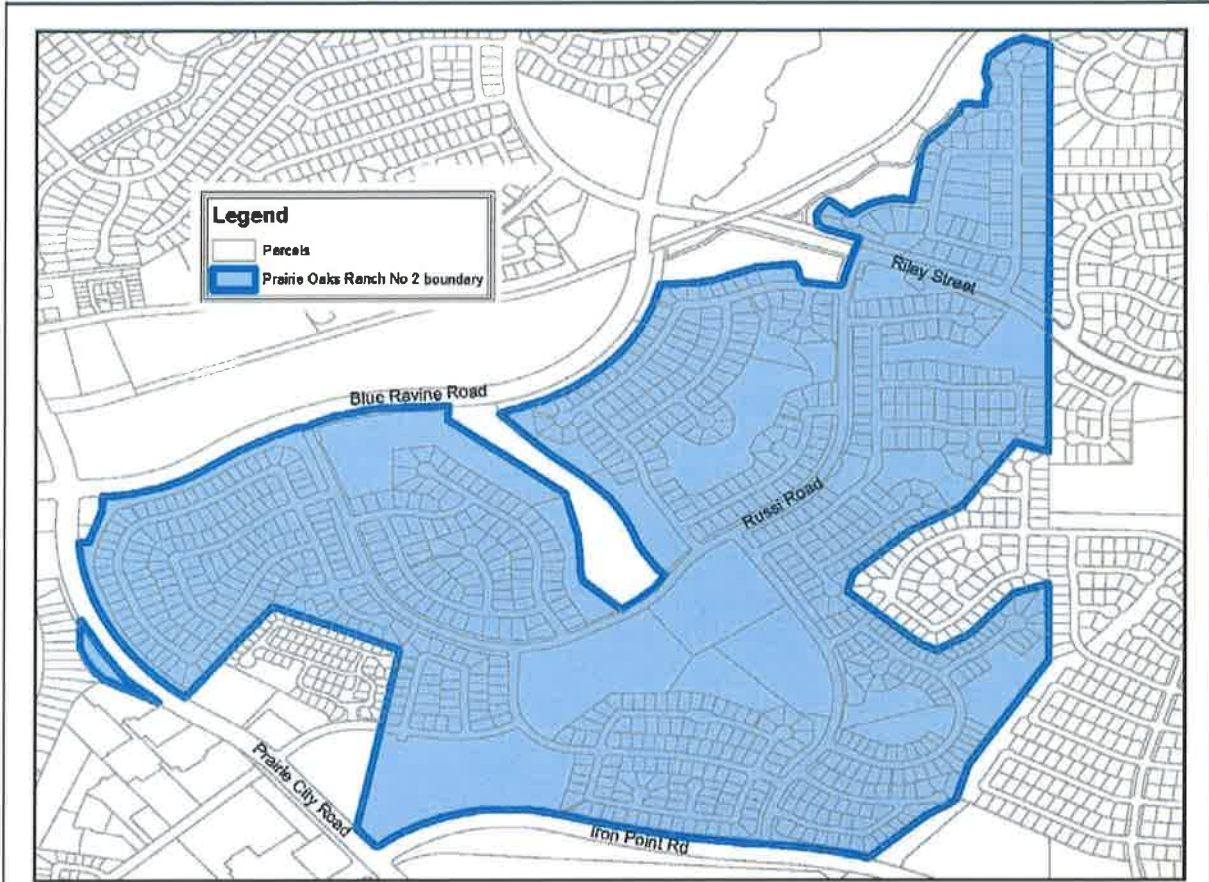
Engineer of Work



By John W. Bliss
John W. Bliss, License No. C52091

ASSESSMENT DIAGRAM

The boundaries of the Prairie Oaks Ranch No. 2 Landscaping and Lighting District in the City of Folsom are displayed on the following Assessment Diagram.



RECORDED IN THE OFFICE OF THE CITY CLERK
 OF THE CITY OF FOLSOM, COUNTY OF
 SACRAMENTO, CALIFORNIA, THIS _____
 DAY OF _____, 2021.

FILED IN THE OFFICE OF THE CITY CLERK OF THE
 CITY OF FOLSOM COUNTY OF SACRAMENTO
 CALIFORNIA,
 THIS _____ DAY OF _____, 2021.

 CITY CLERK

 CITY CLERK

AN ASSESSMENT WAS CONFIRMED AND
 LEVIED BY THE CITY COUNCIL OF THE CITY OF FOLSOM
 ON THE LOTS, PIECES AND PARCELS
 OF LAND ON THIS ASSESSMENT DIAGRAM ON THE
 _____ DAY OF _____, 2021
 FOR FISCAL YEAR 2021-22 AND SAID ASSESSMENT
 DIAGRAM AND THE ASSESSMENT ROLL FOR SAID
 FISCAL YEAR WERE FILED IN THE OFFICE OF THE
 COUNTY AUDITOR OF THE COUNTY OF SACRAMENTO ON
 THE _____ DAY OF _____,
 2021. REFERENCE IS HEREBY MADE TO SAID
 RECORDED ASSESSMENT ROLL FOR THE EXACT
 AMOUNT OF EACH ASSESSMENT LEVIED AGAINST
 EACH PARCEL OF LAND.



FILED THIS _____ DAY OF _____,
 2021, AT THE HOUR OF _____ O'CLOCK
 _____ M. IN THE OFFICE OF THE COUNTY
 AUDITOR OF THE COUNTY OF SACRAMENTO
 STATE OF CALIFORNIA, AT THE REQUEST OF
 THE CITY OF FOLSOM CITY COUNCIL.

 COUNTY AUDITOR, COUNTY OF SACRAMENTO

Note:
 REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS
 OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE
 COUNTY OF SACRAMENTO FOR A DETAILED DESCRIPTION OF
 THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN
 HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS
 CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS.
 EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE
 ASSESSOR'S PARCEL NUMBER.

 CITY CLERK

SCI Consulting Group
 4745 Mangels Blvd
 Fairfield, CA 94534

**CITY OF FOLSOM
 PRAIRIE OAKS NO. 2
 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
 ASSESSMENT DIAGRAM**

ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the Landscaping and Lighting Assessment District and the amount of the assessment) has been filed with the City Clerk and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern for all details concerning the description of the lots or parcels.

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Folsom City Council Staff Report

MEETING DATE:	7/27/2021
AGENDA SECTION:	Old Business
SUBJECT:	Resolution No. 10669 – A Resolution of the Folsom City Council Supporting the Regional Water Authority’s Resolution 2021-03 Regarding Extreme Drought Conditions in 2021 and Authorizing the City Manager to Implement Any Future Reduction Requirements
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10669 – A Resolution of the Folsom City Council Supporting the Regional Water Authority’s Resolution 2021-03 Regarding Extreme Drought Conditions in 2021 and Authorizing the City Manager to Implement Any Future Reduction Requirements.

BACKGROUND / ISSUE

The City of Folsom receives its water supply from the American River at Folsom Reservoir. On May 10, 2021, Governor Gavin Newsom issued a proclamation of a State of Emergency to mitigate the effects of drought conditions in the Sacramento-San Joaquin Delta Watershed counties including El Dorado, Placer, Sacramento, Sutter and Yolo. Hydrologic conditions in 2021 are currently the second driest year since 1977. Folsom Reservoir storage is projected to remain above the lake level that would require emergency operations from Reclamation, but there is regional concern that if dry conditions persist into the fall and winter months, emergency operations to deliver water to the cities of Folsom and Roseville, San Juan Water District, and Folsom State Prison, may be necessary.

On May 13, 2021, the Regional Water Authority (RWA) Board of Directors approved Resolution 2021-01, a Resolution of the Regional Water Authority Regarding Response to Dry Conditions in 2021. One of the key components of the resolution is a request from RWA to its

member agencies asking for a reduction in surface water diversions from the American River watershed. The RWA resolution also asked water agencies to shift from surface water supplies to groundwater supplies to keep more surface water in Folsom Reservoir. While there are water agencies within the region that can shift to groundwater supplies, the City does not have access to groundwater supplies.

On July 15, 2021, the Regional Water Authority (RWA) Board of Directors approved Resolution 2021-03, a Resolution of the Regional Water Authority Regarding Extreme Drought Conditions in 2021. Included in the Resolution is a request from RWA to its member agencies asking for a reduction in surface water diversions from the American River watershed by a minimum of 15 percent and/or additional shifting from using surface water to groundwater, where feasible.

ANALYSIS

On July 8, 2021, Governor Gavin Newsom signed Executive Order N-10-21 adding nine more counties to the drought proclamation state of emergency, bringing the total number of counties to 50 out of the 58 counties in California. The order requested that all Californians voluntarily reduce water use by 15 percent from their 2020 levels. The Executive Order suggested the following actions:

1. Irrigate landscape more efficiently, including during cooler times of the days, using a weather-based irrigation controller or by watering one day less per week.
2. Run dishwashers and washing machines only when full.
3. Find and fix leaks.
4. Install water-efficient shower heads and taking shorter showers.
5. Take cars to commercial car washes that use recycled water.

The Executive Order also encouraged California water customers to visit www.saveourwater.com to find simple ways to reduce water use. Building from this webpage and information developed by the Regional Water Authority, the City prepared a Folsom Saves campaign to help City water customers reduce water usage. This campaign includes a road map to water savings with specific actions that water customers can take indoors and outdoors to conserve water and is scheduled to land in mailboxes this week. Some examples from the campaign include:

1. Reducing irrigation days to 2-3 times per week
2. Reducing sprinkler run times by 2-3 minutes
3. Installing high-efficiency WaterSense toilets

4. Take showers of 5 minutes or less

In addition to the water savings tips, the City offers several water rebates and services to help our customers reduce water usage. These are described below:

1. Water Wise House Calls – Receive a visit from one of the City’s water conservation specialists and learn how to reduce water use indoors and outdoors.
2. Commercial Water and Large Landscape Irrigation Surveys – These surveys identify potential water savings and rebates available to our business and commercial customers and provide a review of outdoor irrigation systems and recommend ways to be more water efficient.
3. Rachio Smart Controller Rebate – The City is offering residents a rebate to purchase this smart controller for a reduced rate of \$75 plus tax (nearly a 65 percent savings).
4. Irrigation Efficiency Upgrades – Upgrade your current outdoor irrigation systems with efficient equipment (up to \$500), including irrigation controllers, sprinkler nozzles or drip system retrofits.
5. High Efficiency Toilets – Replace toilets with high efficiency toilets (up to \$175).

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10669 – A Resolution of the Folsom City Council Supporting the Regional Water Authority’s Resolution 2021-03 Regarding Extreme Drought Conditions in 2021 and Authorizing the City Manager to Implement Any Future Reduction Requirements.

ATTACHMENTS

1. Resolution No. 10669 - A Resolution of the Folsom City Council Supporting the Regional Water Authority’s Resolution 2021-03 Regarding Extreme Drought Conditions in 2021 and Authorizing the City Manager to Implement Any Future Reduction Requirements
2. Regional Water Authority Resolution 2021-03
3. Executive Order N-10-21

Submitted,

Marcus Yasutake, Director

ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

ATTACHMENT 1

RESOLUTION NO. 10669

A RESOLUTION OF THE FOLSOM CITY COUNCIL SUPPORTING THE REGIONAL WATER AUTHORITY’S RESOLUTION 2021-03 REGARDING EXTREME DROUGHT CONDITIONS IN 2021 AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT ANY FUTURE REDUCTION REQUIREMENTS

WHEREAS, on May 10, 2021, Governor Gavin Newsom issued a proclamation of a State of Emergency to mitigate effects of drought conditions in the Sacramento-San Joaquin Delate Watershed; and

WHEREAS, on July 8, 2021, Governor Gavin Newsom signed Executive Order N-10-21 issuing a further proclamation of a state of emergency due to drought conditions; and

WHEREAS, on May 23, 2021, the Regional Water Authority adopted Resolution 2021-01 calling on actions in response to dry conditions to decrease surface water diversion from the American River Watershed; and

WHEREAS, on July 15, 2021, the Regional Water Authority adopted Resolution 2021-03 to further drought response efforts due to extreme dry conditions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom supports the Reginal Water Authority’s Resolution 2021-03 regarding extreme drought conditions in 2021.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Folsom authorizes the City Manager to implement any future reduction requirements as described in Folsom Municipal Code Section 13.26 to align with any state requirements.

PASSED AND ADOPTED this 27th day of July 2021, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

RESOLUTION 2021-03
A Resolution of the Regional Water Authority
Regarding Extreme Drought Conditions in 2021

WHEREAS, the Regional Water Authority's (RWA) mission includes protecting and enhancing the reliability, availability, affordability, and quality of water resources; and

WHEREAS, on May 10, 2021, the Governor issued a proclamation of a State of Emergency to mitigate the effects of drought conditions in the Sacramento-San Joaquin Delta Watershed counties including El Dorado, Placer, Sacramento, Sutter, and Yolo counties; and

WHEREAS, on May 13, 2021, the RWA Board adopted Resolution 2021-01, which called for the consideration of actions that would result in reduction of surface water diversions from the American River watershed to protect the environment of the lower American River and to preserve local water supplies should dry conditions persist; and

WHEREAS, the actions of RWA Resolution 2021-01 called for voluntary reductions of water use by 10 percent, shifting diversions from the lower American River to the Sacramento River, and/or shifting from using surface water to groundwater as a supply source as part of the region's plan for sustainability; and

WHEREAS, the projected inflow from upstream sources into waterways and surface storage has been less than projected and has resulted in less water in reservoirs than anticipated; and

WHEREAS, high air temperatures and dry conditions have further created additional water temperature stress on lower American River ecosystems; and

WHEREAS, Folsom Reservoir, being a primary source of water for several RWA member agencies in the region, is vulnerable to worsening drought conditions; and

WHEREAS, hydrologic conditions leading into water year 2022 are uncertain, in which continued dry conditions may lead to water shortages and extreme stress to fisheries; and

WHEREAS, shifting to groundwater during this year's drought, while encouraged, should also be managed carefully to ensure adequate water supplies for our communities in the event that water year 2022 is also dry; and

WHEREAS, RWA member agencies have taken steps since RWA Resolution 2021-01 to voluntarily conserve between 10 and 20 percent, shift to alternate water sources, share water resources throughout the region, and make releases to support the fishery of the lower American River; and

WHEREAS, on July 8, 2021, the Governor issued an Executive Order calling for voluntary conservation efforts of 15 percent by all Californians by taking commonsense measures with both indoor and outdoor water use; and

THEREFORE, BE IT RESOLVED, RWA immediately calls upon on its member agencies to consider actions that will result in further reductions in surface water diversions from the American River watershed to protect the environment of the lower American River and to preserve local water supplies should dry conditions persist. These actions include asking customers to voluntarily reduce their water use by a minimum of 15 percent, and may consider additional shifting from using surface water to groundwater, where feasible, as a supply source as part of the region's plan for sustainability; and

BE IT FURTHER RESOLVED, RWA acknowledges that individual member agencies may encourage additional conservation and RWA will support those agencies; and

BE IT FURTHER RESOLVED, all other prior actions from RWA Resolution 2021-01 shall remain in full effect.

PASSED AND ADOPTED at a meeting of the Authority held on July 15, 2021.

ATTACHMENT 3

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-10-21

WHEREAS communities across California are experiencing more frequent, prolonged, and severe impacts of climate change including catastrophic wildfires, extreme heat and unprecedentedly dry conditions that threaten the health of our people, habitat for species and our economy; and

WHEREAS severe drought afflicts the American West and increasingly warming temperatures driven by climate change exacerbate harmful drought effects including disruption of drinking water and irrigation supplies, degradation of fish and wildlife habitat, and heightened flammability of wildland vegetation; and

WHEREAS on April 21 and May 10, 2021, I issued proclamations that a state of emergency exists in a total of 41 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment; and

WHEREAS today, I issued a further proclamation of a state of emergency due to drought conditions in nine additional counties (Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz), and directed state agencies to take further actions to bolster drought resilience and prepare for impacts on communities, businesses, and ecosystems; and

WHEREAS drought conditions present urgent challenges, including the risk of drinking water shortages in communities, greatly increased wildfire activity, diminished water for agricultural production, adverse impacts on fisheries, and additional water scarcity if drought conditions continue into next year; and

WHEREAS agriculture is an important economic driver in California that has made significant investments in irrigation efficiencies such that nearly 70 percent of the nation's farmland using drip and micro-irrigation is located in California, and despite that investment, many agricultural producers are experiencing severe reductions in water supplies and are fallowing land in response to current dry conditions; and

WHEREAS action by Californians now to conserve water and to extend local groundwater and surface water supplies will provide greater resilience if the drought continues in future years; and

WHEREAS during the 2012-2016 drought, Californians did their part to conserve water, with many taking permanent actions that continue to yield benefits; per capita residential water use statewide declined 21 percent between the years 2013 and 2016, and has remained on average 16 percent below 2013 levels as of 2020; and

WHEREAS local water suppliers and communities have made strategic and forward-looking investments in water recycling, stormwater capture and reuse, groundwater storage and other strategies to improve drought resilience; and

WHEREAS there is now a need to augment ongoing water conservation and drought resilience investments with additional action to extend available supplies, protect water reserves in case drought conditions extend to a third year and maintain critical flows for fish and wildlife.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following order to become effective immediately.

IT IS HEREBY ORDERED THAT:

- 1) To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, and to join existing efforts by agricultural water users, public water systems, and governmental agencies to respond to water shortages, I call on all Californians to voluntarily reduce their water use by 15 percent from their 2020 levels. Commonsense measures Californians can undertake to save water and money include:
 - a. Irrigating landscapes more efficiently. As much as 50 percent of residential water use goes to outdoor irrigation, and much of that is wasted due to evaporation, wind, or runoff caused by inefficient irrigation methods and systems. Watering one day less per week, not watering during or immediately after rainfall, watering during the cooler parts of the day and using a weather-based irrigation controller can reduce irrigation water use, saving nearly 8,800 gallons of water per year.
 - b. Running dishwashers and washing machines only when full. Full laundry loads can save 15–45 gallons per load. Full dishwasher cycles can save 5–15 gallons per load.
 - c. Finding and fixing leaks. A leaky faucet that drips at the rate of one drip per second can waste nearly 3,200 gallons per year.
 - d. Installing water-efficient showerheads and taking shorter showers. Keeping showers under five minutes can save 12.5 gallons per shower when using a water-efficient showerhead.
 - e. Using a shut-off nozzle on hoses and taking cars to commercial car washes that use recycled water.

The State Water Resources Control Board (Water Board) shall track and report monthly on the State's progress toward achieving a 15-percent reduction in statewide urban water use as compared to 2020 use.

- 2) State agencies, led by the Department of Water Resources and in coordination with local agencies, shall encourage actions by all Californians, whether in their residential, industrial, commercial, agricultural, or institutional use, to reduce water usage, including through the statewide Save Our Water conservation campaign at SaveOurWater.com, which provides simple ways for Californians to reduce water use in their everyday lives.
- 3) The Department of Water Resources shall monitor hydrologic conditions such as cumulative precipitation, reservoir storage levels, soil moisture and other metrics, and the Water Board shall monitor progress on voluntary

conservation as ongoing indicators of water supply risk that may inform future drought response actions.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of July 2021.



GAVIN NEWSOM
Governor of California



ATTEST:



SHIRLEY N. WEBER, PH.D.
Secretary of State



Folsom City Council Staff Report

MEETING DATE:	7/27/2021
AGENDA SECTION:	Old Business
SUBJECT:	Resolution No. 10673 - A Resolution Authorizing the Issuance of a Proposition 218 Notice for Proposed Five-Year Rate Adjustment for Solid Waste
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 10673 – A Resolution Authorizing the Issuance of a Proposition 218 Notice for Proposed Five-Year Rate Adjustment for Solid Waste.

BACKGROUND / ISSUE

In 2019 the Solid Waste Division (Division) conducted a comprehensive rate study including evaluation of operational and capital needs. R3 Consulting Group, Inc. (R3) along with City staff analyzed the revenue requirements and rate structures for each line of service.

The rate study incorporated costs associated with meeting current needs; however, it did not account for additional staffing or other operational costs required to meet pending regulatory requirements relating to California’s Short-Lived Climate Pollutant Reduction Strategy (SB 1383). The regulations necessary for compliance with SB 1383 were still being developed so the costs were unknown.

At the time of the previous rate study, solid waste rates had not been adjusted since 2003. Despite the impending unknown expenses associated with SB 1383, the financial position of the Division necessitated proceeding with a rate adjustment in advance of the regulations. Staff expressed to City Council that it would be necessary to return with additional increases once the costs of SB 1383 could be predicted. The regulations were finalized in November of 2020 and the Division is now able to anticipate the cost of compliance.

The mandated programs required by SB 1383 will significantly increase costs. These include weekly collection of all organic material from all residents and businesses, community outreach and education, procurement of products made from recycled organic material, edible food recovery, and enforcement. The Division has been working with R3 over the past few months to incorporate the new program expenses into the City's existing rate model.

In addition, there are increases in two existing expenses included in the updated rate model. Since the last rate study Sacramento County has significantly increased the tipping fees (the cost to dispose of material) at Kiefer Landfill. Currently, the City of Folsom is contracted to take material to Kiefer at a reduced rate; however, the agreement expires June 30, 2022. Staff reached out to County staff to inquire what we should anticipate paying in the future. Based on our tonnage, an initial increase of \$600,000 per year is anticipated.

The other large expense not directly related to SB 1383 is the addition of two electric collection trucks to our fleet. In September of 2020 Governor Newsom issued Executive Order N-79-20 requiring all heavy-duty trucks sold in California to be zero emission by 2045. Since this technology has the potential to save costs in the long run, the Division is requesting funding to pilot two vehicles to evaluate their effectiveness in the operation. The Division has been awarded some grant funding; however, due to the high initial cost of converting to clean energy, there is still a significant investment required from the City. This is currently estimated at \$930,000.

POLICY / RULE

Prior to approving any rate adjustments, the City must comply with the requirements of Proposition 218 notice, protests and hearing by doing the following:

- Mail information regarding the proposed rate(s) to every property owner receiving solid waste service from the City.
- Conduct a Public Hearing regarding the proposed rate(s) at least 45 days after the notice is mailed to the property owners.
- Identify in the notice, the time, date, and location of the Public Hearing.
- Include in the notice a location where property owners can send in written protests.
- City Council must reject the proposed rate adjustments if written protests are presented by a majority of the affected property owners.
- At the Public Hearing, City Council must hold a hearing to consider all objections or protests to the proposed rate adjustments.

The schedule below reflects approval of Resolution No. 10673.

Item	Date
Direction to staff to Initiate Proposition 218 Notice	July 27, 2021 (Tuesday)
Finalize Proposition 218 Notices	August 27, 2021 (Friday)
Final Day to Mail Proposition 218 Notices - in order to meet the 45-day notification requirements under Proposition 218 prior to Public Hearing	October 22, 2021 (Friday)
Public Hearing - City Council Regular Meeting	December 14, 2021 (Tuesday)
Implementation of new rates	January 1, 2022 (Saturday)

ANALYSIS

User rates must be set at a level where a utility's operating and capital expenses match the revenues received from customers. To evaluate the adequacy of the existing rates, a comprehensive rate study is often performed. These studies help develop utility rates that are cost-based and proportional to the cost of service attributed to a specific customer class. Currently, the City uses the "cash basis" approach for establishing their revenue requirement and setting rates. This approach conforms to most public utility budgetary requirements and the calculation is easy to understand.

After the total revenue requirement is determined, it is then proportionally allocated to the users of the specific utility service. The allocation, usually analyzed through a cost of service analysis, reflects the cost relationships for collecting and disposing of solid waste. At the conclusion of the cost of service study, two key pieces of information are provided. First, the cost of service provides an understanding of the total revenues to be collected from each class of service. The other important piece of information provided by the cost of service analysis is the average unit costs.

To adjust for the impacts of SB 1383, City staff and R3 have completed a rate study to include programs costs that are mandated by the new regulations. An initial analysis of the fund status was completed to establish the need for a rate adjustment. The base year of the established rate model was then set to fiscal year 2020-21 and projected SB 1383 program fees and other new costs were incorporated into Division expenses. The rates were then adjusted for each customer class to determine the rates necessary to meet the new requirements.

Due to the high cost of SB 1383 programs, the rate increases needed to cover costs were as high as 22% for commercial customers and 44%, or \$15.25 per month for the average residential customer. In an effort to mitigate such a large initial increase to cover the high cost of mandated programs, staff updated the model to include some strategies to increase rates moderately each year to spread the impact to customers.

Mitigation strategies include an internal loan, a temporary surcharge that sunsets after the full implementation of SB 1383 programs, and charges for currently subsidized extra programs. The proposed loan is for \$5,000,000 and includes a five-year payback period. The surcharge

would provide the Division with funds needed for initial startup costs, five years of operating costs, and identify the purpose of the charge for customers.

The last mitigation strategy, charging for currently subsidized programs, has multiple parts. The Bulky Waste Program currently provides three pickups for no additional charge. The proposed rates include a fee of \$25 for each pickup to recover a small percentage of the cost from the customers directly receiving the service. The same strategy would be used to recover a small amount from customers using the Door-to-Door Household Hazardous Waste Service (HHW). The proposed fee for HHW is \$15 per appointment.

Staff is also proposing to charge for additional organics and recycling containers. Currently residents are provided with up to two recycling and two green waste containers for no additional charge. There is a nominal monthly fee of \$2.75 per container for three or more containers. Under the new rate structure green waste containers will be referred to as organics containers to indicate acceptance of all compostable material. Additionally, residents will be required to accept both an organics and recycling container. The base rate will include just one of each container and all additional containers will have a fee associated with them. The proposed charge for each additional organics container is \$8.40 and for each additional recycling container is \$5.50. Under the requirements of SB 1383 organics will be collected weekly so residents who surrender their second can will not lose overall capacity.

The impacts of SB 1383 and the associated rate study have been presented and discussed with the Utility Commission (UC) on four occasions. In a special meeting on July 6, 2021, the UC formally supported moving forward with a rate adjustment by passing the following motion:

The Utility Commission recommends to the City Council that it adopt a Solid Waste rate increase which encompasses:

- a. an internal loan not to exceed \$5 million;
- b. a moderate increase to the monthly solid waste rate and an SB1383 surcharge;
- c. a nominal fee charged for currently subsidized waste programs such as bulky waste and household hazardous waste collection; and
- d. an educational program to inform the public on the same.

Following the special meeting, City staff completed a rate schedule showing all proposed rates over next five-year period. The draft analysis of the proposed revenues and expenditures was presented to the City Council at the regular City Council meeting on July 13, 2021.

The proposed increases for some of the typical services are shown below.

Proposed Five-Year Rate Increases					
	Jan. 2022	FY23	FY24	FY25	FY26
Residential 65 Gallon	\$ 1.75	\$ 5.50	\$ 6.25	\$ 1.50	\$ 1.50
Residential 95 Gallon	\$ 2.00	\$ 6.25	\$ 7.00	\$ 1.75	\$ 1.75
65 Gallon Low-Income	\$ 1.25	\$ 4.25	\$ 5.00	\$ 0.50	\$ 1.50
65 Gallon Mobile Home	\$ 1.75	\$ 5.50	\$ 6.25	\$ 1.50	\$ 1.50
65 Gallon Mobile Low-Income	\$ 1.25	\$ 4.50	\$ 5.25	\$ 1.50	\$ 1.50
SB 1383 Surcharge (all residential accounts)	\$ 10.00	\$ 8.00	\$ 8.00	\$ 8.50	\$ 9.00
Commercial 4 CY 2x/week	\$ 16.00	\$ 16.00	\$ 18.00	\$ 28.00	\$ 30.00

The typical residential customer has a 65-gallon trash can, one recycling can and one organics can. The proposed monthly solid waste charges for the typical residential customer are shown below and a complete rate schedule is provided as an attachment.

Typical Residential Bill						
Description	Current Rate	1/1/2022	7/1/2022	7/1/2023	7/1/2024	7/1/2025
Solid Waste (65 gallon)	\$ 34.50	\$ 36.25	\$ 41.75	\$ 48.00	\$ 49.50	\$ 51.00
SB 1383 Surcharge	NA	\$ 10.00	\$ 8.00	\$ 8.00	\$ 8.50	\$ 9.00
Monthly Bill	\$ 34.50	\$ 46.25	\$ 49.75	\$ 56.00	\$ 58.00	\$ 60.00

FINANCIAL IMPACT

The implementation of SB 1383 is projected to cost \$4,280,000 with ongoing operational expenses near \$2,000,000. Proposed rate increases and other mitigation strategies will provide sufficient revenue to meet these obligations.

Failure to comply with the regulations of SB 1383 could result in fines of up to \$10,000 per violation per day, or potentially \$3,650,000 annually for a single violation.

ENVIRONMENTAL REVIEW

These rate studies are exempt from environmental review under the California Environmental Quality Act, per Section 15273 of the CEQA Guidelines.

ATTACHMENTS

1. Resolution No. 10673 – A Resolution Authorizing the Issuance of a Proposition 218 Notice for Proposed Five-Year Rate Adjustment for Solid Waste
2. Proposed Solid Waste Rate

Submitted,

Dave Nugen, Public Works Director

ATTACHMENT 1

RESOLUTION NO. 10673

A RESOLUTION AUTHORIZING THE ISSUANCE OF A PROPOSITION 218 NOTICE FOR PROPOSED FIVE-YEAR RATE ADJUSTMENT FOR SOLID WASTE

WHEREAS, the solid waste fund of the City of Folsom is an enterprise fund, operated in a manner that only actual costs of service are charged for each service; and

WHEREAS, the City of Folsom identified cost and rate adjustment requirements in solid waste; and

WHEREAS, Senate Bill SB 1383, California’s Short-Lived Climate Pollutant Reduction Strategy, has regulated program changes that will increase costs; and

WHEREAS, the Public Works Department reviewed the actual cost of service compared to the current revenues and determined that in order to meet operational and capital plans the rate increase is necessary; and

WHEREAS, the Public Works Department reviewed the details of the financial analysis and proposed utility rates with the Utilities Commission and the Utilities Commission agreed with the rate study findings; and

WHEREAS, the Public Works Department presented the rate study and proposed rates to the City Council on July 13, 2021:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the Issuance of a Proposition 218 Notice for Proposed Five-Year Rate Adjustment for Solid Waste.

PASSED AND ADOPTED this 27th day of July, 2021, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Solid Waste Rate Adjustment Proposal 2021

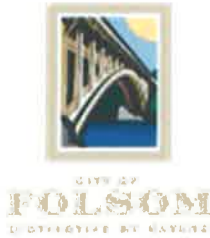
RESIDENTIAL RATES*						
	Present	JAN.				
	FY 2022	2022	FY 2023**	FY 2024**	FY 2025	FY 2026
Monthly Fixed Charge (Trash can, One Recycle Can and One Organic Can)						
65 Gallon Trash	\$34.50	\$36.25	\$41.75	\$48.00	\$49.50	\$51.00
95 Gallon Trash	39.25	\$41.25	\$47.50	\$54.50	\$56.25	\$58.00
65 Gallon Low-Income	26.50	\$27.75	\$32.00	\$37.00	\$37.50	\$39.00
95 Gallon Low-Income	31.25	\$32.75	\$37.75	\$43.50	\$44.25	\$46.00
65 Gallon Mobile Home	30.00	\$31.75	\$37.25	\$43.50	\$45.00	\$46.50
95 Gallon Mobile Home	34.75	\$36.75	\$43.00	\$50.00	\$51.75	\$53.50
65 Gallon Mobile Low-Income	22.00	\$23.25	\$27.75	\$33.00	\$34.50	\$36.00
95 Gallon Mobile Low-Income	26.75	\$28.25	\$33.50	\$39.50	\$41.25	\$43.00
SB 1383 Surcharge (all residential accounts)	--	10.00	\$8.00	8.00	8.50	9.00
Additional Services (Monthly Charge)						
Extra Trash Can (65 Gallon)	\$29.00	\$30.50	\$35.00	\$40.25	\$40.25	\$40.25
Extra Trash Can (95 Gallon)	33.75	\$35.50	\$40.75	\$46.75	\$46.75	\$46.75
Extra Green Waste (excess of 2 cans)	2.75	8.40	--	--	--	--
Extra Recycle (excess of 2 cans)	2.75	5.50	--	--	--	--
Extra Organics (excess of 1 can)***	--	--	9.75	11.25	11.50	11.75
Extra Recycle (excess of 1 can)***	--	--	6.25	7.25	7.50	7.75
Additional Charges (per Occurrence)						
Extra Pickup (any Can)	\$40.00	\$40.00	\$46.00	\$53.00	\$53.00	\$53.00
Can Cleaning	30.00	\$30.00	\$35.00	\$40.00	\$41.00	\$42.00
Can Replacement (other than normal wear)	86.00	\$86.00	\$99.00	\$114.00	\$117.00	\$121.00
Temporary Three Yard Dumpster	83.00	\$83.00	\$95.00	\$109.00	\$112.00	\$115.00
Extra Pickup - Three Yard Dumpster	47.00	\$47.00	\$54.00	\$62.00	\$64.00	\$66.00
Bulky Waste (up to 3x per year)***	--	25.00	\$29.00	\$33.00	\$34.00	\$35.00
Household Hazardous Waste***	--	15.00	\$17.00	\$20.00	\$21.00	\$22.00
Service Changes***	--	15.00	\$17.00	\$20.00	\$21.00	\$22.00
NONRESIDENTIAL RATES*						
<i>Monthly fixed charges include one pickup per week. The charge for multiple pickups is a factor of the base rate for one pickup.</i>						
Monthly Fixed Charge						
2 Yard Trash or Green Waste	\$126	\$132	\$139	\$146	\$157	\$169
3 Yard Trash or Green Waste	\$142	\$149	\$156	\$164	\$176	\$189
4 Yard Trash or Green Waste	\$159	\$167	\$175	\$184	\$198	\$213
6 Yard Trash or Green Waste	\$191	\$201	\$211	\$222	\$239	\$257
3 Yard Trash Compactor	\$263	\$276	\$290	\$305	\$328	\$353
4 Yard Trash Compactor	\$320	\$336	\$353	\$371	\$399	\$429
3 - 6 Yard Commingled Recycling	\$93	\$98	\$103	\$108	\$116	\$125
3 - 6 Yard Cardboard Recycling	\$85	\$89	\$93	\$98	\$105	\$113
8 Yard Cardboard Recycling	\$102	\$107	\$112	\$118	\$127	\$137
2 Yard Food Scraps	\$378	\$397	\$417	\$438	\$471	\$506
Additional Services (Monthly Charge)						
Recycle 95 Gallon (up to 2 cans, serviced every other week)	\$47	--	--	--	--	--
Green Waste 95 Gallon (up to 2 cans, serviced every other week)	\$47	--	--	--	--	--
Recycle 95 Gallon (1 can, every other week)***	--	\$49.25	\$51.75	\$54.25	\$58.25	\$62.50
Green Waste 95 Gallon (1 can, serviced weekly)***	--	\$49.25	\$51.75	\$54.25	\$58.25	\$62.50
Organic 64 Gallon (1 can, serviced weekly)***	--	\$76.50	\$80.25	\$84.25	\$90.50	\$97.25
Organic 65 Gallon (Extra can)***	--	\$63.75	\$67.00	\$70.25	\$75.50	\$81.25
Trash 95 Gallon***	--	\$49.25	\$51.75	\$54.25	\$58.25	\$62.50
Recycling Compliance Fee (waived if use City recycling service)	\$34	\$34.00	\$35.75	\$37.50	\$39.50	\$42.50
Sunday Service Premium	\$34	\$34.00	\$35.75	\$37.50	\$39.50	\$42.50
Additional Charges (per Occurrence)						
Dumpster Switch Out (Any Size)	\$82	\$82	\$86	\$90	\$97	\$104
Dumpster Service Return	\$23	\$23	\$24	\$25	\$27	\$29
Standby Service (per 5 minutes)	\$28	\$28	\$29	\$30	\$32	\$34
Lock Replacement	\$17	\$17	\$18	\$19	\$20	\$22
Extra pickup 2 yard (any material)	\$36	\$38	\$40	\$42	\$45	\$48
Extra pickup 3 yard (any material)	\$41	\$43	\$45	\$47	\$51	\$55
Extra pickup 4 yard (any material)	\$46	\$48	\$50	\$53	\$57	\$61
Extra pickup 6 yard (any material)	\$55	\$58	\$61	\$64	\$69	\$74
Extra pickup Compactor 3 yard	\$100	\$105	\$110	\$116	\$125	\$134
Extra pickup Compactor 4 yard	\$100	\$105	\$110	\$116	\$125	\$134
Universal Waste Pickup****	--	\$20	\$21	\$22	\$24	\$26
Bulky waste pickup	\$55		\$61	\$64	\$69	\$74

Solid Waste Rate Adjustment Proposal 2021

07/27/2021 Item No. 11.

ROLL-OFF (NONRESIDENTIAL AND TEMPORARY LOCATIONS)						
Charges (per Haul)	Present	JAN.	FY 2023**	FY 2024**	FY 2025	FY 2026
	FY 2022	2022				
<i>Present rates include tipping. New rates do not include tipping, which will be an additional pass through charge, or credit in the case of revenue. Revenue from the sale of the material will be applied toward the haul cost up to the haul cost only.</i>						
10 Yard Trash	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Trash	\$484	\$484	\$523	\$554	\$582	\$611
30 Yard Trash	\$484	\$484	\$523	\$554	\$582	\$611
40 Yard Trash	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Compacted Trash	\$484	\$484	\$523	\$554	\$582	\$611
30 Yard Compacted Trash	\$484	\$484	\$523	\$554	\$582	\$611
40 Yard Compacted Trash	\$484	\$484	\$523	\$554	\$582	\$611
30 Yard Compacted Industrial Trash	\$484	\$484	\$523	\$554	\$582	\$611
40 Yard Compacted Industrial Trash	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Compacted Food Waste	\$484	\$484	\$523	\$554	\$582	\$611
30 or 40 Yard Compacted Cardboard	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Sanipak (Treated Medical)	\$484	\$484	\$523	\$554	\$582	\$611
20 – 40 Yard Wood	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Sheet Rock	\$484	\$484	\$523	\$554	\$582	\$611
30 Yard Sheet Rock	\$484	\$484	\$523	\$554	\$582	\$611
10 Yard Concrete	\$484	\$484	\$523	\$554	\$582	\$611
7 Yard Mixed Inerts	\$484	\$484	\$523	\$554	\$582	\$611
20-40 Yard Cardboard	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Green Waste	\$484	\$484	\$523	\$554	\$582	\$611
30 Yard Green Waste	\$484	\$484	\$523	\$554	\$582	\$611
40 Yard Green Waste	\$484	\$484	\$523	\$554	\$582	\$611
10 Yard Construction and Demolition	\$484	\$484	\$523	\$554	\$582	\$611
20 Yard Construction and Demolition	\$484	\$484	\$523	\$554	\$582	\$611
30 Yard Construction and Demolition	\$484	\$484	\$523	\$554	\$582	\$611
40 Yard Construction and Demolition	\$484	\$484	\$523	\$554	\$582	\$611
Additional Charges (per Occurrence)						
Relocation Fee (any size)	\$117	\$117	\$126	\$134	\$141	\$148
Per Ton Contamination Fee (C&D, Organics, Sheetrock)	N/A	N/A	N/A	N/A	N/A	N/A
Per Load Minimal Contamination Fee (Inerts)	N/A	N/A	N/A	N/A	N/A	N/A
Per Load Moderate Contamination Fee (Inerts)	N/A	N/A	N/A	N/A	N/A	N/A
Per Load Excessive Contamination Fee (Inerts)	N/A	N/A	N/A	N/A	N/A	N/A
Per Load Contamination Fee (Bins at projects required to recycle, in addition to disposal fee)	\$117	\$117	\$126	\$134	\$141	\$148
Daily Charge Beyond 14-Day Rental Period	\$10	\$10	\$11	\$12	\$13	\$14
Compactor Rotation	\$35	\$35	\$38	\$40	\$42	\$44
SPECIAL EVENTS						
Delivery and One Pickup for up to 14 Cans, (combination of 64 or 95-gallon recycling or garbage Cans)	\$276	\$290	\$305	\$320	\$344	\$370
Extra Pickup (\$1.50 ea./\$21 minimum of same material type-up to 14 Cans)	N/A	N/A	N/A	N/A	N/A	N/A
Extra Pickup (Includes up to 14 Cans of the same material type; additional cans \$2.00 each)	\$50	\$53	\$56	\$59	\$63	\$68
Special Event 3-6 yard Garbage Service - delivery with one pickup	\$104	\$109	\$114	\$120	\$129	\$139
Special Event 3-6 yard Recycling Bin - delivery with one pickup	\$104	\$109	\$114	\$120	\$129	\$139
Special Event Each Additional Pickup for 3-6 yard Garbage Service	\$69	\$72	\$76	\$80	\$86	\$92
Special Event Each Additional Recycling Bin Pickup	\$55	\$58	\$61	\$64	\$69	\$74
Special Event Recycling Contamination Fee - all containers	\$55	\$58	\$61	\$64	\$69	\$74
<p>*Can sizes are approximate and may vary by manufacturer. Current purchases are for 65 and 95 gallon.</p> <p>**FY 2023 and FY 2024 rates are higher than previously approved due to January 2022 increase.</p> <p>***New rates.</p> <p>****Universal waste includes electronics, batteries, and bulbs. Rate includes pickup only. Disposal and/or recycling cost of all items will be charged as a pass-through at the current rate paid by the City.</p>						

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Folsom City Council Staff Report

MEETING DATE:	7/27/2021
AGENDA SECTION:	Old Business
SUBJECT:	Resolution No. 10575 - A Resolution of the City Council of the City of Folsom Declaring Its Intent to Initiate Procedures to Transition from At-Large Elections to District-Based Elections Pursuant to California Elections Code Section 10010 and Authorize Related Actions
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the Council pass and adopt Resolution No. 10575 - A Resolution of the City Council of the City of Folsom Declaring Its Intent to Initiate Procedures to Transition from At-Large Elections to District-Based Elections Pursuant to California Elections Code Section 10010 and Authorize Related Actions.

BACKGROUND / ISSUE

This matter was first heard by the City Council at its regular meeting on January 12, 2021. Following public comment, the Council tabled the matter to a future meeting and gave direction to staff to engage in public outreach and solicit input regarding Folsom voters' preferences.

The prescribed timelines in the California Voting Rights Act (CVRA) had been suspended during the COVID-19 public health emergency by Governor Newsom through Executive Orders N-34-20 (signed March 20, 2020) and N-48-20 (signed April 9, 2020). Under Executive Order N-08-21 (signed June 11, 2021), the suspension was lifted effective July 1, 2021, hence it is time to bring this matter back to the Council for further consideration.

By way of background, Section 2.01 of the Folsom City Charter provides that members of the Folsom City Council are elected "at large" to serve a four-year term. The terms of the

Councilmembers are staggered, with three Councilmembers elected at one General Municipal Election, and two Councilmembers elected at the following General Municipal Election two years after. Once elected, each Councilmember represents all citizens throughout the City.

CVRA was signed into law in 2002, and it prohibits an at-large method of election that impairs the ability of a protected class (e.g., race, color or language minority group) to elect candidates of their choice or their ability to influence the outcome of an election. An “at-large” method of election means that the electors from the entire city vote for members of their city council, regardless where they reside in the city (as opposed to a “by-district” election system, which means that the councilmember is elected only by the voters residing within that councilmember’s district).

In passing CVRA, the California Legislature made the process easy for plaintiffs to sue and prevail in lawsuits against public entities that have an at-large election system whenever “racially polarized voting” can be shown. Racially polarized voting occurs when there is a difference in the choice of candidates that are preferred by voters of a protected class, and in the choice of candidates that are preferred by voters in the rest of the electorate. This phenomenon has been demonstrated consistently in CVRA lawsuits, often and typically without any discriminatory intent.

Proving a CVRA violation does not require proof of discriminatory intent or historic discrimination. Partly (or specifically) due to the extremely low threshold in proving a CVRA violation, no cities have prevailed in defending CVRA lawsuits. If the plaintiff wins the CVRA lawsuit, the court may impose by-district election on the city, and can determine district boundaries with input solely from the plaintiff’s attorney and consultants without input from the City Council or the local community. A prevailing plaintiff may also recover attorneys’ fees and costs, which could be substantial. Some cities, after spending a significant amount of taxpayers’ money (hundreds of thousands of dollars to over \$5 million) in legal fees and costs, eventually transitioned to by-district elections as a result of settlement or enforcement of an adverse court order.

Here in the greater Sacramento metropolitan area, many cities that used to have at-large elections have received demand letters from law firms representing voters challenging their at-large election system. Due to threats of CVRA litigation, in the past couple of years, the cities of Citrus Heights, Elk Grove, and Roseville, as well as the Folsom Cordova Unified School District, have voluntarily transitioned to a “by-district” election system. If a city follows the prescribed steps and voluntarily transitions to “by-district” election after receiving a demand letter, the plaintiff is only entitled to claim up to \$30,000 in fees and costs (adjusted annually by the Consumer Price Index).

The City received such a demand letter on October 30, 2020 from CVRA attorney Scott Rafferty, representing Neighborhood Elections Now, the Bay Area Voting Rights Initiative, the Folsom Area Democratic Club, and a number of registered voters in Folsom having legal standing to sue the City under CVRA. Following the Council’s decision to table the

proposed Resolution of Intention on January 12, 2021, the City was served with a CVRA lawsuit on January 20, 2021. The lawsuit was filed on January 5, 2021 by Hari Shetty, Kavita Sood, and Neighborhood Elections Now.

CVRA prohibits the filing of a lawsuit until 45 days have elapsed after the targeted political entity has received the demand letter and fails to pass a Resolution of Intention to transition from at-large to by-district elections. Due to the fact that the demand letter was sent after the Governor suspended the CVRA timelines, the 45-day deadline had not kicked in, and the City was able to successfully demur to the plaintiff's complaint and have the lawsuit dismissed on this technical ground on March 17, 2021. Following the lifting of the CVRA timelines, the City's 45-day safe harbor window started to run on July 1, 2021, and this matter is being brought back to the City Council for consideration in order to meet the 45-day timeline.

POLICY / RULE

California Government Code Section 34886 authorizes the legislative body of a city to adopt an ordinance that requires the members of the legislative body to be elected "by district", without being required to submit the ordinance to the voters for approval. The change must be made in furtherance of the purposes of the California Voting Rights Act.

ANALYSIS

To create districts, five public hearings are required to meet legal requirements:

- Two public hearings to receive public input and discuss composition of the voting districts before proposed district maps can be drawn.
- Two additional public hearings to receive public input on the proposed district maps, with the maps published at least seven days before consideration by the City Council.
- A final public hearing to introduce an Ordinance establishing by-district elections, with the Ordinance taking effect thirty days after the second reading and adoption.

The timeline for the aforementioned events cannot yet be determined since the U.S. 2020 Census data for the City is not yet available. However, the typical framework for the required public hearings and community engagement can be described as follows:

Date	Meeting Type	Public Hearing	Item Topic at Meeting
TBD	Public Hearing	1	Public input on composition of districts (before maps drawn hold 2 public hearings on composition of districts over

			period of no more than 30 days)
TBD	Public Hearing	2	Further public input on composition of districts (must held within 30 days of Public Hearing 1)
TBD	Public Hearing	3	Discussion of proposed district maps and sequence of elections. First draft of map must be published 7 days before Public Hearing No. 3
TBD	Public Hearing	4	Public input and possible revisions to proposed District Map (hold 2 public hearings within 45 days of Public Hearing No. 3)
TBD	Public Hearing	5	Adoption of District Map, transition to district elections Ordinance introduced
TBD	Regular Meeting		Second reading of Ordinance (effective 30 days after)

As directed by the City Council, the City published information regarding CVRA on its website, and mailed 30,836 informational mailers to Folsom residents. In the mailer, there was a request for public feedback, and the City received a total of 474 feedback forms from Folsom residents as follows:

In favor of at-large elections: 295
 In favor of by-district elections: 154
 Undecided: 25

While there is no evidence of “racially polarized voting”, vote dilution, or violation of the CVRA in Folsom Municipal Elections, ultimately the decision to transition to a “by-district” election is one based on financial considerations to avoid paying substantial legal fees and lose local control over the districting process. Voluntarily committing to making a switch to by-district election safeguards the City’s financial resources and maintains local control over how the City’s districts will be drawn.

FINANCIAL IMPACT

The services of a demographer are required to assist the City transition to a by-district election system under specific aggressive timelines as required by the California Elections Code. Staff anticipates the cost to be approximately \$40,000.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is otherwise not considered a project as defined by Public Resources Code §21065 and CEQA Guidelines §15060(c)(3) and §15378. The Council's decision regarding district-based elections meets the above criteria and is not subject to CEQA. No environmental review is required.

ATTACHMENT

Resolution No. 10575 - A Resolution of the City Council of the City of Folsom Declaring Its Intent to Initiate Procedures to Transition from At-Large Elections to District-Based Elections Pursuant to California Elections Code Section 10010 and Authorize Related Actions.

Respectfully submitted,

Steven Wang, City Attorney

RESOLUTION NO. 10575**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM DECLARING ITS INTENT TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010 AND AUTHORIZE RELATED ACTIONS**

WHEREAS, members of the City Council of the City of Folsom (“City”) are currently elected in “at-large” elections, in which each councilmember is elected by the registered voters of the entire City without regard to where the candidates reside; and

WHEREAS, throughout California, including in the Sacramento region, litigants are alleging that cities and special districts who conduct at-large elections violate the California Voting Rights Act (“CVRA”), and the City is aware of the threat of litigation if the City does not voluntarily change to a “district-based” system for electing our councilmembers; and

WHEREAS, courts have opined that the CVRA and its goal of preventing voter dilution is a matter of statewide concern and, therefore, applies to charter cities; and

WHEREAS, pursuant to California Elections Code section 14028, a violation of the CVRA may be established if it is shown that racially polarized voting occurs in elections. Pursuant to California Elections Code section 14026(e), “racially polarized voting” is voting in which there is a difference in the choice of candidates that are preferred by voters in a protected class and between the choice of candidates that are preferred by voters in the rest of the electorate; and

WHEREAS, the City Council denies that its election system violates the CVRA or any other provision of law, and asserts that the City’s election system is legal in all respects, and further denies any wrongdoing whatsoever in connection with the manner in which City Council elections have been conducted; and

WHEREAS, the City is committed to diversity and inclusion with respect to its elections; and

WHEREAS, the City Council is aware of the exorbitant cost that multiple cities and other public entities have faced in defending and/or settling CVRA litigation, and the impact that the expenditure of such costs could have on the City’s ability to provide essential services to the City’s residents and businesses; and

WHEREAS, the California Legislature, in amendments to California Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously transition to a “district-based” election system and thereby avoid the high cost and risk of litigation under the CVRA; and

WHEREAS, under a “by-district” election system, each City councilmember will be elected only by the voters in the district in which the candidate resides;

WHEREAS, Government Code section 34886 authorizes the City to adopt an ordinance to change to a “by-district” system of electing City Councilmembers without submitting the ordinance to the voters for approval; and

WHEREAS, public interest would be served and the purposes of CVRA would be furthered by the City Council consideration of a proposal to transition to a “district-based” election system because of the uncertainty of litigation and the potential extraordinary cost of defending a CVRA lawsuit, even if the City ultimately were to prevail; and

WHEREAS, prior to the City Council’s consideration of an ordinance to establish district boundaries for a “district-based” election system, California Elections Code Section 10010 requires all of the following:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City Council shall hold at least two public hearings over a period of no more than 30 days, at which the public will be invited to provide input regarding the composition of the districts.
2. After all maps are drawn, the City shall publish and make available for release at least 1 draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms, publish the potential sequence of the elections.
3. The City Council shall also hold at least 2 additional hearings over a period of no more than 45 days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
4. The first version of a draft map shall be published at least 7 days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least 7 days before adoption; and

WHEREAS, the U.S. 2020 Census data needed to develop a proposal for a “district-based” election system is not yet available from the United States Census Bureau; and

WHEREAS, the adoption of a “district-based” election system will not affect the terms of any sitting Councilmember, each of whom will serve out his or her current term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom as follows:

SECTION 1. The City Council hereby expresses its intent to transition to a “by-district” (district-based) system of election of its five City Councilmembers, as set forth herein.

SECTION 2. The City Council intends to and shall consider adoption of an ordinance to transition to a “by-district” (district-based) election system as authorized by California Government Code Section 34886 for use in the City’s general municipal election for

councilmembers, beginning in November 2022 or the next earliest municipal election if the Sacramento County Voter Registration and Elections Department is unable to implement the new “district-based” election areas for the November 2022 election. The City Council does not, at this time, decide the nature of such “district-based” election. Rather, the details of such system shall be determined only after community outreach and appropriate public hearings.

SECTION 3. The City Council intends to commence the process for drawing of district maps for district boundaries consistent with the procedures set forth in Elections Code section 10010, including the holding of public hearings and meetings as required by Elections Code section 10010 and/or other applicable law, once the U.S. 2020 Census data (California redistricting file) is made available from the United States Census Bureau.

SECTION 5. The City Council directs staff to work with the City’s demographer, and with other appropriate consultants as needed, to provide a detailed analysis of the City’s current demographics and any other information or data necessary to prepare a draft map that divides the City into voting districts in a manner consistent with the intent and purpose of the CVRA and the Federal Voting Rights Act.

SECTION 6. Once the process has been initiated following receipt of the U.S. 2020 Census data (California redistricting file), the City Council directs staff to post or have the demographer post information regarding the proposed transition to a “by-district” (district based) election system, including maps, notices, agendas and other information, to establish a means of communication to answer questions from the public, and to otherwise take the steps necessary to comply with the applicable provisions of the Elections Code.

SECTION 7. As soon as the U.S. 2020 Census data (California redistricting file) is released by the U.S. Census, the City will set forth tentative timelines for conducting a public process to solicit public input and testimony on proposed “district-based” electoral maps before the City Council adopts any such map.

SECTION 8. If any provision or clause of this Resolution is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution hereto are declared to be severable.

SECTION 9. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 27th day of July, 2021 by the following roll call vote:

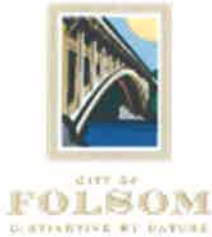
AYES: Councilmember(s):
 NOES: Councilmember(s):
 ABSENT: Councilmember(s):
 ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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Folsom City Council Staff Report



MEETING DATE:	7/27/2021
AGENDA SECTION:	New Business
SUBJECT:	Resolution No. 10674 – A Resolution of the City Council of the City of Folsom Proclaiming Existence of a Local Emergency Due to Extreme Fire Danger
FROM:	Fire Department

RECOMMENDATION / CITY COUNCIL ACTION

The Fire Department recommends that the City Council pass and approve Resolution No. 10674 - A Resolution of the City Council of the City of Folsom Proclaiming Existence of a Local Emergency Due to Extreme Fire Danger.

BACKGROUND / ISSUE

Warmer spring and summer temperatures, reduced snowpack, and little rain create longer and more intense dry seasons that decrease vegetation fuel moisture, making the open spaces much more susceptible to severe fire. After another dry year on record for California following a devastating 2020 fire season for the state, the fire risks this summer are extreme. Wildfires can be the result of both human and natural activity, but the vast majority of the fires in open spaces are human caused. With approximately 1,000 acres of city-owned open space, it becomes even more dire to restrict human access to open space areas. Activities such as discarded cigarettes, unattended campfires, the burning of trash, and any use of open flame in a dry environment are some of the common causes that lead to fires. Open space vegetation fires very rarely happen due to natural causes, with the exception of lightning, without some type of associated human element.

There are 5,371 wildfire incidents with 233,405 acres burned, and 135 structures destroyed that have been reported in California this year so far. Some of the large and intense wildfires currently burning and threatening life and property near the Sacramento Region include the 8,000-acre Dixie Fire that prompted evacuation orders in parts of Plumas County as well as parts of Butte County that were ravaged by the Camp Fire in 2018, the Beckwourth Complex

fire that has burned more than 105,000 acres in the Plumas National Forest and destroyed more than 30 homes in the town of Doyle where fire officials observed and described “extreme fire behavior” with difficulty of containment, the River Fire along the Mariposa-Madera county line that has burned more than 9,500 acres, and the Tamarack Fire that has exploded to over 39,045 acres and threatening the town of Markleeville.

Over the past year, the Folsom Fire Department has responded to 47 fires in the City’s open space areas. Many of these fires require the assistance of partnering agencies within our region due to the magnitude and involvement to mitigate.

POLICY / RULE

Section 2.28.040(A) of the Folsom Municipal Code provides that the City Council may proclaim the existence of a local emergency.

ANALYSIS

According to San Jose State University’s Wildfire Interdisciplinary Research Center, the only wildfire research center in California, noted that fuel moisture content (moisture in plant life), which is normally at its peak in April, is far below both its annual average and previous record lows. Average fuel moisture content during April is 137% and a low fuel moisture content is 115%. The findings this year were at 97%, an all-time low.

The fuel moisture index is a tool that is widely used to understand the fire potential for locations across the country. Fuel moisture is a measure of the amount of water in a fuel (vegetation) available to a fire and is expressed as a percent of the dry weight of that specific fuel. For example, if a fuel were totally dry, the fuel moisture content would be zero percent. Fuel moisture is dependent upon both environmental conditions (such as weather, local topography, and length of day) and vegetation characteristics. When fuel moisture content is high, fires do not ignite readily, or at all, because heat energy must be used to evaporate and drive water from the plant before it can burn. When the fuel moisture content is low, fires start easily and will spread rapidly - all the heat energy goes directly into the burning flame itself. When the fuel moisture content is less than 30 percent, that fuel is essentially considered to be dead. Dead fuels respond solely to current environmental conditions and are critical in determining fire potential. Throughout the City of Folsom’s open space, there are dry grasses, downed limbs, and tree litter that are all considered dead fuels which exacerbate the potential for intense fire conditions.

City staff utilizes a “Fire Hazard Rating System” to prioritize ladder fuel and weed abatement projects. The methodology is a rating system comprised of six indicators, threat to structures, fire history, emergency vehicle access, fire spread potential, population use, and proximity to homes or businesses, to determine an overall hazard rating. Three phases were created for the City of Folsom based on the hazards and geographical locations (see Attachment 2).

As part of the proposed Proclamation of a Local Emergency, the City Council is asked to leverage subsection 105.6.52 of the Folsom Fire Code, under Section 8.36.080 of the Folsom Municipal Code, which provides that an operational permit is required to conduct activities in hazardous fire areas when, in the opinion of the Fire Chief, it is necessary to preserve the public health, safety, or welfare. "Hazardous fire area" is defined in the Folsom Fire Code as land covered with grass, grain, brush, or forest, whether privately or publicly owned which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job or suppression or would result in great and unusual damage through fire or resulting erosion.

The Fire Chief respectfully requests that the City Council designate all City-owned open space areas as "Hazardous Fire Areas" under the Folsom Fire Code so that some or all City-owned off-trail open space areas may be closed as determined by the Fire Chief, in consultation with the City Manager, and the individuals accessing closed open space areas can be directed to vacate immediately in order to reduce and minimize fire danger and the spread of potentially catastrophic wildfire throughout the City. Existing City trails and bicycle paths may remain open for normal use; however, entrance into closed open space areas require an operational permit from the Fire Chief under the Folsom Fire Code.

FINANCIAL IMPACT

Costs associated with implementing this resolution are nominal, including posting signs, fire prevention public outreach, and staff costs in enforcement, all of which may be reimbursable if the County or the State declare a similar state of emergency. Savings to the City's General Fund may be realized from reduced firefighting in the City open space areas.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENTS

1. Resolution No. 10674 - A Resolution of the City Council of the City of Folsom Proclaiming Existence of a Local Emergency Due to Extreme Fire Danger
2. Ladder Fuel Phase Map

Submitted,

Ken Cusano, Fire Chief

Attachment 1

Resolution 10674 – A Resolution of the City Council of the City of Folsom Proclaiming
Existence of a Local Emergency Due to Extreme Fire Danger

RESOLUTION NO. 10674**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM
PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY DUE TO
EXTREME FIRE DANGER**

WHEREAS, the Governor of the State of California proclaimed on May 10, 2021, a State of Emergency to exist in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties due to extreme drought conditions caused by high temperatures, low precipitation, and extremely dry conditions that, among other perils, pose an increased risk of wildfire; and

WHEREAS, prior to the start of the summer season and since the beginning of July, the western United States has been experiencing unprecedented major heat waves with daily temperatures breaking records and commonly exceeding 100 degrees, resulting in the death of many as reported by the news media; and

WHEREAS, the Sacramento region registered temperatures above 110 degrees on July 10 and 11, with no measurable relief overnight and no precipitation projected in the near future, posing extreme danger to the elderly and other vulnerable populations without access to adequate cooling; and

WHEREAS, in light of the extreme fire danger, the City's Director of Emergency Services issued Emergency Order DES-06-20 on March 8, 2021 (ratified by the City Council on March 23, 2021 in Resolution No. 10600), and directed weed abatement and ladder-fuel clearing in open space areas for the purpose of protecting the public's health, life and safety by preventing the start and spread of wildfire to surrounding residential homes and structures; and

WHEREAS, in light of the extreme fire danger, the City Council adopted Ordinance No. 1313 on May 25, 2021 and imposed social host liability for illegal fireworks that posed clear threat to the public health, safety, and general welfare of the City's residents and businesses and have resulted in fire to structures and open space areas; and

WHEREAS, extreme fire dangers are currently existing throughout Northern California in nearby counties such as, for example, the 8,000-acre Dixie Fire that prompted evacuation orders in parts of Plumas County as well as parts of Butte County that were ravaged by the Camp Fire in 2018; and

WHEREAS, as of July 19, 2021, the Beckwourth Complex fire has burned more than 100,000 acres in the Plumas National Forest, the Sugar Fire has burned more than 104,000 acres and destroyed more than 30 homes in the town of Doyle where fire officials observed and described "extreme fire behavior" with difficulty of containment, more than 9,500 acres are burning in the River Fire along the Mariposa-Madera county line, and the Tamarack Fire has exploded to over 18,000 acres and threatening the town of Markleeville; and

WHEREAS, over the past year the Folsom Fire Department had responded to and extinguished 47 fires in the City's open space areas, sometimes requiring mutual aid support from other fire agencies due to the scale and the intensity of those fires; and

WHEREAS, on July 16, 2021, a grass fire along Humbug Willow Creek at Blue Ravine Road and East Bidwell Street posed imminent threat to life and numerous structures due to its intensity and extreme dry conditions in the open space area; and

WHEREAS, subsection 105.6.52 of the Folsom Fire Code, under Section 8.36.080 of the Folsom Municipal Code, provides that an operational permit is required to conduct activities in hazardous fire areas when, in the opinion of the Fire Chief, it is necessary to preserve the public health, safety, or welfare. "Hazardous fire area" is defined in the Folsom Fire Code as land covered with grass, grain, brush, or forest, whether privately or publicly owned which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job or suppression or would result in great and unusual damage through fire or resulting erosion; and

WHEREAS, local authorities are inadequate to cope with unprecedented heat waves, extremely dry conditions, and extreme fire dangers over a wide region under Section 8558 of the Government Code that, by reason of their magnitude, are potentially beyond the control of the services, personnel, equipment, and facilities of the City of Folsom and requires the combined forces of a mutual aid region or regions to contain, control, combat, treat and mitigate; and

WHEREAS, the California Emergency Services Act empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, the City Council has been requested by the Fire Chief and the City's Director of Emergency Services to proclaim the existence of a local emergency due to the existence of extreme fire danger; and

WHEREAS, the City Council does hereby find that conditions of extreme peril to the safety of persons and property have arisen within the City of Folsom, caused by the unprecedented heat, lack of precipitation, and occurrences of wildfire in open space areas throughout the City, commencing the 16th day of July, 2021, and that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom proclaiming the existence of a local emergency due to extreme fire danger to life and property, as evidenced by the latest fast and intense grass fire on July 16, 2021 along Humbug Willow Creek at Blue Ravine Road and East Bidwell Street that posed imminent threat to life and numerous structures, and that said local emergency continues to exist throughout the City of Folsom.

BE IT FURTHER RESOLVED that during the existence of this local emergency, all City-owned open space areas are hereby designated as "Hazardous Fire Areas" under the Folsom

Fire Code.

BE IT FURTHER RESOLVED that during the existence of this local emergency, some or all City-owned off-trail open space areas shall be closed as determined by the Fire Chief, in consultation with the City Manager, and any individuals accessing said closed open space areas are directed to immediately vacate to reduce and minimize fire danger and the spread of potentially catastrophic wildfire throughout the City. Existing City trails and bicycle paths may remain open for normal use. Entrance into said closed open space areas shall require issuance of an operational permit by the Fire Chief under the Folsom Fire Code.

BE IT FURTHER RESOLVED that during the existence of said local emergency the powers, functions and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by state law, by charter, ordinances and resolutions of the City of Folsom.

BE IT FURTHER RESOLVED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Folsom.

PASSED AND ADOPTED this 27th day of July, 2021, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Ladder Fuel Phase Map

Ladder Fuel Phase Map

07/27/2021 Item No. 13.



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